

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

**PRESENT**  
**THE HON'BLE MR. JUSTICE I.A.ANSARI**  
**THE HON'BLE MR. JUSTICE B.D.AGARWAL**

**WRIT APPEAL NO. 36 (AP)/2008**

1. Shri Tadik Tabang, PL Grade-I  
S/o. Late Takeng Tabang  
Village of Yio, Payum Circle  
P.O. & P.S. Kaying  
West Siang District  
Arunachal Pradesh.

2. Shri Tumpak Karga, PL Grade-I  
P.O. & P.S. Kamba, EAC Circle  
West Siang District  
A.P.

3. Shri Tabin Lipo, PL Grade-1  
P.O. & P.S. Tato, CO Circle  
West Siang District  
A.P.

4. Shri Tamer Tali, PI Grade-1  
P.O. & P.S. Kaying, CO Circle  
West Siang District  
A.P.

5. Shri Tanya Rieng, PI Grade-1  
P.O. & P.S. Aalo, DC Circle  
West Siang District  
A.P.

6. Shri Karken Basar, PI Grade-1  
P.O. & P.S. Basar, ADC Circle  
West Siang District  
A.P.

7. Shri Taging Pangu, IP Grade i  
P.O. and P.S. Likhabali, SDO Circle  
West Siang District  
A.P.

8. Shri Tali Karlo, Pl. Grade II  
P.O. & P.S. Gensi, CO Circle  
West Siang District  
A.P.

9. Shri Domin Ado, Pl. Grade III  
P.O. & P.S. Aalo, H.Q DC  
West Siang District  
A.P.

10. Shri Tumin Doji, Pl. Grade III  
P.O. & P.S. Aalo, H.Q DC  
West Siang District  
A.P.

11. Shri Doi Lollen, Pl Grade III  
P.O. & P.S. Aalo H.Q. DC  
West Siang District.  
A.P.

12. Shri Tagi Nyitan, Grade III  
P.O. & P.S. Aalo, H.Q. DC  
West Siang District  
A.P.

13. Shri Mogi Ori, Grade III  
Pl Jomlo Mobuk  
S/o. Late Gomo Ori  
Permanent Address, Vill Yigi  
Kaum, P.O. & P.S. Aalo  
Circle Aalo  
Present Address Gour Hill, Aalo  
Dist. West Siang  
A.P.

14. Shri Yormo Nyomdir, Pl Grade III  
P.O. & P.S. Aalo, HQ DC  
West Siang District  
A.P.

15. Shri Yajom Nomuk, Pl Grade III  
P.O. & P.S. Kamba, EAC  
West Siang District  
A.P.

16. Shri Ongir Palon, P.I. Grade III  
P.O. & P.S. Payum, CO Circle  
West Siang District  
A.P.

17. Shri Tayor Yorung, Pl. Grade III  
P.O. & P.S. Manigong, CO Circle  
West Siang District  
A.P.

18. Shri Tasi Yorung, Pl. Grade III  
P.O. & P.S. Pidi, CO Circle  
West Siang District  
A.P.

19. Shri Tajen Rinya, Pl Grade III  
P.O. & P.S. Tato, CO Circle  
West Siang District  
A.P.

20. Shri Lingdung Kosung Pl Grade III  
P.O. & P.S. Mechuka, ADC Circle  
West Siang District  
A.P.

21. Shri Renjen Naksang Pl Grade III  
P.O. & P.S. Mechuka, ADC Circle  
West Siang District  
A.P.

22. Shri Pinjo Shukla TI Grade III  
P.O & P.S. Mechuka , ADC Circle  
West Siang District  
A.P.

23. Shri Kotin Pusang, Pl Grade III  
P.O. & P.S. Mechuka, ADC Circle  
West Siang District  
A.P.

24. Shri Takar Rakshap, Pl Grade III  
P.O. & P.S. Darak, CO Circle  
West Siang District  
A.P.

25. Shri Iken Loyi Pl Grade III  
P.O. & P.S. Darak, CO Circle  
West Siang District  
A.P.

26. Shri Gede Yomgam, Pl Grade III  
P.O. & P.S. Yomcha, SDO Circle  
West Siang District  
A.P.

27. Shri Songa Yomcha, PI Grade III  
P.O. & P.S. Yomcha, SDO Circle  
West Siang District  
A.P.

28. Shri Basi Mindo, PI Grade III  
P.O. & P.S. Liromba, CO Circle  
West Siang District  
A.P.

29. Shri Sokde Gamlin, PI Grade III  
P.O. & P.S. Yomcha, SDO Circle  
West Siang District  
A.P.

30. Shri Taka Gadi, PI Grade III  
P.O. & P.S. Tirbin, CO Circle  
West Siang District  
A.P.

31. Shri Kakek Lombi, PI Grade III  
P.O. & P.S. Tirbin, CO Circle  
West Sinag District  
A.P.

32. Shri Mimo Eshi (Jilen), PI Grade III  
P.O. & P.S. Tirbin, CO Circle  
West Siang District  
A.P.

33. Shri Marjum Basar, PI Grade III  
P.O. & P.S. Basar, ADC Circle  
West Siang District  
A.P.

34. Shri Ikar Riba, PI Grade III  
P.O. & P.S. Basar, ADC Circle  
West Siang District  
A.P.

35. Shri Iri Riba, PI Grade III  
P.O. & P.S. Daring, CO Circle  
West Siang District  
A.P.

36. Shri Tai Bam, PI Grade III  
P.O. & P.S. West Siang District  
A.P.
37. Shri Bulsok Bogo, PI Grade III  
P.O. & P.S. Daring, CO Circle  
West Siang District  
A.P.
38. Shri Tai Sinyo, PI Grade III  
P.O. & P.S. Gensi, CO Circle  
West Siang District  
A.P.
39. Shri Gedo Ete, PI Grade III  
P.O. & P.S. Aalo, HQ DC  
West Siang District  
A.P.
40. Shri Kirdo Doji, PI Grade III  
P.O. & P.S. Likabali, SDO Circle  
West Siang District  
A.P.
41. Shri Takir Tasho, PI Grade III  
P.O & P.S. Kangku, CO Circle  
West Siang District.
42. Shri Tahung Jerang, PI ADC  
S/o. Late Tajong Jerang  
Vill. Lorging, Iomlo Mobuk Circle  
P.O. & P.S. Rungong  
West Siang District  
A.P.
43. Shri Tagom Pajing, PI Grade III  
P.O. & P.S. Rungong, ADC Circle  
West Siang District  
A.P.
44. Shri Tarik Tatak, PI Grade III  
P.O. & P.S. Iomlo Mobuk, CO Circle  
West Siang District  
A.P.
45. Shri Geyum Poyom, PI Grade III  
P.O. & P.S. Iomlo Mobuk, CO Circle  
West Siang District  
A.P.

46. Shri Tamur Tamut, Pl Grade III  
P.O. & P.S. Iomlo Mobuk, CO Circle  
West Siang District  
A.P..

47. Shri Tadik Ngulom, Pl Grade III  
P.O. & P.S. Tato, CO Circle  
West Siang District  
A.P.

.. Appellants.

VERSUS

1. Shri Gumjum Ango, HGB  
Village Biru  
P.O. & P.S. Along  
Dist. West Siang  
A.P.

2. Shri Kari Tao, CHGB  
Vill. Lidu  
P.O. & P.S. Likabali  
Dist. West Siang  
A.P.

3. Shri Marto Riba, HGB  
Vill. Lidu  
P.O. & P.S. Likabali  
Dist. West Siang  
A.P.

4. Shri Takar Barme, HGB  
Vill Malini  
P.O. & P.S. Likabali  
Dist. West Siang  
A.P.

5. Shri Donya Taipodia, GB  
Vill. Lidu  
P.O. & P.S. Likabali  
Dist. West Siang  
A.P.

6. Shri Kemge Taipodia, GB  
Vill Hiji  
P.O. & P.S. Likabali  
Dist West Siang  
A.P.

7. Shri Kemge Taipadia, GB

Vill Darka  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

8. Shri Tummin Padu HGB  
P.O. & P.S. Likabali  
Dist. West Siang  
A.P.

Shri Dugjum Ete GB  
Vill. Kamdi  
P.O. & P.S. Along  
West Siang District  
A.P.

10. Shri Jumdo Bagra, CHGB  
Vill. Lidu  
P.O. & P.S. Likabali  
Dist. West Siang  
A.P.

11. Shri Kage Ado, HGB  
Vill. Rigo, P.O. & P.S. Along  
West Siang Dist.  
A.P.

12. Shri Medam Ete, GB  
Vill Darka, P.O. & P.S. Along  
West Siang Dist.  
A.P.

13. Shri Kimek Loyi, GB  
Vill Kabu  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

14. Shri Hitem Loya  
Vill Paak Ghat  
P.O. & P.S. Along  
West Siang District  
A.P.

15. Shri Binge Ete, HGB  
Vill Bene  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

16. Shri Yojo Ete, HGB

Vill Gune Bane  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

17. Shri Hogda Lollen, HGB  
Vill. Panya  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

18. Shri Moli Lollen, HGB  
Vill. Panya  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

19. Shri Tare Amo, GB  
Vill. Kombo Pomto  
P.O. & P.S. Along  
Dist. West Siang  
A.P.

20. Shri Nyamar Ado  
Vill Raglam  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

21. Shri Riluk Rime, GB  
Vill. Raglam  
P.O. & P.S. Along  
West Siang District  
A.P.

22. Shri Dagbe Nyorak, GB  
Vill Hisam  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

23. Shri Taken Pakam, HGB  
Vill Lagum Jini  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

24. Shri Hendak Jini, GB  
Vill. Lagum Jini  
P.O. & P.S. Along  
West Siang Dist, A.P.

25. Shri Iomke Jini, GB  
Vill Logum Jini  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

26. Shri Dagge Ango, GB  
Vill Logum Jini  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

27. Shri Pomin Loyi, HGB  
Vill Kabu  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

28. Shri Horba Loyi, HGB  
Vill Yoji Yora  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

29. Shri Jorba Loyi, HGB  
Vill Pakam  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

30. Shri Turnge Padu, HGB  
Vill Yeggo  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

31. Shri Tamek Lona, GB  
Vill Hydel  
P.O. & P.S. Along  
West Siang Dist.  
A.P.

32. Shri Nyumge Kamgo, CHGB  
Vill. Kamba  
P.O. & P.S. Kaying  
West Siang Dist.  
A.P.

33. Shri Yijum Potom, HGB  
Vill Dego Kamki  
PO & PS Kying  
West Siang Dist.  
A.P.

34. Shri Yomrak Karbak, HGB  
Vill. Lipu  
P.O. & PS Kaying  
West Siang Dist.  
A.P.

35. Shri Taso Tamut, HGB  
Vill Rumgo  
P.O. & P.S. Kaying  
West Siang Dist.  
A.P.

36. Shri Tama Manke, HGB  
Vill Pesing  
P.O. & P.S. Kaying  
West Siang Dist.  
A.P.

Respondents.

For the Appellants : Mr.D. Laji  
Advocate

For the Respondents : Mr. R. Saikia  
Advocate.

Date of hearing and

Judgment : **17.06.2009**

### **JUDGMENT AND ORDER**

**B.D.Agarwal, J.**

1. A group of 47(forty seven) Political Assistants/Political Interpreters have filed this writ appeal assailing the legality of the judgment and order dated 19.06.2008 passed by the learned Single Judge of this Court in WP(C) No. 347(AP) of 2006

2. By the impugned judgment and order the learned Single Judge has directed the Deputy Commissioner of the State of Arunachal Pradesh to strictly abide by and adhere to the guidelines issued by the Government of India in its communication dated 22.12.1965 and further instructions issued by the State Government in its order dated 25.2.1992 with regard to the role, powers and duties of Political Assistants/Political Interpreters ( in short 'PA/PI') in Kebang proceedings.

3. We have heard Mr.D. Laji, learned counsel for the appellants as well as Mr. R.Saikia, learned counsel for the respondents. We have also perused the impugned judgment.

4. Upon hearing the learned counsel for both sides, it appears that the sole controversy surrounds to the extent of the role of Political Assistants/Political Interpreters in the Kebang proceedings.

5. As noted earlier, the functions, status and duties of the Political Interpreters were laid down by the Government of India in its communication dated 22.12.1965. The impugned judgment regulating the powers of Interpreters in the Kebang proceedings has been passed in the light of the guidelines as laid down in the aforesaid letter dated 22.12.1965. For ready reference we also think it proper to reproduce the duties of Political Interpreters laid down in the aforesaid communication which are as follows:-

#### **" DUTIES "**

***The following should be the normal duties of Interpreters.***

***(i) To interpret the views of administrative staff to the villagers wherever necessary.***

***(ii) To assist in the settlement of disputes. It should, however, be noted that the Interpreters***

***will have no power to give a decision on behalf of Government or confirm the decision of a village institutions on behalf of the Government. (They may attend my village case when invited to do so by village institutions, but under no circumstances they have powers to order of institute a village case which must remain vested in the officers of the District under Regulation 1 of 1945. They may, of course, be deputed as representatives of Government and take part in local village discussions where they may give the institutions the benefit of Government sponsored opinion).***

***(iii) To bring to the notice of the Deputy Commissioners / Additional Deputy Commissioners any important occurrences in the villages of their area.***

***(iv) To teach basic hygiene and sanitations to villagers.***

***(v) To learn medical first aid and then be in position to render it.***

***(vi) To interpret the people the various important policy decision of the Administration and work undertaken by it for development of the areas and welfare of the tribal people.***

***(vii) To assist the administration in the procurement and supply of local products for Government uses.***

***(viii) To render assistance on the work connected with the improvement of communication system in the locality.***

***(ix) To assist local officers in the procurement of casual porters as and when necessary. "***

6. A group of Head Gaon Buras had submitted a representation to the Deputy Commissioner, West Siang District alleging uncalledfor and undue inference of Political Interpreters in the local Kebang/keba proceedings. This representation was disposed of by the Deputy Commissioner by the order dated 3.8.2006 whereby PA/Pis were allowed to supervise the judicial proceeding of local authorities known as 'Kebang'. This order was

challenged by 36(thirty six) Village Headmen by filing WP(C) No. 347(AP) of 2006 which has been decided by the impugned judgment.

7. Although the Political Assistants/Interpreters were not impleaded as parties to the writ petition, but ,since the role, powers and duties of PA/PIs have been defined in the impugned judgment, a group of PA/PIs have filed this writ appeal challenging the judgment of the learned Single Judge.

8. Mr. Laji, learned counsel for the appellants has submitted that the view taken by the learned Single Judge is inconsistent with Section 5 of the Assam Frontier Administration of (Justice) Regulation, 1945( hereinafter referred to as "Regulation"). According to the learned counsel, under the aforesaid statue the Deputy Commissioner in a District is the person to constitute Village Authorities and also authorise any other authority to supervise its proceedings. It was also contended that even under the communication dated 22.12.1965 issued by the Government of India, Political Interpreters have a special role in the administration of justice rendered by Village Authorities and as such the learned Single Judge ought not to have restricted their powers in the Kebang proceedings.

9. Since the Deputy Commissioner has also issued the order dated 3.8.2006 under the garb of Sec.5(2) of the Regulation and since the learned counsel for the appellants is also deriving source of power of the Deputy Commissioner from Section 5(2), to authorise Political Interpreters to supervise the Kebang proceedings, it is apposite to reproduce Section 5 of the Regulation which reads as follows :

***"5(1) The (Deputy Commissioner) shall appoint such person as he considers to be the members of a village authority for such village or villages***

***as he may specify, and may modify or cancel any such order of appointment , and may dismiss any person so appointed.***

***(2) In any area for which no village authority has been constituted under the provisions of sub-section (1) , the powers and function of village authority as provided by this Regulation, shall be exercisable and performed by the (Deputy Commissioner) or by any (Assistant Commissioner) authorised by him in this behalf.***

”

10. A bare reading of Section 5 of the Regulation clearly shows that this provision of Regulation relates to the Deputy Commissioner’s powers to constitute Village Authorities. Section 5(2) authorises the Deputy Commissioner to exercise the powers and functions of Village Authorities either by himself or through any Assistant Commissioner under certain circumstances. In no way Section 5 of the ‘Regulation’ authorises the Deputy Commissioner to empower Political Interpreters to intervene, far less, preside over or supervise the Kebang proceedings. The duties of interpreters laid down under memo dated 22.12.1965 also do not confer any supervisory power on them. As a whole, the Political Interpreters’ role in the judicial proceedings conducted by the village Authorities is limited to assist such local authorities to come to a just decision. The limited role of PA/Pis has also been reiterated in the letter dated 25.2.1992 issued by General Administrative Department of the State of Arunachal Pradesh, which has been referred to and relied upon by the learned Single Judge. 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 Govt 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'.

11. For the aforesaid reasons, we find no difficulty to approve the view taken by the learned Single Judge that Political Assistants /Interpreters shall intervene in the Kebang proceedings only when their assistants are sought for by the Village Authorities.

12. In the result, we do not find any merit in the writ appeal. Consequently, it is dismissed.

**JUDGE**

**JUDGE**

Samir.