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NOTIFICATION

No. MAL 4/79-80/17, the 14th February, 1980. Under Rule 67 of the Rules of Procedure and Conduct of Business in the Mizoram Legislative Assembly the following Bill which is to be introduced in the Mizoram Legislative Assembly on the 25th. February, 1980 is published together with the statement of objects and Reasons for general information.

BILL NO. 1 OF 1980.

THE LUSHAI HILLS DISTRICT (VILLAGE COUNCILS)
AMENDMENT BILL, 1980

▲ BILL

Lushai
Hills Act
No V of
1953.

further to amend the Lushai Hills District (Village Councils) Act, 1953.

Be it enacted by the Legislative Assembly of Mizoram in the Thirty-first Year of the Republic of India as follows :—

1. SHORT TITLE AND COMMENCEMENT.— (1) This Act may be called the Lushai Hills District (Village Councils) Amendment Act, 1980.

(2) Section 2 shall be deemed to have come into force on the 19th day of November, 1979 and section 3 shall come into force at once.

Lushai
Hills Act
No V of
1953.

2. AMENDMENT OF SECTION 25.— In section 25 of the Lushai Hills District (Village Councils) Act, 1953 (hereinafter) referred to as the principal Act), in sub-section (2), after the words "Remaining period of the term", the words "or for the period ending with the date of first meeting of the Village Council after the fresh election" shall be inserted.

3. VALIDATION.— Notwithstanding that the Administrator of the Union territory of Mizoram had no power to appoint person or persons to assume charge of the Village administration and also to act as Village Court beyond the term of a Village Council, any order made by the said Administrator appointing person or persons to take charge of the Village administration and also to act as Village Court beyond the term of a Village Council before the date of publication of this Act in the Mizoram Gazette shall be deemed to have been validly made as if the provisions of section 25 of the principal Act as amended by this Act had been in force at all material times when such order was made, and accordingly --

- (a) no such order shall be called in question in any court of law ;
- (b) all functions performed, powers exercised and proceedings conducted by such person or persons shall be deemed to have been validly performed, exercised or conducted ; and
- (c) no suit or other proceedings shall be maintained or continued in any court questioning the legality of any such order made by the said Administrator or any functions performed, powers exercised or proceedings conducted by such person or persons.

STATEMENT OF OBJECTS AND REASONS :

The normal term of the Village Councils had expired on 19th May, 1978. The life of the Village Councils had been extended for an aggregate period of eighteen months under the proviso to section 5 of the Lushai Hills District (Village Councils) Act, 1953 (Act No V of 1953). The extended period of eighteen months has also expired on 19th November, 1979, afternoon.

The general election for the Village Councils could not be held during the above-mentioned period due to unavoidable circumstances and there is no provision to further extend the term of the Village Councils. As such, some arrangement became necessary in the interim period till the elections could be held. While there is a provision for nominating the entire Village Council members under rule 4 (2) of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953, it was considered not advisable to nominate the entire Village Council because it might be misunderstood at a time

when the Parliamentary election was approaching. Therefore, the only alternative was to dissolve the Village Councils just before the expiry of their term and to appoint Officers to take charge. Accordingly, under-sub-section (1) of section 25 of the Lushai Hills District (Village Councils) Act, 1953, all the existing Village Councils in the districts of Aizawl and Lunglei were dissolved with effect from 19th November, 1979, and Government Officials were appointed to assume charge of the Village Councils in exercise of the powers conferred by sub-section (2) of section 25 of the said Act.

As the existing provision does not permit the appointment of such Officers beyond the term of the Village Council, it is necessary to amend the said Act suitably and to validate the action taken for the appointment of such Officers beyond the term of the Village Councils.

Hence this Bill,

Zairemthanga,
Minister, In-charge,
Local Administration etc., Department.

Extract from the Lushai Hills District (Village Councils) Act, 1953, Section 25 (1) and (2).

25. (1) The *Executive Committee may, 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 reasons considered sufficient for such dissolution, and issue orders for holding a fresh election of the Village Council. Copies of all such orders shall also be sent to the Deputy Commissioner of the District.

(2) The *Executive Committee may, for such dissolution, issue order appointing any person or persons to assume charge of the Village Administration and also to act as a Village Court for the remaining period of the term.

Provided that if the *Executive Committee considers it necessary so to do for the interest of general public, it may issue order for holding a fresh election of the Village Council at any time before the expiry of the remaining period.

*Now construed as reference to Administrator of the Union territory of Mizoram — vide paragraph 8 (4) (b) of the Dissolution of Mizo District Council (Miscellaneous Provisions) Order, 1972.