

ASSAM ACT VIII OF 1947

THE SHILLONG CIVIL COURTS AND LAWS ACT, 1947

(Passed by the Assam Legislature.)

[Received the assent of the Governor on the 31st March 1947.]

[Published in the Assam Gazette of the 9th April 1947]

An Act to extend certain enactments to the British portion of Shillong Town, and to make certain provisions for the better administration of justice in that area.

Preamble. WHEREAS it is expedient that the administration of civil justice in the British portion of the Town of Shillong should be brought into line with that obtaining in the more advanced parts of the Province ;

And whereas it is further deemed expedient to extend to the aforesaid area certain enactments which are either now not in force therein or in respect of which there is doubt as to whether they are in force ;

It is hereby enacted as follows :—

Short title, commencement and extent. 1. (1) This Act shall be called the Shillong Civil Courts and Laws Act, 1947.

(2) It shall come into force on such date as the Provincial Government may, by notification in the official Gazette, appoint.

(3) It shall apply to Shillong as defined in this Act.

Definitions. 2. In this Act,

(a) "the Governor" means the Governor of Assam.

(b) "Shillong" means the British portion of the Khasi and Jaintia Hills District other than that declared to be a Partially Excluded Area under the Government of India (Excluded and Partially Excluded Areas) Order, 1936.

Extension of certain enactments. 3. (1) Notwithstanding any provision now in force in, or applying to, Shillong contained in any Regulation, Act or Rules enacted by any authority or in any rule, notification or order framed or issued by any authority under any such Regulation, Act or Rules, the enactments specified in the First Schedule to this Act are hereby extended to, and shall be in force in, Shillong.

(2) The Provincial Government may, from time to time, by notification in the official Gazette, declare that any other enactment or enactments shall be in force in Shillong from such date as may be specified in such notification.

Repeal. 4. The Acts, Rules and Notifications mentioned in the first column of the Second Schedule to this Act are hereby repealed to the extent specified in the second column thereof.

Price 1 anna or 1d.

Shillong to be a District. 5. Shillong shall be deemed to be a "District" within the meaning of clause (4) of section 2 of the Code of Civil Procedure, 1908; and the District Judge of the Assam Valley Districts shall be deemed to be the principal Civil Court of original jurisdiction in the aforesaid District for the purposes of all Acts, Regulations, Ordinances, Rules or Orders by whatever authority enacted which are, for the time being, in force in Shillong. Act V of 1908.

Continuity of proceedings. 6. (a) Every suit, appeal, application for revision, proceeding or other business, pending on the date on which this Act comes into force before the Court of the Deputy Commissioner or the Additional Deputy Commissioner of the Khasi and Jaintia Hills District, or of any Assistant to the Deputy Commissioner as aforesaid, or the Commissioner of Divisions or the Governor shall, on the aforesaid date, be transferred or deemed to have been transferred for disposal to the Court which would have been competent to entertain and dispose of such suit, appeal, application for revision, proceeding or business, had this Act been in force on the date of the institution or commencement of the same; and the latter Court shall deal with and dispose of the same in accordance with law.

(b) Any application for rehearing, review, execution, amendment of decree or the like and any other petition in respect of a disposed of suit, appeal or other judicial proceeding which could have been filed in the Court of the said Deputy or Additional Deputy Commissioner, or of any Assistant to the Deputy Commissioner, or of the Commissioner or of the Governor but for the passing of this Act shall be filed in the Court to which such suit, appeal or other judicial proceeding would be deemed to have been transferred if it had been pending on the date this Act comes into force.

FIRST SCHEDULE

(See section 3)

(Acts extended to Shillong)

Year	Number	Short title
1872	Act I ...	The Indian Evidence Act.
1872	Act IX ...	The Indian Contract Act.
1877	Act I ...	The Specific Relief Act.
1882	Act IV ...	The Transfer of Property Act.
1887	Act VII ...	The Suits Valuation Act.
1887	Act IX ...	The Provincial Small Cause Courts Act.
187	Act XII ...	The Bengal, Agra and Assam Civil Courts Act.
1908	Act V ...	The Code of Civil Procedure.
1908	Act IX ...	The Indian Limitation Act.

SECOND SCHEDULE

(See section 4)

(Acts, rules and notifications repealed in Shillong)

Title or Description.	Extent of repeal
The Assam General Clauses Act II of 1915.	Section 14 so far as it applies to Shillong.
The Shillong (Attachment of Salaries) Act VIII of 1943.	The whole Act.
Rules for the Administration of Justice and Police in the Khasi and Jaintia Hills prescribed by the Governor of Assam by Notification No. 2618-A.P., dated the 29th March, 1937.	Rules 25 to 41 (both inclusive) so far only as they apply to Shillong : Provided that all orders and decisions passed or made under or in pursuance of the aforesaid Rules shall be deemed to have been passed or made under or in pursuance of the corresponding provisions of the Acts which hereby are extended to and are in force in Shillong.
Notification No.81-J., dated the 19th November, 1884, issued by the Chief Commissioner of Assam, barring the application of the Transfer of Property Act, 1882, to the Khasi and Jaintia Hills District, and the Garo Hills District.	So far only as it applies to Shillong.
Notification No.502-F., dated the 19th February 1908, issued by the Chief Commissioner of Assam, barring the application of the Indian Stamp Act, 1899, to the Khasi and Jaintia Hills District, etc.	So far only as it applies to Shillong.
Notification No.5868-A.P., dated the 8th September 1934, by the Governor of Assam, barring the application of the Indian Limitation Act, 1908, to the Khasi and Jaintia Hills District.	So far only as it applies to Shillong.