

MEGHALAYA ACT 6 OF 1972

THE MEGHALAYA CRIMINAL LAW (AMENDMENT) ACT, 1972

(As passed by the Assembly)

Received the assent of the Governor on the 23rd April, 1972

[Published in the Gazette of Meghalaya, Extraordinary dated 24th April, 1972.]

An

Act

to amend the Rules for the Administration of Justice and Police in the Khasi and Jaintia Hills of the State of Meghalaya hereinafter referred to as the principal Rules and matters ancillary thereto

Be it enacted by the Legislature of Meghalaya in the Twenty-third Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Meghalaya Criminal Law (Amendment) Act, 1972.

(2) It shall have the like extent as the principal Rules.

(3) It shall be deemed to have come into force on the 22nd day of February, 1972.

Amendment
of the principal
Rules.

2. The Rules for the Administration of Justice and Police in the Khasi and Jaintia Hills, shall stand amended as follows:—

(1) In rule 1, for the words "the United Khasi-Jaintia Hills District", the words, "the Khasi Hills District and the Jaintia Hills District" shall be substituted.

(2) In the principal Rules, for the words, "the Khasi and Jaintia Hills", wherever they occur, the words "the Khasi Hills District and Jaintia Hills District" shall substituted.

(3) In rules 6 and 33 of the principal Rules, the words, "and the Subdivisional Officer, Jowai" shall be deleted.

Deletion
of sub-section
3 of
Section 2
of Assam
Act XIV
of 1960.

3. Sub-section (3) of section 2 of the Assam Autonomous Districts Administration of Justice Act, 1960 as amended by the Assam Act XII of 1968 shall be deleted.

Assimila-
tion of
Laws.

4. All laws which immediately before the coming into force of this Act, are in force in the United Khasi-Jaintia Hills District, shall continue to be in force in the Khasi Hills District and the Jaintia Hills District:

Provided that except where the context otherwise requires all reference therein to the Deputy Commissioner, Additional Deputy Commissioner or Assistant to the Deputy Commissioner of the United Khasi-Jaintia Hills District, Subdivisional Officer, Jowai, as the case may be, shall be read as referring respectively to the Deputy Commissioner, Additional Deputy Commissioner or Assistant to the Deputy Commissioner of the Khasi Hills District and the Jaintia Hills District:

Provided further that every case, suit, appeal, application for revision, proceedings or other businesses relating to both civil and criminal justice pending before the Court of Deputy Commissioner, Additional Deputy Commissioner or Assistant to the Deputy Commissioner, United Khasi and Jaintia Hills District or before the Court of Subdivisional Officer, Jowai, as the case may be, shall be transferred or deemed to have been transferred for disposal to the Court of the Deputy Commissioner, Additional Deputy Commissioner or Assistant to the Deputy Commissioner, the Khasi Hills District and the Jaintia Hills District, as the case may be, which would have been the competent authority to entertain and dispose of such case, suit, appeal, application for revision, proceedings or other business, had this Act been in force on the date of the institution and commencement of the same; and the latter court or courts shall deal with and dispose of the same in accordance with law.

Power to
remove
difficulty.

5. If any difficulty arises in giving effect to the provision of this Act, the Governor may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

Repeal of the
Meghalaya
State Ordinance 6 of
1972.

6. The Meghalaya Criminal Law (Amendment) Ordinance, 1972 is hereby repealed.

Acts, 1861 and 1892 or the Indian Councils Acts, 1861, 1892 and 1909 or made by the Governor in Council of Fort William in Bengal under the Indian Council Acts, 1861, 1892 and 1909, or by the Local Legislature of Bengal under the Government of India Act;

(8) "Central Act" means an Act of Parliament and includes an Act passed or made before the commencement of the Constitution,

(a) by the Dominion Legislature or the Indian Legislature or;

(b) by the Governor-General in Council or the Governor-General acting in a legislative capacity.

(9) "Central Government" in relation to anything done or to be done after the commencement of the Constitution, means the President, and include in relation to functions entrusted under clause (1) of Article 248 of the Constitution to the Government of Meghalaya, the Government of Meghalaya acting within the scope of the authority given to it under that clause;

(10) "chapter" means a chapter of the enactment in which the word occurs;

(11) "child" in the case of any one whose personal law permits adoption, include an adopted child

(12) "clause" occurring in a section which has no sub-section, means a subdivision of that section and occurring in a sub section means a subdivision of that sub-section

(13) "collecto" means the chief officer in-charge of the revenue administration of a district;

(14) "commencement" used with reference to an enactment, means the day on which the enactment comes into force;

(15) "commissioner" means the chief officer in-charge of the revenue administration of a division

(16) "constitution" means the Constitution of India;

(17) "Consular officer" includes consul-general, consul, vice-consul, consular agent, pro-consul and any other person for the time being authorised to perform the duties of a consul-general, consul, vice-consul or consular agent ;

(18) "daughter" in the case of any one whose personal law permits adoption, includes an adopted daughter ;

(19) "day" means a period of twenty-four hours beginning at midnight ;

(20) "deputy-commissioner" means the chief officer in-charge of the general administration of a district ;

(21) "district court" means the principal civil court of original jurisdiction but does not include the High Court in the exercise of its ordinary or extra ordinary original civil jurisdiction ;

(22) "district judge" means the judge of a district court, and includes an additional district judge ;

(23) "document" includes any matter written, expressed, inscribed or described upon any substance by means of letters, figures or marks or by more than one of those means, intended to be used or which may be used as evidence of that matter ;

(24) "Eastern Bengal and Assam" means the territories which were under the administration of the Lieutenant-Governor of Eastern Bengal and Assam immediately prior to the constitution of the Chief Commissionership of Assam in 1912 ;

(25) "Eastern Bengal and Assam Act" means an Act made by the Lieutenant-Governor of Eastern Bengal and Assam in Council under the Indian Councils Act, 1861 to 1909 ;

(26) "enactment" means an Act of the Meghalaya Legislature, and includes a Regulation, Meghalaya Ordinance and any provision contained in any Act, Regulation or Ordinance as aforesaid ;

(27) "father" in the case of any one whose personal law permits adoption, includes an adoptive father ;

(28) "financial year" means the year commencing on the first day of April ;

(29) "good faith"—a thing shall be deemed to be done in good faith, where it is in fact done honestly, whether it is done negligently or not ;

(30) "Government" or "the Government" includes the State Government as well as the Central Government ;

(31) "Government of Meghalaya" means the Governor ;

(32) "Government securities" means securities of the Government of Meghalaya, the Central Government or of any other Government ;

(33) "High Court" means the Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura) ;

(34) "immovable property" includes land, benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth ;

(35) "imprisonment" means imprisonment of Central Act either description as defined in the Indian Penal Code of 1898.

(36) "judicial proceeding" includes any proceeding in the course of which evidence is, or may be, legally taken ;

(37) "local authority" means a municipal corporation, a municipality, a municipal committee, a local or district board or any other authority legally entitled to, or entrusted by the Government with the control or management of, a municipal or local fund ;

(38) "local law" means a law applicable to a party only of Meghalaya ;

(39) "magistrate" includes every person exercising all or any of the powers of a magistrate under the Code of Criminal Procedure, 1898, or under any other law for the time being in force relating to criminal procedure ;

(40) "master" used with reference to a ship; includes every person (except a pilot or harbour-master) having for the time being command or charge of the ship ;

(41) "Meghalaya" means the State of Meghalaya formed under section 5 of the North-Eastern Area (Reorganisation) Act, 1971 and comprising the areas specified therein ; Central Act
81 of 1971

(42) "Meghalaya Act" means an Act passed by the Legislative of Meghalaya ;

(43) "month" means a month reckoned according to the Gregorian Calendar ;

(44) "movable property" means property of every description except immovable property ;

(45) "notification" means notification in the official Gazette ;

(46) "oath" includes an affirmation and a declaration in the case of persons by law allowed to affirm or declare instead of swearing ;

(47) "offence" means any act or omission made punishable by any law for the time being in force ;

(48) "official Gazette" means the official Gazette of Meghalaya ;

(49) "Meghalaya Ordinance" means an Ordinance promulgated by the Governor of Meghalaya ;

(50) "part" means a part of the enactment in which the word occurs.

(51) "person" includes any company or association or body of individuals whether incorporated or not ;

(52) "prescribed" means prescribed by rules made under an enactment in which the word occurs ;

(53) "public" includes any class or section of the public ;

(54) "public nuisance" means a public nuisance as defined in the Indian Penal Code ; Central Act
45 of 1860

(55) "registered" used with reference to a document, means registered in India under the law for the time being in force for the registration of documents ;

(56) "Regulation" means a Regulation made by the Governor under the Sixth Schedule to the Constitution or under the Government of India Act, 1935, and shall include the Regulation as defined in clause (50) of section 3 of the General Clauses Act, 1897; Central Act
10 of 1867

(57) "rule" means a rule made in exercise of a power conferred by any enactment, and includes a regulation made as a rule under any enactment;

(58) "schedule" means a schedule to the enactment in which the word occurs;

(59) "section" means a section of the enactment in which the word occurs;

(60) "ship" includes every description of vessel used in navigation not exclusively propelled by oars;

(61) "sign" with its grammatical variations and cognate expressions, used with reference to a person who is unable to write his name, includes "mark" with its grammatical variations and cognate expressions";

(62) "son" in case of any one whose personal law permits adoption, includes an adopted son;

(63) "special law" means a law applicable to a particular subject;

(64) "State" means a State specified in the First Schedule to the Constitution, and includes a Union territory;

(65) "sub-section" means a sub-section of the section in which the word occurs;

(66) "swear" with its grammatical variations and cognate expressions, includes affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing;

(67) "vessel" includes any ship or boat or any other description of vessel used in navigation;

(68) "will" and "codicil" have the meanings respectively assigned to them in the Indian Succession Act, 1925; Central Act
30 of 1925

(69) "writing"—expressions referring to writing shall be construed as including reference to printing, typewriting, photography and other modes of representing or reproducing words in a visible form;

(70) "year" means a year reckoned according to the Gregorian Calendar.

- Definitions in enactments to apply unless the context otherwise requires.
4. In every enactment, where a word is defined—
- (a) the definition shall apply unless the context of the enactment otherwise requires;
 - (b) grammatical variations of that word and cognate expressions shall have corresponding meanings.

CHAPTER III

General Rules of Construction

Territorial extent of Meghalaya Acts. 5. Every enactment shall, unless the contrary is expressly provided therein, apply to the whole of Meghalaya.

Coming into force of enactments. 6. (1) Where a Meghalaya Act is not expressed to come into force on a particular day, then, it shall come into force on the day on which the assent of the Governor is first published in the official Gazette.

(2) Unless the contrary intention is expressed, a Meghalaya Ordinance shall come into force on the day on which it is promulgated by the Governor;

(3) Unless the contrary intention is expressed, every enactment shall be construed as coming into force immediately on the expiration of the day preceding the day on which it comes into force.

Expiry of temporary enactments. 7. Where an enactment is expressed to expire, lapse or otherwise cease to have effect on a particular day, it shall, unless the contrary intention is expressed, be construed as ceasing to have effect immediately on the commencement of the following day.

Marginal notes not part of enactments. 8. The marginal notes appearing against any provision of any enactment, and the reference to the number and date of any former law in the margin against any such provision, shall form no part of the said enactment and shall be deemed to have been inserted for the sake of convenience only.