

1912

[FILE NO  $\frac{PM}{10}$  P 8 1912]

GOVERNMENT

OF

EASTERN BENGAL & ASSAM

POLITICAL DEPARTMENT

POLITICAL - A.

February 1912.

Nos. 65-74

---

Extension of Section 144 of the Criminal Procedure Code and of Sections 2(1), 22, 23, 38(2) and 40 of the Chin Hills Regulation of 1896 with necessary modifications to the Hill districts and frontier tracts of Eastern Bengal and Assam.

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[ FILE No. <sup>PM</sup> 10 P OF 1912. ]

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EASTERN BENGAL & ASSAM.

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POLITICAL - A.

FEBRUARY 1912.

Nos. 65-74.

Extension of section 144 of the Criminal Procedure Code and  
of sections 2(1), 22, 23, 38(2) and 40 of the Chin Hills  
Regulation of 1896 with necessary modifications to the  
hill districts and frontier tracts of Eastern Bengal and  
Assam.

Typed by-	<i>Chingold</i>	Typed
Compared	<i>laughed</i>	17/6/12
Checked by-	<i>laughed</i>	17/6/12
Asst. Supdt.		
Record Cell, Meghalaya Sect.		

# REFERENCES TO FORMER CASES.

Deptt., date, and Nos. or File No. and year.	Brief Title of File.
1. Pol. A, Mar. 1907 Nos.45-84.	Revised rules for the administration of civil and criminal justice in the hill districts.
2. Judi., A, Dec. 1907, Nos. 16-31.	Formation of the Sibsagar and Nowgong Mikir Hills Tract and rules for the administration of justice and police therein.
3. Pol., B, Feb. 1911, Nos. 66-85 (Pm ). 1	Memorials of Dr. Fraser against the "Bawi" system in the Lushai Hills.
4. Confdl. Pol., A, Mar. 1911, Nos. 1-21.	.....
5. Ditto, Sep. 1911, Nos. 34-37.	.....
	$\frac{M}{81}$ & $\frac{M}{82}$

## REFERENCES TO LATER CASES.

Deptt., date and Nos.	Brief Title of File.
Pol. A, April/14 = 16-33 (Pm P). 16	

## PAPERS OTHER THAN PROCEEDINGS.

I.- Printed.

Notes and orders.

II.- Not printed.

Unimportant papers.

[ FILE No. PM.-10B OF 1912 ]

1912.

GOVERNMENT OF EASTERN BENGAL AND ASSAM.

POLITICAL DEPARTMENT.

POLITICAL - A.

FEBRUARY,

Nos. 65-74.

Extension of section 144 of the Criminal Procedure Code and of sections 2(1), 22, 23, 38(2) and 40 of the Chin Hills Regulation of 1896 with necessary modifications to the hill districts and frontier tracts of Eastern Bengal and Assam.

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B.- " (2) " "

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No.67.- To the Commissioners, Assam Valley Districts and Surma Valley and Hill Districts, No. 843-44P., dated the 18th October 1911.

No.68.- Notification No.784P., dated the 9th October 1911.

No.69.- To the Commissioners, Assam Valley Districts and Surma Valley and Hill Districts, No. 845-46P., dated the 18th October 1911.

Typed by. <i>S. S. S.</i>	Typed
Compared <i>by 17/4/16</i>	of <i>S. S. S.</i>
Checked by <i>S. S. S.</i>	
Recorded by <i>S. S. S.</i>	

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Typed by-	<i>Surgeon</i>	Typist
Compared	<i>1/11/12</i>	<i>of Banya</i>
Checked by-	<i>1/11/12</i>	<i>18/6/12</i>
Asst. Supdt.		
Record Cell, Meghalaya Sect.		

NOTES.

POLITICAL - A, FEBRUARY 1912.

Nos. 65-74.

Extension of section 144 of the Criminal Procedure Code and of sections 2(1), 22, 23, 38(2) and 40 of the Chin Hills Regulation of 1896 with necessary modifications to the hill districts and frontier tracts of Eastern Bengal and Assam.

[PROGS. No. 65.] - FROM THE GOVERNMENT OF INDIA,  
FOREIGN DEPARTMENT, No. 1762E.B.,  
DATED THE 22ND SEPTEMBER 1911.

Secretary,

The notifications may go to Press as they stand.  
Copies to Assam Valley and Surma Valley Commissioners for information.

4th October 1911.  
6th October 1911.

H.K. BRISCOE.  
J.F. GRUNING.

[PROGS. No. 66.] - NOTIFICATION No. 783P.,  
DATED THE 9TH OCTOBER 1911.

[PROGS. No. 67.] - TO THE COMMISSIONER, ASSAM VALLEY DISTRICTS,  
SURMA VALLEY AND HILL  
DISTRICTS, No. 843-44P., DATED THE 18TH  
OCTOBER 1911.

[PROGS. No. 68.] - NOTIFICATION No. 784P., DATED THE 9TH  
OCTOBER 1911.

[PROGS. No. 69.] - TO THE COMMISSIONER, ASSAM VALLEY DISTRICTS,  
SURMA VALLEY AND HILL  
DISTRICTS, No. 845-46P., DATED THE  
18TH OCTOBER 1911.

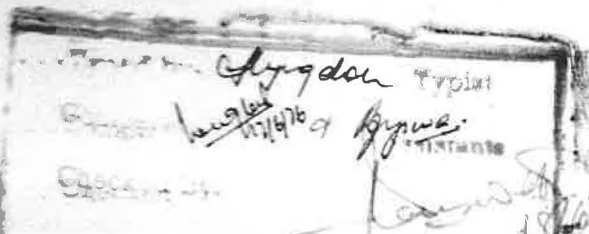
His Honour,

I submit these papers for perusal. The Government of India have sanctioned our proposals in Dr. Fraser's case and we have issued the necessary notifications.

24th October 1911.  
25th October 1911.

J.F. GRUNING.  
C.S. BAYLEY.

Contd...2/P.



[PROGS. No. 70.] - FROM THE COMMISSIONER, ASSAM VALLEY DISTRICTS, No. 7530G.,  
DATED THE 6TH DECEMBER 1911.

Under Secretary,

From the Notifications Nos. 783P. and 784P., dated the 9th October 1911, it would appear that the rules are extended to the frontier tracts and other hill tracts which are administered like the frontier tracts under special laws. The Mikir Hills Tract in the Sibsagar district also appear to be administered by the rules published under this Government Notification No. 3873J., dated the 6th September 1907. From the notes at pages 16 and 17 of Confidential Political, A, September 1911, Nos. 34-37, it would be seen that the notifications quoted above were drafted in consultation with the Legal Remembrancer before submission to India for sanction. India's sanction should perhaps be obtained before the Mikir Hills Tract in the Sibsagar district are included in the schedule of the two notifications.

Nalini - 29th December 1911.

Secretary,

I am unable to discover from the papers why the Mikir Hills Tract in Sibsagar have been omitted from the notifications.

There are perhaps no missionaries in these hills, but the local officers would not be likely to apply unless there were.

1st January 1912.

S.K. SAWDAY.

His Honour,

The Commissioner's memorandum may be read. We took the old Notification No. 12517J., Poll., A, Mar. 1907, Nos. 45-84. Judl., A, Dec. 1907, Nos. 16-31. I dated the 29th November 1906, and I regret that I did not recollect that a portion of the Mikir Hills was transferred to the Sibsagar district. It is not a matter of great importance to include this area in the notification but it will make it complete

Typed -	<i>Syngar</i>
Compared by	<i>N. N. &amp; B. N. A.</i>
Checked by	<i>[Signature]</i>
Assn. Secy.	
Record Cell, Meghalaya Secy.	

Contd...3/P.



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if we do so. If His Honour approves we may ask the Government of India to permit us to revise the schedule so as to include the Mikir Hills Tract in the Sibsagar district.

3rd January 1912.  
4th January 1912.

J.F. GRUNING.  
C.S. BAYLEY.

[ PROGS. No. 71. ] - TO THE SECRETARY TO THE GOVERNMENT OF INDIA, FOREIGN DEPARTMENT  
No. 16P., DATED THE 9TH JANUARY 1912.

[ PROGS. No. 72. ] - FROM THE SECRETARY TO THE GOVERNMENT OF INDIA, FOREIGN DEPARTMENT  
No. 140E.B., DATED THE 16TH JANUARY 1912.

Secretary,

A draft notification put up for approval

18th January 1912.  
18th January 1912.

S.K. SANDAY.  
J.F. GRUNING.

[ PROGS. No. 73. ] - NOTIFICATION No. 46P., DATED  
THE 19TH JANUARY 1912.

[ PROGS. No. 74. ] - TO THE COMMISSIONER, SURMA VALLEY AND HILL DISTRICTS. No. 127-28P.,  
ASSAM VALLEY DISTRICTS,  
DATED THE 28TH FEBRUARY 1912.

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GOVERNMENT OF EASTERN BENGAL AND ASSAM.

POLITICAL DEPARTMENT.

POLITICAL - A,

FEBRUARY 1912.

Extension of section 144 of the Criminal Procedure Code and of sections 2(1), 22, 23, 38(2) and 40 of the Chin Hills Regulation of 1896 with necessary modifications to the hill districts and frontier tracts of Eastern Bengal and Assam.

No. 65.

No. 1762E.B., dated Simla, the 22nd September 1911.

From - The Under-Secretary to the Government of India,  
Foreign Department,

To - The Secretary to the Government of Eastern  
Bengal and Assam, Revenue and General Department.

I am directed to acknowledge the receipt of your letter No. 45-C.G.T., dated the 17th August 1911, regarding the conduct of Dr. Fraser of the Welsh Calvinistic Methodist Foreign Mission in the Lushai Hills, and the necessity of obtaining special powers for the Local Government to deal with such cases by the extension to the hill districts and frontier tracts of Eastern Bengal and Assam of section 144 of the Code of Criminal Procedure, and sections 2(1), 22, 23, 38(2) and 40 of the Chin Hills Regulation of 1896, with necessary modifications to suit the conditions of those areas.

2. In reply, I am to say that the Government of India agree in the course proposed by His Honour the Lieutenant-Governor, and to convey sanction to the issue of the notifications forwarded with your letter with the slight modifications shown in the attached drafts.

[A.- Enclosure (1) to Progs. No. 65 - Same as Progs. No.66.]

[B.- Enclosure (2) to Progs.No.65.-Same as Progs.No.68.]

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Type	sp. spec	Typist
Comd	1/16/12	of B. No. 65
Checked by		
Approved by		
Signature		



### NOTIFICATION.

The 9th October 1911.

No. 783P.- In exercise of the powers conferred by sections 5 and 5A. of the Scheduled Districts Acts, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Eastern Bengal and Assam is pleased to extend section 144 of the Code of Criminal Procedure, being Act V of 1898, to the areas specified in the schedule hereto annexed in the restricted and modified form set out below :-

In cases where in the opinion of the Deputy Commissioner or the Superintendent, immediate prevention or speedy remedy is desirable, the Deputy Commissioner or Superintendent, may, by a written order stating the material facts of the case and served upon the person against whom it is made or if such order cannot be so served notified by proclamation in such manner as the Deputy Commissioner or Superintendent may think fit, direct any person to abstain from a certain act or to take certain property in his possession or under his management, if such Deputy Commissioner or Superintendent considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot or an affray.

(2) An order under this section may in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed be passed ex parte.

(3) An order under this section may be directed to a particular individual, or to the public generally when frequenting or visiting a particular place.

(4) The Deputy Commissioner or Superintendent may rescind or alter any order made under this section by himself or by his predecessor in office.

(5) No order under this section shall remain in force for more than two months from the making thereof, unless, in cases of danger to human life, health or safety or a likelihood of a riot or an affray, the Local Government, by notification in the official gazette, otherwise directs.

### SCHEDULE.

The North Cachar subdivision of the Cachar district, the Garo Hills, the Khasi and Jaintia Hills, the Dibrugarh Frontier Tract in the Lakhimpur district, the Naga Hills, the Mikir Hills Tract in the Nowgong district and the Lushai Hills district.

By order of the Lieutenant-Governor,  
J.F. GRUNING,  
Secretary to the Government of Eastern  
Bengal and Assam.

Typed by *G. J. J. J.* Typist

Compared by *H. J. J. J.* & *G. J. J. J.* Assistants

Checked by *L. J. J. J.*

Contd...2/P.

...2...

No. 67.

No. 843-44P., dated Shillong, the 18th  
October 1911.

Memo.by- The Under-Secretary to the Government of  
Eastern Bengal and Assam, Revenue and  
General Department.

A copy of the foregoing notification, together with  
10 spare copies, is forwarded to the Commissioner,  
Assam Valley Districts  
Surma Valley and Hill Districts, for information.

NOTIFICATION.

The 9th October 1911.

No. 784P.- In exercise of the powers conferred by  
sections 5 and 5A of the Scheduled Districts Act 1874  
(XIV of 1874), and with the previous sanction of the  
Governor General in Council, the Lieutenant-Governor of  
Eastern Bengal and Assam is pleased to extend sections  
22, 23, 38(2) and 40 of the Chin Hills Regulation, 1896  
(Regulation V of 1896), to the areas specified in the  
schedule hereto annexed, in the restricted and modified  
form set out below, namely :-

1. Where the Superintendent or the Deputy Commissioner  
of any area specified in the schedule is satisfied that  
the presence of any person not being a native of such area  
is injurious to the peace or good administration of the  
area he may, for reasons to be recorded in writing, order  
such person to leave the area within a given time.
2. Whoever, not being a native of any such area, dis-  
obeys an order under clause 1 may, on conviction by a  
Magistrate, be punished with imprisonment for a term  
which may extend to six months or with fine which may  
extend to Rs.1,000 or with both.
3. The Local Government may revise any order passed  
under clause 1.
4. No order made under clause 1 shall be called in  
question in any Civil or Criminal Court.

SCHEDULE.

The North Cachar subdivision of the Cachar district,  
the Garo Hills, the Khasi and Jaintia Hills, the Dibrugarh  
Frontier Tract in the Lakhimpur district, the Naga Hills,  
the Mikir Hills Tract in the Nowgong district and the  
Lushai Hills district.

By order of the Lieutenant-Governor,  
J.F. GRUNING,  
Secretary to the Government of Eastern  
Bengal and Assam.

Types by: *Chingdon* Trial  
Completed *17/10/11* & *Bygones*  
Checked by: *17/10/11*

Contd...3/P.

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No. 69.

No. 845-46P., dated Shillong, the 18th  
October 1911.

Memo. by- The Under-Secretary to the Government of  
Eastern Bengal and Assam, Revenue and  
General Department.

A copy of the foregoing notification, with 10 spare  
copies, is forwarded to the Commissioner, Assam Valley  
Districts Surma Valley  
and Hill Districts, for information.

No. 70.

No. 7530G., dated Gauhati, the 6th December 1911.

Memo. by - The Commissioner, Assam Valley Districts.

Copy of the following forwarded to the Secretary  
to the Government of Eastern Bengal and Assam, Revenue  
and General Department, with the recommendation that the  
Mikir Hills Tract in the Sibsagar district may be included  
in the schedules referred to by the Deputy Commissioner.

[ A.- Enclosure (1) to Progs. No. 70. ]

No. 610Crl., dated Sibsagar, the 18th November 1911.

From - Babu RAJANI KANTA RAY DASTIDAR, M.A., M.R.S.A.,  
FR., Met. Soc. (Lond.) Senior Extra Assistant  
Commissioner in charge of the Deputy Commissioner's  
office, Sibsagar.

To - The Commissioner, Assam Valley Districts.

With reference to your memorandum No. 6939-45G.,  
dated the 30th October 1911, forwarding copies of Notifi-  
cations Nos. 783P. and 784P., dated the 9th October  
1911, regarding extension of section 144, Criminal Proce-  
dure Code, and sections 22, 23, 38(2) and 40 of the Chin  
Hills Regulation (Regulation V of 1896), respectively, to  
certain areas as specified in the schedules annexed there-  
to, I have the honour to point out that the Mikir Hills  
Tract in the Sibsagar district should be included in the  
schedules.

Contd...4/P.

*Spencer*  
*17/11/11*  
*17/11/11*  
*17/11/11*



...4...

No. 71.

No. 16P., dated Ramna, the 9th January 1912.

From - The Hon'ble Mr. J.F.GRUNING, I.C.S., Secretary  
to the Government of Eastern Bengal and Assam,  
Revenue and General Department,

To - The Secretary to the Government of India,  
Foreign Department.

I am directed to invite a reference to Mr. Gould's letter No. 1762E.B., dated the 22nd September 1911, on the subject of the conduct of Dr. Fraser of the Welsh Calvinistic Methodist Foreign Mission in the Lushai Hills and the necessity of obtaining special powers for the Local Government to deal with such cases. By an oversight which the Lieutenant-Governor regrets the tracts in the schedule attached to the notification forwarded with my letter No. 45-C.G.T., dated the 17th August 1911, do not include the portion of the Mikir Hills which is comprised in the Sibsagar district and to which it is expedient that the notification should apply. His Honour trusts, therefore, that the sanction of the Government of India may be accorded to the amendment of the schedule by the substitution of the words "the Mikir Hills Tract in the Nowgong and Sibsagar districts" for the words "the Mikir Hills Tract in the Nowgong district."

No. 72.

No. 140E.B., dated Calcutta, the 16th  
January 1912.

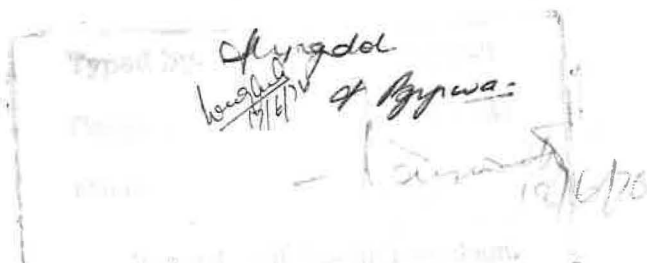
From - The Deputy Secretary to the Government of India  
in the Foreign Department.

To - The Secretary to the Government of Eastern Bengal  
and Assam, Revenue and General Department.

I am directed to acknowledge the receipt of your letter No. 16P., dated the 9th January 1912, requesting sanction to the inclusion in the schedule attached to the notifications forwarded with your letter No. 45-C.G.T., dated the 17th August 1911, of the portion of the Mikir Hills situated in the Sibsagar district.

2. In reply, I am to say that the Government of India sanction the amendment of the schedule in question by the substitution of the words "the Mikir Hills Tract in the Nowgong and Sibsagar districts" for the words "the Mikir Hills Tract in the Nowgong district."

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GOVERNMENT  
OF  
EASTERN BENGAL AND ASSAM.

REVENUE DEPARTMENT

NOTIFICATION.

The 9th January 1912.

No. 46P.- In lines 2 and 3 of the schedules attached to Notifications Nos. 783P. and 784P., dated the 9th October 1911, published in Part II, pages 1831 and 1832 of the Government Gazette of the 11th October 1911, substitute the words "the Mikir Hills Tract in the Nowgong and Sibsagar districts" for the words "the Mikir Hills Tract in the Nowgong district."

By order of the Lieutenant-Governor,

J.F. GRUNING,  
Secretary to the Government of Eastern Bengal and Assam.

No. \_\_\_\_\_

Copy of the foregoing notification forwarded to

No. 74.

No. 127-8P., dated Dacca, the 28th February 1912.

Memo. by - The Under-Secretary to the Government of Eastern Bengal and Assam, Revenue and General Department.

A copy of the foregoing notification, together with 20 spare copies, is forwarded to the Commissioner,

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Surma Valley and Hill Districts, for information,  
Assam Valley District

with reference to his memorandum No. 7530G., dated  
in continuation of this Department memorandum  
the 6th December 1911

No. 843-44P., and 845-46P., dated the 18th October 1911.

...

Typed by.	<i>Spencer</i>	Typist
Compared by.	<i>17/1/12</i>	<i>of Bynwa</i>
Checked by.		
Asst. Secy.		
Record Cell, Meachalaya Sect.		

18/6/12