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NOTIFICATION

No. DCA/R-11/79, the 12th April, 2012. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act passed by the Chakma Autonomous District Council and approved by His Excellency the Governor of Mizoram on 17.2.2012 is hereby published for general information, namely:-

"THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (VILLAGE COUNCILS) (AMENDMENT) ACT, 2011".

P. Singthanga,
Secretary to the Govt. of Mizoram,
District Council Affairs Department.

**THE CHAKMA AUTONOMOUS DISTRICT COUNCIL
(VILLAGE COUNCILS) (AMENDMENT) ACT, 2011.**

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ACT

to amend the Chakma Autonomous District Council (Village Council) Act, 2003 (hereinafter called the Principal Act) and 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; and

Whereas by clauses (e) and (f) of sub-paragraph (1) of Paragraph 3 of the Sixth Schedule to the Constitution, the District Council for an Autonomous District is empowered to make laws in respect of the establishment of Village or Town Committees or Councils or any other matters relating to the Village or Town Administration, Village or Town Police and Public health and sanitation.

Now, therefore the District council of the Chakma Autonomous District Council (hereinafter referred to as the District Council), in exercise of the powers conferred on it as aforesaid and of the other powers enabling it in that behalf is pleased to enact and it is hereby enacted as follows :

1. Short title, extent and Commencement:

- (i) This Act may be called the Chakma Autonomous District Council (Village Councils) (Amendment) Act, 2011.
- (ii) It shall have like extent as the Principal Act.
- (iii) It shall be deemed to have come into force with effect from the date of its publication in the Official Gazette.

2. Amendment of Section 2-

- (1) In Section 2 of the Principal Act, after clause (7), the following clause (7a) shall be added, namely :-
“(7a) ‘Gram Sabha’ means a body consisting of persons registered in the electoral roll or rolls relating to a village or villages comprised within the area of the Village Council”.
- (2) In Section 2 of the Principal Act, after clause (10), the following clause (10a) shall be added, namely ;
“(10a) ‘State Election Commission’ means the State Election Commission as constituted for the State of Mizoram under the provisions of Part IX and Part 1XA of the Constitution.”
- (3) In Section 2 of the Principal Act, after clause (12), the following clause shall be added, namely ;
“(13) ‘Community assets’ means any property of income which by custom belongs to or has been administered for the benefit of the villagers in common, or has been created through contribution of voluntary labour by the villagers or has been created out of Government or District Council or Village Council funds and vested with the Village Council or which has been transferred to the Village Council by any agency whatsoever”.

3. Amendment of Section 3-

After Sub-Section (4) of the Section 3 of the Principal Act, the following Sub-Sections shall be added, namely: –

"(5) The MDCs shall be Ex-Officio Members of the Village Councils within the territorial jurisdictions of their respective MDC Constituencies. However, they shall not have voting rights during no-confidence motions if any, in the Village Council.

(6) Not less than one of the total number of seats shall be reserved for women for the time being.

(7) The conduct of elections to the Village Councils shall vest in the State Election Commission. However, the Officers/ Officials to be detailed for the Village Council Elections, shall be selected from the employees of the District Council".

4. Substitution of Section 5-

Section 5 of the Principal Act shall be substituted as follows, namely-

" 5 Removal of President, Vice President and Members of a village council-

(1) The President and the Vice- President, if any, of a village council may be removed by a vote of No- Confidence passed by a majority of the members of the Village Council, showing reasonable grounds for such motion.

(2) A Member of a Village Council may be removed if he absents himself from attending Village Council meetings on three consecutive occasions, when convened by the President with due intimation to the Members.

5. Amendment of Section 6-

Section 6 of the Principal Act shall be substituted by the following, namely -

"(6) **Duration of Village Council** : (1) Every Village Council, unless sooner dissolved, shall continue for five years from the date of its first meeting appointed by the State Election Commission, provided that the existing Village Councils which have been elected before the commencement of the Chakma Autonomous District (Village Councils)(Amendment) Act, 2011 shall continue for not more than three years.

(2) The process of election to a Village Council shall be completed before the term of the Village Council comes to an end.

(3) In the case of dissolution of a Village Council, election for the new Village Council shall be completed within six months of the date of order of dissolution".

6. Amendment of Section 8-

"(1) In sub-section(1) of section 8 of the Principal Acts, between the words 'President' and 'in each village', the words ' and a Vice- President' shall be inserted.

(3) In sub-section (5) of Section 8 after the words ' Executive Committee by the President ' the words, ' who shall subsequently report the matter to the State Election Commission' shall be added."

7. Amendment of Section 9 -

In Section 9 of the Principal Act, after sub-section (3), the following sub-section (4), shall be added, namely -

"(4) The Village Council shall be accountable to the Gram Sabha for all its functions, expenditure, approval of plans and approval of Utilization Certificate."

8. Amendment of Section 11 -

In section 11 sub-section (6) and (8) of Section 11 of the Principal Act, for the figures "Rs.12/" - and "Rs.10/" - , the figures' "Rs.100/" - and "Rs. 100/" - shall be substituted respectively.

9. Amendment of Section 14 -

In Section 14 of the Principal Act, the following Clause shall be added, namely-" (1) The Executive Committee shall have the rights to interfere in Village Administration in case of Mismanagement of Village Council Funds or mal-administration in the Village Council".

10. Amendment of Section 15 -

In section 15 of the Principal Act, the following clause shall be added, namely- " There shall be at least 4 (four) Village Council meetings in a year.

11. Insertion of Section 20A and 20B – After Section 20, of the Principal Act, following new sections shall be added, namely:

"20A. Allocation of Functions to the Village Councils -

The Governor, on the recommendations of the Executive Committee, may allocate from time to time all or any of the functions listed in the Eleventh Schedule to the constitution, to any Village Council and demarcate the roles of the Village Council, the District Council and the State Government in these areas.

20-B Gram Sabha -

- (1) Every Gram Sabha shall approve the plans, programmes and projects for social and economic development in respect of the village concerned before such plans, programmes and projects are taken up for implementation. The Plans & Proposal so approved and the Utilization Certificate(s) thereby shall be submitted to the Local Administrative Department of the District Council for further necessary action.
- (2) The Village Council be responsible for the identification and/or selection of persons as beneficiaries under the poverty alleviation and other programmes.
- (3) Ordinarily a Gram Sabha will be convened and presided over by the President of the Village Council. However, in the absence of the President or due to his incapacity to convene such meeting, the Vice President or the Secretary may convene a meeting.
- (4) Quorum of a Gram Sabha shall be 10 % of the total number of registered voters of the village or villages concerned.
- (5) Every Gram Sabha shall be responsible to safeguard and preserve the traditions and customs of the people, their cultural identity, and management of community assets.
- (6) Every Village Council shall be required to obtain from the Gram Sabha a certificate of utilization of funds for the plans, programs and projects executed by them.
- (7) The Gram Sabha and the Village Council shall consult with the Executive Committee (a) before making any acquisition of land; and (b) before re-settlement and rehabilitation of persons affected by such projects.
- (8) The recommendations of the Gram Sabha and Village Council shall be mandatory for grant of concession for the exploitation of minor minerals by auction, in consultation with the Executive Committee of the District Council.
- (9) Subject to sub-section (1), all individual beneficiaries under various welfare and development schemes shall be selected by the Village Council.
- (10) There shall be at least four Gram Sabha meetings in a year.
- (11) The Gram Sabha may decide that any of its functions may be performed by the Village Council.
- (12) The minutes of the meeting of each Gram Sabha shall be recorded in a Register and shall be maintained by the Secretary of the Village Council."

12. **Amendment of Section 26:-**

The following proviso shall be added to sub-section (1) of Section 26 of the Principal Act, namely – "Provided that no such dissolution shall take place unless the Village Council has been given a reasonable opportunity to explain as to why it should not be dissolved."

Susen Chakma,
Executive Member i/c LAD,
Chakma Autonomous District Council,
Kamalanagar.