

IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR,  
TRIPURA, MIZORAM AND ARUNACHAL PRADESH)

**ITANAGAR PERMANENT BENCH**  
**ARUNACHAL PRADESH**

**WP (C) 470 (AP) 2009**

1. **Sri Gumjum Ango**  
HGB, Village-Biru,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
2. **Sri Kari Taro,**  
CHGB, Village-Lidu,  
P.O./P.S.- Likabali,  
West Siang District,  
Arunachal Pradesh.
3. **Sri Marto Riba**  
HGB, Village-Lidu,  
P.O./P.S.- Likabali,  
West Siang District,  
Arunachal Pradesh.
4. **Sri Takar Bame**  
HGB, Village-Malini,  
P.O./P.S.- Likabali,  
West Siang District,  
Arunachal Pradesh.
5. **Sri Donya Taipodia**  
GB, Village-Lidu,  
P.O./P.S.- Likabali,  
West Siang District,  
Arunachal Pradesh.
6. **Sri Kemge Taipodia**  
GB, Village-Hijo,  
P.O./P.S.- Likabali,  
West Siang District,  
Arunachal Pradesh.
7. **Sri Kemba Ete**  
GB, Village-Darka,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.

8. **Sri Tummin Padu**  
HGB, Village-Darka,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
9. **Sri Dugjum Ete**  
GB, Village-Kamdi,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
10. **Sri Jumdo Bagra,**  
CHGB, Village-Bagra,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
11. **Sri Kage Ado**  
HGB, Village-Rigo,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
12. **Sri Medam Ete**  
GB, Village-Darka,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
13. **Sri Kimek Loyi**  
GB, Village-Kabu,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
14. **Sri Hitum Loya,**  
CHGB, Village-Paak Ghat,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
15. **Sri Binge Ete**  
HGB, Village-Bene,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
16. **Sri Tojo Ete**  
HGB, Village-Gune Bane,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.

17. **Sri Hogda Lollen**  
HGB, Village-Dego,  
P.O./P.S. - Along,  
West Siang District,  
Arunachal Pradesh.
18. **Sri Moli Lollen,**  
HGB, Village-Panya,  
P.O./P.S. - Along,  
West Siang District,  
Arunachal Pradesh.
19. **Sri Tare Amo,**  
GB, Village-Kombo Pomto,  
P.O./P.S. - Along,  
West Siang District,  
Arunachal Pradesh.
20. **Sri Nyamar Ado**  
HGB, Village-Raglam,  
P.O./P.S. - Along,  
West Siang District,  
Arunachal Pradesh.
21. **Sri Riluk Rime**  
GB, Village-Rime,  
P.O./P.S. - Along,  
West Siang District,  
Arunachal Pradesh.
22. **Sri Dagbo Nyarok**  
GB, Village-Hisam,  
P.O./P.S. - Along,  
West Siang District,  
Arunachal Pradesh.
23. **Sri Taken Pakam**  
HGB, Village-Lidu,  
P.O./P.S. - Likabali,  
West Siang District,  
Arunachal Pradesh.
24. **Sri Hendak Jini,**  
GB, Village-Lagum Jini,  
P.O./P.S. - Along,  
West Siang District,  
Arunachal Pradesh.
25. **Sri Jomke Jini**  
GB, Village-Logum Jini,  
P.O./P.S. - Along,  
West Siang District,  
Arunachal Pradesh.



26. **Sri Dagge Ango**  
GB, Village-Logum Jini,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
27. **Sri Pomin Loyi**  
HGB, Village-Kabu,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
28. **Sri Hortum Lollen**  
GB, Village-Yoji Jora,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
29. **Sri Horba Loyi**  
HGB, Village-Pakam,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
30. **Sri Tumge Padu,**  
HGB, Village-Yeggo,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
31. **Sri Tamek Lona**  
GB, Village-Hydel,  
P.O./P.S.- Along,  
West Siang District,  
Arunachal Pradesh.
32. **Sri Nyumge Kamgo**  
CHGB, Village-Kamba,  
P.O./P.S.- Kaying,  
West Siang District,  
Arunachal Pradesh.
33. **Sri Yijum Potom**  
HGB, Village-Dego Kamki,  
P.O./P.S.- Kaying,  
West Siang District,  
Arunachal Pradesh.
34. **Sri Yomrak Karbak,**  
HGB, Village-Lipu,  
P.O./P.S.- Kaying,  
West Siang District,  
Arunachal Pradesh.

35. Sri Taso Tamut  
HGB, Village-Rumgo,  
P.O./P.S. - Kaying,  
West Siang District,  
Arunachal Pradesh.

36. Sri Tama Manke  
HGB, Village-Pesing,  
P.O./P.S. - Kaying,  
West Siang District,  
Arunachal Pradesh.

..... Petitioners

- Versus -

1. The State of Arunachal Pradesh, represented by the Chief Secretary, Government of Arunachal Pradesh, Itanagar.
2. The Secretary, Law, Government of Arunachal Pradesh, Itanagar.
3. The Secretary, General Administration, Government of Arunachal Pradesh, Itanagar.
4. The Additional Deputy Commissioner, West Siang District, Along, Arunachal Pradesh.

..... Respondents

Advocates for the petitioners : Mr. R. Saikia  
Mr. I. Basar  
Mr. N. Ratan  
Ms. T. Wangmo  
Mr. M. Basar

Advocate for the respondents :- Mr. R. H. Nabam, Senior Govt. Advocate

### P R E S E N T

THE HON' BLE MR. JUSTICE P. K. MUSAHARY

Date of hearing : 05.03.2010

Date of Judgment & order : 05.03.2010

### JUDGMENT AND ORDER(ORAL)

Heard Mr. R. Saikia, learned counsel for the petitioners. Also heard Mr. R. H. Nabam, learned Senior Government Advocate, Arunachal Pradesh, for all the Official respondents.



2. The challenge made in this writ petition is to order dated 26.11.2009 issued by the Additional Deputy Commissioner, West Siang District, Aalo, whereby the PAs/PIs of the Deputy Commissioner's office of West Siang District, Aalo, have been accommodated in the District Keba Dere authorizing them to take part in the discussion of the Circle Level/District Level Keba, to ensure order and impartial conducting of the Keba, without any authority to interfere in the day-to-day functioning of the Keba and make any final decision of the Keba.

3. Mr. R. Saikia, learned counsel for the petitioners, submits that by the impugned order aforementioned, the District authority has given power to the PAs/PIs to participate in the deliberation of the Keba and in taking the final decision by the Keba. The impugned order, according to him, runs counter to the Judgment dated 19.06.2008 passed by the learned Single Bench of this Court in WP[C]347[AP]2006 which was upheld vide judgment & order dated 17.06.2009 passed by a Division Bench of this Court in a Writ Appeal No. 36[AP]2008.

4. Mr. Saikia, learned counsel for the petitioners draws the attention of this Court to directions contained in Judgment dated 19.06.2008 passed by the Single Bench in WP[C]347[AP]2006 to the effect that *"..... It is also to be clarified herein that the PAs/PIs should not be directed to supervise the Kebang/Keba Meetings but be allowed to participate only if invited for recording statements and/or interpreting the views of the Keba members to the District Administration, if called upon by the Village Institutions."*

The learned counsel for the petitioners further draws the attention of this Court to observations made by the Division Bench in judgment & order dated 17.06.2009 passed in W.A.36[AP]2009, which reads thus –

*“10. .... In our considered opinion, the word ‘assist’ itself denotes giving the views of the administration only when sought-for by the village authorities. Certainly it does not confer any supervisory role in the decision making process. We are also of the view that if PAs/PIs are allowed to supervise Kebang proceedings as a Government Nominee, it would certainly influence the proceedings, wherein the disputes are resolved as per local customs and it would amount to eroding/diluting the independent character of ‘Kebang’. This can not be permitted under the existing law and the scheme of decision through ‘Kebang’.*

5. Mr. R. H. Nabam, learned Senior Government Advocate, referring to Government notification dated 22.12.1965(Annexure-III to the writ petition) submits that although an option has been given to the village institutions to invite or not to invite the PAs/PIs, the representatives of the Government, namely, the District Authority i.e. Deputy Commissioner of the concerned district, has been given the power of deputing PAs/PIs for taking part in local village discussions where they may give the institutions the benefit of Government sponsored opinion. According to the learned Senior Government Advocate, there is no bar in allowing the presence of PAs/PIs in the village Keba and taking part in the discussion/deliberation for better administration of justice at the village level.



6. Since this court has already given specific directions/clarifications on earlier occasions, as stated above, I do not feel it necessary to reopen the issues that were raised and settled earlier. This court is now concerned only with a question as to whether the impugned order dated 26.11.2009 is in consonance with the directions/clarifications given by this court. The impugned order dated 26.11.2009, is reproduced below, for ready reference :

**"Government of Arunachal Pradesh  
Office of the Deputy Commissioner West Siang District, Aalo**

No. WS/JK/GBs/2006-07                      dated Aalo the 26<sup>th</sup> Nov. 2009

**ORDER**

*Henceforth, the PAs and Pls of DC Office, Aalo, West Siang District are accommodated in the District Keba Dere of Deputy Commissioner's Office, Aalo.*

*The Pls can take part in the discussion of the Circle Level/District Level Keba and ensure order and impartial conducting of the Kebang, however, they will not interfere in the day-to-day functions of the Kebang and make any final decision of the Kebang. They will restrict their activities or duties to which they will be assigned by their superior authorities.*

*Further, they may be deputed as representative of Govt. and take part in local village discussion where they may give the institution the benefit of Government sponsored opinion.*

*Sd/- [Kamki Darang]  
Additional Deputy Commissioner,  
West Siang District, Aalo."*



7. On a minute examination of the impugned order dated 26.11.2009, it can be gathered that the PAs/PIs have been debarred from interfering with the day-to-day functioning of the Keba but on the other hand, it has impliedly given power to the PAs/PIs to participate in the proceeding for the purpose of maintaining order and impartial conducting of the Keba. At the same time, it is provided therein that the superior authorities to the PAs/PIs may assign them with some duties/activities. It has not been specified in the impugned order as to what type of activities and/or duties could be assigned to the PAs/PIs. It may be that the District authority/ superior authority may assign the PAs/PIs to take active participation in the Keba proceedings. This has created an apprehension in the minds of the petitioners that the PAs/PIs may be assigned with or allowed by the district authority to take active participation in the Keba proceeding.

8. In view of the above position, some clarifications are felt necessary to be made so that the Kebang could be conducted by the village authorities independently. For the foregoing reasons, it has become necessary to delete the words ".....***They will restrict their activities or duties to which they will be assigned by their superior authorities***" from the text of the impugned order. Accordingly, the same stands deleted. The respondent authorities are hereby directed that the Deputy Commissioner and/or the Additional Deputy Commissioner, West Siang District, Aalo, shall make necessary correction to the impugned order dated 26.11.2009 deleting therefrom the words ".....***They will restrict their activities or duties to which they will be assigned by their superior***"

**authorities**" in consonance with directions/clarifications issued earlier by this Court and thereafter, circulate the same for information of all concerned.

9. With the above observations and directions, this writ petition stands disposed of. There shall, however, be no order as to costs.

  
JUDGE

*Bikash*