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NOTIFICATION

[No. LAD/32(A)/73/79, the 10th. January, 1977. In pursuance of Paragraph 11 of the Sixth Schedule to the constitution of India, the following Act made by the Lakher District Council which has been assented to by the Administrator of Mizoram hereby Published for general information.

1. The Lakher Autonomous District (Village Council) Act, 1974.

J. Malsawma,
Secretary to the Govt. of Mizoram.

**AN
ACT**

to provide for the establishment of Village Councils and for other matters relating to village administration.

Preamble: Whereas it is expedient to provide for the establishment of Village Councils and their powers and for other matters relating to village administration including village police, public health and sanitation, e'c,

And whereas by clause (e) and (f) of sub-paragraph (1) of paragraph 3 of the Sixth Scheduled to the constitution of India, the District Council for an Autonomous District is empowered to make laws with respect to the establishment of Village or Town Committee or Councils and their power and any other matter relating to village or town administration including village or Town Police and Public Health and Sanitation.

Now, therefore, the Autonomous Lakher District Council (herein after referred to as "The District Council" in exercise of the powers conferred on it as aforesaid and of all other powers enabling it in that behalf is pleased to enact and it is hereby enacted in the 25th Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short Title, extent and commencement:

- (1) This Act may be called the Lakher Autonomous District (Village Councils) Act, 1974.
- (2) It extends to the whole of the Lakher District Council area.
- (3) It shall come into force on its publication in the Mizoram Gazette.

2. Definition: In this Act, except where it is expressly otherwise provided on the context otherwise requires:—

- (1) "Administrator" means the Administrator of Mizoram appointed by the President of India under Article 239 of the constitution of India.
- (2) "District" means the Lakher Autonomous District as provided in Part III of the Table appended to para 20 of the Sixth Scheduled to the constitution of India.
- (3) "Deputy Commissioner" means the Deputy Commissioner of the Chhimtuipui District.
- (4) "Executive Committee" means the Executive Committee of the Lakher District.

- (5) "Secretary" means the Secretary of the Village Council.
- (6) "District Council" means the Lakher Autonomous District Council.
- (7) "Scheduled Tribe or Tribes" means such tribe or tribes as are specified by the President of India under Article 342 (1) of the constitutions of India as modified by law made by Parliament from time to time in so far as the specification pertains to the Union Territory of Mizoram.
- (8) "Tla-awpa" means a Village Crier.
- (9) "Tlarai or Vatlarai" means a work done collectively by the Villagers for the common good.
- (10) "Tikhao" means any place where water supply is obtained.
- (11) "Tohi or Atulyu" means subsidiary shifting jhum cultivation.
- (12) "Ly" means a Customary fine imposed by a Village Council for refusal to contribute in the Village tlarai or Vatlarai.
- (13) "Village Council" means a village Council constituted under the provisions of this Act;
- (14) "Voter" means a person who is entitled to vote at any election to the Lakher District Council.

CHAPTER 11 ESTABLISHMENT OF VILLAGE COUNCIL

3. Constitution of Village Council :

- (1) There shall be a Village Council in each Village within the jurisdiction of the District Council of Lakher Autonomous District.

Provided that a village having less than 20 houses shall not be entitled to have a separate Village Council.

- (2) A Village Council shall be composed of members according to the number of houses it contains as specified below :-

For Village not exceeding 50 houses there shall be 3 members.

For Villages between 51 and 100 houses there shall be 4 (four) members.

For Villages between 101 and 150 houses there shall be 5 members.

For Villages having 151 houses and above, there shall be 6 members.

- (3) Members of the Village Council shall be elected by the residents of the village who are enlisted as voters in the latest electoral roll of the election to the District Council,
- (4) Of the total number of members as determined under Sub section (2), one-third or nearest shall be nominated by the Executive Committee and the

rest elected by the adult members of the village in accordance with the rules made by the District Council under this Act.

- QUALIFICATION OF MEMBERS :

A person shall be disqualified for being elected as and for being a member of the Village Council if:—

- (a) He is not a member of a Scheduled Tribe.
- (b) he has not attained the age of 25 years.
- (c) he is not a voter where he seeks election.
- (d) he is a member of any other Village Council
- (e) he is of unsound mind and stand so declared by competent Court or authorities.
- (f) Whether before or after the commencement of this Act he has been convicted of an offence under the existing Law of the Lakher Autonomous District or under any other Law for the time being in force in India, unless period of three years has elapsed since his conviction, and if imprisoned, since his release from prison.
- (g) he is not a citizen of India.

5. Removal of Members :- Any member of the Village Council who due to serious illness cannot attend the meetings of the Village Council and is not likely to recover from his illness for whole terms of that Village Council shall be declared disqualified, and his seat shall; on receipt of such report from the President of the Village Council, be declared vacant by the Executive Committee, provided that the Executive Committee may make due enquiry if it thinks proper and necessary.

6. Duration of Village Council :

- (1) Every Village Council, unless sooner dissolved, shall continue for three years from the date of its first meeting appointed by the Executive Committee.
- (2) The Executive Committee shall have the power to extend or shorten the term by not more than six months at a time.

7. Tenure of Membership: A member nominated to a village council in accordance with the provision of sub-section 4 of section 3 shall hold office during the pleasure of the Executive Committee.

8. Executive :

- (1) There shall be a President in each Village Council who shall be elected by the members of the Village Council from amongst themselves, by a

majority of votes. They shall, with the assistance of the Secretary of the Village Council discharge all the functions of the Village Council.

- (2) The Executive Committee shall, in consultation with the President appoint or dismiss the Secretary of the Village Council. The Secretary shall not to be a member of the Village Council.
- (3) Every Village Council Member and Secretary may at any time, by writing under his hand, submit his resignation through the President to the Executive Committee. The Executive Committee shall arrange to elect or appoint as the case may be, substitute as soon as possible.
- (4) The President may, at any time, by writing under his hand, submit his resignation to the Executive Committee and until the Executive Committee accepts the resignation he shall continue to discharge the duties of the President.
- (5) If at any time, for any reason, there is vacancy of a seat in the Village Council, it shall be reported forth-with to the Executive Committee by the President.
- (6) If, for any reason, the Office of the President becomes vacant the Executive Committee shall cause the vacancy to be filled as soon as possible. In the meantime the duties of the office shall be performed by one of the members appointed by the Executive Committees.

9. Duties and functions of the Village Council : (1) Subject to such rules as may be prescribed in this behalf by the Executive Committee, the Village Councils may exercise all or any of the following functions:-

- (1) Cleaning of Village roads and path;
- (2) Sanitation and conservancy in the village area and the prevention of public nuisance.
- (3) Constructions, maintenance and improvement of "Tikhao" for the supply of water to the village for drinking washing and bathing purpose.
- (4) Opening of, and regulating, burial and cremation grounds for disposal of dead bodies of human being and allocation of the places for disposal of a dead animals and other offensive matters.
- (5) Taking of curative and prevention measures in respect of an epidemic.
- (6) Construction, maintenance and improvement of village communications, drains and waterways.
- (7) Control of village grazing grounds, location of grazier's "Khuties" within the village area, village common and other communal property.
- (8) Regulating the construction of new building or house, or the extension or alteration of any such existing ones.
- (9) anti-malaria and anti-kala-azar measures and enforcement of vaccination.

- (10) registration of births and deaths and maintenance of Registers for the purpose.
- (11) supplying local information as and when required to the District Council or the State Government.
- (12) measure necessary for the preservation of public health and for improving the sanitation, conservancy or drainage of the Village area.
- (13) measures of public utility calculated to promote the moral and material well being of the villagers.
- (14) planting of trees at the sites of public places, on village roads and paths taking care of them.
- (15) working and maintenance of public radio sets for the benefit of the villagers.
- (16) establishment and maintenance of libraries, reading rooms, social and cultural clubs or other places for recreation and games.
- (17) population of indigenous sports, folk-dance, folk-songs, and organisation and celebration of national and other local festivals.
- (18) any other functions and powers as may be delegated by the District Council from time to time.
- (19) regulation and order of "tlarai or vatlarai";
- (20) the Village Council shall allot a particular region or area within the boundaries of each village for jhum, tohi or Atulyu each particular year, and the distribution of the jhum and Tohi plots shall be done in accordance with the laws framed by the District Council under paragraph 3 (1) (d) of the Sixth Schedule to the Constitution of India.

For each of any of the above duties and function, the village Council may appoint a separate committee which shall be responsible for implementing its decisions.

10. REGULATION OF TLARAI OR VATLARAI :

- (1) Each Village Council shall have powers to exempt any person or persons from Tlarai or Vatlarai on the ground of illness and other reasonable causes at its own discretion. The reason for the exemption shall be recorded in writing. No person who is sixty years of age or above shall be compelled to do any tlarai or vatlarai.
- (2) Any person below 15 years of age shall not be allowed to represent in the tlarai or vatlarai.
- (3) The President or the Secretary of a Village Council shall have a list of persons performing tlarai or vatlarai, and shall see that each household, represented.

- (4) One representative from the village council shall supervise Vatlarai in every Tlarai.
- (5) The President of the Village shall cause to be announced in the Village proposal of holding tlarai or vatlarai appointing the date and time.
- (6) Any person who does not comply with the order of tlarai or vatlarai shall be liable to 'Ly' either in kind or in cash not exceeding Rs. 7/- per tlarai or vatlarai day unless he has been exempted from tlarai or vatlarai or has obtained communication under sub-section (1).
- (7) If a village council fails to carry out its order to realise 'Ly' imposed on any person, the matter shall be referred to the Executive Committee for the realisation of the 'Ly'.
- (8) Every person shall have the option commuting his obligation to render service under tlarai or vatlarai to payment of cash compensation in lieu of it at a rate to be fixed by the Village Council not exceeding Rs. 5/- per tlarai or vatlarai day.
- (9) Utilisation of 'Ly'.
 - (1) The Amount of 'Ly' mentioned in sub-section (6) and cash compensation mentioned in sub-section (8) may be spent by the persons performing tlarai or vatlarai in any manner they think fit and proper.
 - (2) The Secretary of the Village Council shall keep the account of receipts and expenditure of the 'Ly' and compensation, and any persons shall be at liberty inspect the accounts.

11. Final decision of the Executive Committee to settle dispute:—

Any dispute to arising out of the performance of tlarai or vatlarai shall be settled by the Executive Committee and such decision shall be final and binding on all concerned. All matters connected with tlarai or vatlarai and which are not provided for in this Act shall be regulated by the District Council, and all the decisions shall be notified by the Executive Committee in a manner it considers appropriate.

12. Sanitation: Each Village Council shall be responsible for the sanitation of the village. A sanitation Committee shall be appointed by the Village Council if necessary.

13. Collection of Taxes:

- (1) The Executive Committee or any officer authorised by it in this behalf, shall either appoint tax collectors or allot the work of collection of taxes, to suitable persons, specifying their duties and any other matter connected with the collection of taxes.
- (2) Collection of Taxes shall be done strictly in accordance with rules of under the instructions and the directions given by the Executive Com-

mittee or any Officer of the District Council authorised by the Executive Committee in that behalf.

CHAPTER III

Conduct or Business

14. **President and meeting of the Village Council:** The President of the Village Council shall preside over all the meetings of the said Council. He shall summon the meetings of the village council whenever necessity arises and if and when two-thirds of the members in writing request him to do so.

15. **Quorum:** The quorum, to constitute a meeting of the village council shall be two-thirds of the members.

16. **Voting in the meeting of the Village Council:**

- (1) All proposals and Question shall decided in meeting by a majority of votes.
- (2) The President of Village Council or any person acting in this behalf shall not vote at first instance but shall have and shall exercise a casting vote in case of an equality of vote.
- (3) No person other than a member of the village council shall vote nor shall speak or take part in its deliberation and any person contravening this provision shall be punishable with a fine not exceeding Rs. 50/- by the Village Council.

17. **Preservation of order in a Village meeting:** The President shall preserve order and have all powers necessary for the purpose of enforcing his decision during the meeting as follows:-

- (1) he may directed any member whose conduct is, in his opinion, disorderly to withdraw immediately from the day's meeting. The member shall comply with the order at once.
- (2) if any member is ordered to withdraw for a second time from a meeting of the same session of the Council, the President may suspend the member for the remaining period of the same session.
- (3) if any member fails to carry out the direction given to him under sub-section (1) or sub-section (2) the President shall report, in writing, the conduct of the member to the member to the Executive Committee. On receipt of such report, the Executive Committee may, if it deems necessary, suspend the member for any period considered reasonably by the Executive Committee.

18. **Village Council Fund:** There shall be formed for every Village Council a fund to be called "Village Council Fund". Any collection authorised by Law

other than District Council Revenue and taxes made in a village for the good of the people shall be paid into the said Fund. The President shall be the treasurer of the Fund and the list of collection shall be kept by the Secretary. This account shall be opened for inspection by any subscriber to the collection.

19. Responsibility of the President for Compliance of Orders etc.

- (1) The President shall cause notices and instructions for prevention of danger such as outbreak of fire, epidemic etc, in the village to be proclaimed by engaging "Tla-awpa" and whenever notices, orders circulars or letters are received for re-distribution from the District Council to pass on to other villages, he shall forthwith cause it to be sent through the Secretary.
- (2) The President shall be responsible for the compliance of all orders and notifications issued either by the District Council or the Deputy Commissioner of Chhimtuipui District through the Office of the District Council.
- (3) The President shall cause all such orders and notifications to be read out by the Secretary in the meeting of the Village Council. If it is necessary to be brought to the knowledge of the public, it shall be given over to the Secretary for publication by the Tla-awpa.
- (4) The President shall be responsible for the proper and upto date maintenance of all books records kept by the Secretary.

20. The Secretary : The Secretary shall be the Village Writer and shall be responsible for all the duties as enumerated below :-

- (a) - He shall record all the proceedings of the Village Council as well as the Village Council Court and such record shall be signed by the President. He shall publish all orders notifications and records as may be necessary and such order, notifications and records shall be signed by the President.
- (b) On receipt orders, notices circulars or letters from the District Council or from the Deputy Commissioner, Chhimtuipui District or his Assistant for services or for onward transmission to other Villages, the Secretary shall cause to be served or transmitted to any other village council as may be directed and he shall be responsible to carry out such directions.
- (c) He shall keep all the Books and records of the Council and of the Village Court. He shall send all such books and records to the Executive Committee as may be required by it, with his own signature and of the President.
- (d) All Books and records shall be kept ready to be examined at any time

by the Officers of the District Council or any person so appointed in this behalf.

21. Village Rules :

- (1) Each Village Council may framed its village Rules for the administration of the Village in accordance with the need of the Village.
- (2) No rules shall be enforced in a village by the Village Council without the prior approval of the Executive Committee.

22. Village Council's Seat :

- (1) A village council shall not shift the seat of a Village to a new site without the previous approval of the Executive Committee.
- (2) Without the written permission of the Executive Committee no sub-village or temporary village for more than a year shall be made or set up at any site within the Lakher District Council area.
- (3) The Executive Committee or any Officer of the District Council authorised in that behalf by the Executive Committee, may evict any person or persons having in occupation of unauthorised sub-village or temporary village, after service on such person or persons individually of a notice to vacate the area within a period of not less than three months.
- (4) On failure to vacate the area within the time fixed in the notice, the Executive Committee or any Officer of the District Council authorised in that behalf may impose a fine not exceeding Rs. 50/- per month to a each family for the unauthorised occupation after the service of the notice.
- (5) The order of Executive Committee or of the officer passed under subsection (3) and (4) above shall be deemed to be a clause of a competent civil court for the purpose of evicting unauthorised occupant from the area to which this section applies.

23. Tla-awpa :

- (1) Normally there shall be only one Tla-awpa for each village council. If for any reason, more than one tla-awpa is found necessary, prior approval of the Executive Committee for such appointment shall be obtained.
- (2) To appoint tla-awpa for a village council, advertisement to this effect shall be made by the President fixing a date for selection. The Village Council in its full sitting shall make the appointment of tla-awpa from amongst the applicants. The Village Council may dismiss the Tla-awpa, but such cases shall be reported to the Executive Committee.

3. The duties of Tla-awpa shall be as follows :—

- (a) he shall bring to the notice of the public all orders and notifications the Village Council may direct to be notified.
- (b) he shall summon all parties and other persons required by the Village Council or Village Court to attend its meeting.
- (c) The Secretary may also direct the Tla-awpa to bring to the notice of the public any other matter not necessary connected with the affairs of the Village Council.
- (d) if any emergency occurs requiring the gathering of the public in the interest of the village, any member of the village council may without the previous approval of the President, direct the Tla-awpa to summon all the villagers.
- (e) The Tla-awpa shall carry notice to all members of the Village Council for all meetings of the Council summoned by the President.

24. Remuneration of Council Members etc. : Members of the Village Council including the President and also the Secretary and the Tla-awpa shall be entitled to receive such remunerations and previllages as may, from time to time, be determined by the District Council.

25. Secretary and Tla-awpa : The Secretary and Tla-awpa shall also attend the village council meetings but shall have no votes.

26. Dissolution of the Village Council :

- (1) The Executive Committee, by public notification, order the dissolution of a village council if in its opinion the village council is too inefficient or is not able to carry on the Village administration or is acting in the manner prejudicial to the interest of the state or for any other reason considered sufficient for such dissolution and issue order for holding fresh election of the Village Council. Copies of all such order shall also be sent to the Deputy Commissioner of the Chhimtuipui District.
- (2) The Executive Committee may appoint any person or persons to assume charge of the Village administration and also to act as the Village Court during the period intervening between the dissolution of the Village Council and the completion of the election under the provision of sub-section. (1)
- (3) When any Village Council has been dissolved under the provision of sub-section (1) the Executive Committee shall lay before the District Council in session at its first meeting after such dissolution, all papers connected there-with and the matter shall be opened for discussion by the members of the District Council.

(4) So long as the Village Council acts as the Village Court under the law, the Village Council so dissolved shall cease forthwith to function as the Village Court. •

27. Allotment of House sites in the Village: No person shall be allowed to construct a house for any purpose without the written permission of the Village Council.

28. Boundaries and jurisdiction of Village.

(1) In fixing the boundaries of the Village, the Executive Committee may appoint a boundary Commission and the reports and findings of the Commission thus appointed shall be laid before the Council in Session.

(2) No person shall be allowed to make jhum outside the jurisdiction of that Village in which he resides without the written permission of the Executive Committee.

29. Power to make Rules: Subject to the previous approval of the Administrator, the Executive Committee may make rules for carrying out any of the provisions of this Act.

30. Repeal and Saving :

(1) The Pawi-Lakher Autonomous Region (Village Council) Act, 1954 and the Pawi-Lakher Autonomous Region (Village Councils (Amendment) Act, 1961, as applicable to the Lakher Autonomous District Council are hereby repealed.

(2) Notwithstanding such repeal, any actions taken or proceedings made under any provisions of the Acts repealed therein shall be deemed to be the actions taken or proceedings made under this Act.

K. Paichho
Executive Member, i/c
Village Administration
Lakher District Council. Saiha.]