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NOTIFICATION

No. D. 29018/3:87-LJL dt 5.4.89 the following Act is hereby published for General information.

Lalremruata
Deputy Secretary to the Govt. of Mizoram,
Law, Judicial & Parliamentary Affairs Department.

THE SIXTH SCHEDULE TO THE CONSTITUTION (AMENDMENT) ACT, 1988. AN ACT.

Further to amend the Sixth Schedule to the Constitution of India in this application to the States of Tripura and Mizoram.

BE it enacted by parliament in the Thirty-ninth year of the Republic of India as follows :-

1. This Act may be called the sixth Schedule to the Constitution (Amendment) Act, 1988. Short title.

2. The sixth Schedule to the Constitution shall, in its application to the states of Tripura and Mizoram, have effect subject to the following modifications, namely :- Application of Sixth schedule to the states of Tripura and Mizoram.

(1) In paragraph 9, after sub-paragraph (2), the following sub-paragraph shall be inserted, namely :- Mizoram.

(3) The Governor may, by order, direct that the share of royalties to be made over to a District Council under this paragraph shall be made over to that Council within a period of one year

from the date of any agreement under sub-paragraph (1) or, as the case may be of any determination under sub-paragraph (2)

(2) In paragraph 10,—

(a) in the heading, the words “by non-tribals” shall be omitted;

(b) in sub-paragraph (1), the words “other than Scheduled Tribes” shall be omitted;

(c) in sub-paragraph (2), for clause (d), the following clause shall be substituted, namely :-

“(d) Prescribe that no person resident in the district shall carry on any trade, whether wholesale or retail, except under a licence issued in that behalf by the District Council:”.

(3) For paragraphs 12AA and 12B, the following paragraphs shall be substituted namely :-

“12AA. Application of Acts of Parliament and of the Legislature of the State of Tripura to the autonomous district and autonomous regions in the State of Tripura notwithstanding anything in this Constitution.-

(a) No Act of the Legislature of the State of Tripura in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the Legislature of the State of Tripura prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to the autonomous district or an autonomous region in that state unless, in either case, the District Council for that district or having jurisdiction over such region by public notification so directs, and the District Council in giving such direction with respect to any Act may direct that the Act shall, in its application to that district or such region or any part thereof, have effect subject to such exceptions or modifications as it thinks fit;

(b) The Governor may, by public notification, direct that any Act of the Legislature of the state of Tripura to which the provisions of clause (a) of this sub-paragraph do not apply, shall not apply to the autonomous district or an autonomous region in that State, or shall apply to that district or such region, or any part thereof, subject to such exceptions modifications as he may specify in the notification;

(c) The president may, with respect to any Act of Parliament, by notification, direct that it shall not apply to the autonomous district and autonomous region in the State of Tripura, or shall apply to such district or region or any part thereof, subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.

12B. Application of Acts of Parliament and of the Legislature of the State of Mizoram to autonomous districts and autonomous regions in the State of Mizoram - Notwithstanding anything in this Constitution.-

(a) no Act of the Legislature of the State of Mizoram in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the Legislature of the State of Mizoram prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region, in that State unless, in either case, the District Council for such district or having jurisdiction over such region, by public notification, so directs, and the District Council, in giving such direction with respect to any Act, may direct that the Act shall, in its application to such district or region or any part thereof, have effect subject to such exceptions or modifications as it thinks fit;

(b) the Governor may, by public notification, direct that any Act of the Legislature of the State of Mizoram to which the provisions of clause (a) of this sub-paragraph do not apply, shall not apply to an autonomous district or an autonomous region in that State, or shall apply to such district or region, or any part thereof, subject to such exceptions or modifications, as he may specify in the notification;

(c) the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the State of Mizoram, or shall apply to such district or region or any part thereof, subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect”.

(4) In paragraph 15, in sub-paragraph (2).—

(a) in the opening paragraph, for the words “by the Legislature of the State”, the words “by him” shall be substituted;

(b) the proviso shall be omitted.

(5) In paragraph 16,—

(a) in sub-paragraph (1), the words “Subject to the previous approval of the Legislature of the State” occurring in clause (b), and the second proviso shall be omitted;

(b) for sub-paragraph (3), the following sub-paragraph shall be substituted, namely :—

“(3) Every order made under sub-paragraph (1) or sub-paragraph (2) of this paragraph, along with the reasons therefor shall be laid before the Legislature of the state”.

(6) In paragraph 20, in the table, in Part III, for serial number 2 and 3 and the entries relating thereto, the following shall be substituted namely :—

“2. The Mara District.

3. The Lai District

(7) After paragraph 20B, the following paragraph shall be inserted, namely :—

“20BB. Exercise of discretionary powers by the Governor in the discharge of his functions.— The Governor, in the discharge of his functions under sub-paragraphs (2) and (3) of paragraph 1, sub-paragraphs (1) and (7) of paragraph 2, sub-paragraph (3) of paragraph 3, sub-paragraph (4) of paragraph 4, paragraph 5, sub-paragraph (1) of paragraph 6, sub-paragraph (2) of paragraph 7, sub-paragraph (3) of paragraph 9, sub-paragraph (1) of paragraph 14, sub-paragraph (1) of Paragraph (15) and Sub-paragraph (1) and (2) of paragraph 16 of this Schedule, shall, after consulting the Council of Ministers, and if he thinks it necessary, the District Council or the Regional Council concerned, take such action as he considers necessary in his discretion”.