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NOTIFICATION

No. C.31012/2/2012-DCA(L), the 8th April, 2024: In pursurance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules passed by the Lai Autonomous District Councils which has received approval of the Governor of Mizoram on 27.2.2024 is hereby published for general information, namely:-

Dr. H. Lalthlangliana,
Secretary to the Govt. of Mizoram,
District Council & Minority Affairs Deptt.

“THE LAI AUTONOMOUS DISTRICT COUNCIL (VILLAGE COUNCILS) (FOURTH AMMENDMENT) ACT, 2023”

An Act.

To provide for further amendment of the Lai Autonomous District (Village Councils) Act, 2010.
Be it enacted by the Lai Autonomous District Council in the 74th (Seventy Fourth) Year of Republic of India as follows:-

1. Short title, extent and commencement:

- (1) This Act may be called The Lai Autonomous District Council, (Village Councils) (Fourth Amendment) Act, 2023.
- (2) It shall have the like extent as the Principal Act.
- (3) It shall come into force on its publication in the Mizoram Gazette.

2. Amendment of Nomenclature of the Principal Act:

Nomenclature of the Principal Act i.e, The Lai Autonomous District (Village Councils) Act, 2010 shall henceforth be altered as The Lai Autonomous District Council, (Village Councils) Act, 2023.

3. Amendment of Section 2: For Section 2 of the Principal Act, the following shall be substituted, namely:
“2. Definitions -

In this Act, except where it is expressly otherwise provided or the context otherwise requires:-

- (a) **“Deputy Commissioner”** means the Deputy Commissioner of Lawngtlai District.
- (b) **“District Council”** means the Lai Autonomous District Council as provided in part III of the Table appended to paragraph 20 of the Sixth Schedule to the Constitution of India.
- (c) **“Executive Body”** means Executive Body of Village Council consists of President, vice President and Secretary.
- (d) **“Executive Committee”** means the Executive Committee of the Lai Autonomous District Council.
- (e) **“Governor”** means the Governor of Mizoram appointed by the President of India under Article 239 of the Constitution of India.
- (f) **“Member”** means member of the Village Council.
- (g) **“Secretary”** means the Secretary of Village Council.
- (h) **“Schedule Tribe or Tribes”** means such tribe or tribes as are specified by the President of India under Article 342(1) of the Constitution of India as modified by law made by Parliament from time to time in so far as the specification pertains to the State of Mizoram.
- (i) **“State election Commission”** means the State Election Commission as constituted for the State of Mizoram under the provisions of Part IX and Part IXA of the Constitution.]
- (j) **“Tlangau”** means a Village Crier.
- (k) **“Upa”** means a person appointed to look after a sub-village under the authority of the Village Council of the parent village.
- (l) **“Village Assembly”** means a body consisting of persons registered in the electoral rolls relating to all villages comprised within the area of the Village Council, which shall mean ‘Gram Sabha’ for the purpose of Part IX of the Constitution.]
- (m) **“Village Community Assets”** means any property or income by 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 by any agency
- (n) **“Village Council”** means a Village Council constituted under the provisions of this Act.”

4. Amendment of Section 3: In Section 3 of the Principal Act,

- (1) For sub-section (3) the following shall be substituted, namely:
 - “(a) For a village having No of housesNo. of members
 - (i) 50 to 200 houses - 5 (Five)
 - (ii) 201 to 600 houses - 7 (Seven)
 - (iii) 601 and above - 9 (Nine)
- (2) The proviso to sub section (3) shall be omitted.
- (3) For sub-section (8), the following shall be substituted, namely:
 - “(8). Subject to the approval of the Governor, the Executive Committee shall have the power to bifurcate an existing Village Council having 7(seven) members and above into two Village Councils”.

5. Amendment of Section 4: For Section 4 of the Principal Act, the following shall be substituted, namely:

“4. Qualification for membership:

A person shall be qualified for being elected as a member of the Village Council, if:-

- (a) He is a citizen of India;
- (b) He is a member of Schedule Tribes;

- (c) *He has attained the age of 25 years;*
 - (d) *He is a voter where he seeks election;*
 - (e) *He is not a member of any other Village Council;*
 - (f) *He is of sound mind and unless stand so declared otherwise by a Competent Court or authority;*
 - (g) *Whether before or after the commencement of this Act, he has not been convicted of any offence under the existing law of the Lai Autonomous District Council or under any law for the time being in force in India, and if convicted of any offence aforesaid, a period of three years has elapsed since the conviction, and if imprisoned, a period of three years has elapsed since his release from prison;*
 - (h) *He is not holding any office of profit under the Central Government, the State government or the LADC”.*
6. **Amendment of Section 5:** In Section 5 of the Principal Act, a new sub Section shall be added after sub-section (4) –
“(5) If a member of a Village Council is convicted of any offence under the existing law of the Lai Autonomous District Council or under any law for the time being in force in India, on proof of such conviction, the Executive Committee shall disqualify him from being a member of a Village Council and his seat shall become vacant”.
7. **Amendment of Section 6:** In Section 6 of the Principal Act,
(1) In sub section (1), for the words “*State Election Commission*”, the words “*Executive Committee*” shall be substituted.
(2) The proviso to sub section (1) of Section (6) shall be omitted.
(3) In sub section (4) of Section 6, the words “*unless removed as provided under Section 5*” shall be added.
8. **Insertion of Section 6A:** After Section 6 of the Principal Act, the following new Section shall be inserted, namely:
“6A. First meeting of the Village Council:
(1) *The Executive Committee shall, immediately after notification of the result of the Village Councils Election by the State Election Commission, stipulate timeline for holding of the first meeting of the new Village Council for formation of the new ‘Executive Body’.*
(2) *The first meeting of the new Village Council shall be conducted by an authorized official appointed by the Executive Committee, in such manners as may be prescribed”.*
9. **Amendment of Section 7:** In Section 7 of the Principal Act,
(1) For sub-section (1), the following shall be substituted, namely:
“(1). There shall be formed an Executive Body, in the first meeting of the Village Council, consisting of President, Vice President and Treasurer for each Village Council and the executive functions of the Village Council shall be vested in the Executive Body. The President, the Vice President and the Treasurer shall be elected by the members of the Village Council from amongst the members by majority of votes in the first meeting of the Village Council which shall be conducted by an authorized official appointed by the Executive Committee under Section 6A (2).
(2) For sub-section (2), the following shall be substituted, namely:
“(2). The Secretary shall be appointed or terminated by the Executive Committee on the recommendation of the President of the Village Council. The Secretary shall not be a member of the Village Council. The

President, the Vice President and the Treasurer of the Village Council shall not be eligible to hold the office of the Secretary of the Village Council”.

- (3) For sub-section 4, the following shall be substituted, namely:
“ (4). Election of the President, the Vice President and the Treasurer shall be held within two days from the date of declaration of the result”.
- (4) For sub-section 5, the following shall be substituted, namely:
“ (5). In case of failure to elect the President, the Vice President and the Treasurer within the specified time, the Executive Committee shall appoint the President, the Vice President and the Treasurer from amongst the members”.

10. Amendment of Section 8: For Section 8 of the Principal Act, the following shall be substituted, namely;
“8. Vacation of Seats and Designation:

(1) Any member of the Village Council may, at any time by writing under his hand submit his resignation to the Executive Committee through the President. The President shall forward the resignation within seven days. In such a case, the Executive Committee shall declare the seat of such member as vacant and shall intimate the same to the State Election Commission. A by- election shall be held within six months from the date of vacancy of such seat.

(2) If at any time, for any reason, there is vacancy of seat in the Village Council, it shall be forthwith reported to the State Election Commission by the Executive Committee and a bye election shall be conducted within six months from the date of such intimation.

(3) The President may at any time submit his resignation in writing to the Vice President, which shall be forwarded to the Executive Committee for acceptance and until the Executive Committee accepts the resignation, he shall continue to discharge the duties of the President. 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 the Vice President. If the office of both the President and the Vice President are vacant simultaneously, the duties of the office shall be performed by one of the member appointed by the Executive Committee.

(4) The Vice President, Treasurer and Secretary may, at any time by writing under his hand submit his resignation to the Executive Committee through the President. The President shall forward the resignation within seven days. The Executive Committee shall appoint the date for election to fill up the post of the Vice President or the Treasurer, as the case may, as soon as possible. In case of resignation by the Secretary, the Executive Committee shall appoint suitable person to fill up such vacancy as soon as possible”.

11. Amendment of Section 9: In Section 9 of the Principal Act -

- (1) For sub-section (2), the following shall be substituted, namely:
“(2) The meeting of a Village Council specially convened for the purpose of moving a motion of no-confidence against the President shall be presided over by an official duly appointed for that purpose by the Executive Committee”.

12. Amendment of Section 10: For Section 10 of the Principal Act, the following shall be substituted, namely:

“10. Dissolution of Village Council:

- (1) *The Executive Committee may appoint a Commission consisting of not more than three persons from amongst the officers of the District Council to enquire into the affairs of the Village Council if it considers reasonable on a complaint in writing that the Village Council is too inefficient or is unable to carry on the village administration or is acting in a manner prejudicial to the interest of the State or the District Council or is known to have been indulging in corrupt practices in the matter of village administration.*
- (2) *The Commission shall conduct enquiry according to the principles of natural justice and shall conclude its enquiry within three months from the date of its appointment.*

Provided that the Commission is unable to conclude its enquiry within three months, it may seek the approval of the Executive Committee for extension of time for not more than one month. In any case, the enquiry shall be completed within a period of four months and if the Commission fails to complete its enquiry within four months, the appointment of such Commission shall be deemed to be infructuous and no fresh proceedings shall be instituted on any cause of action against such village council until the expiry of three months.

- (3) *The Commission shall, after proper enquiry, submit its final report to the Executive Committee.*
- (4) *The Executive Committee, if, upon consideration of the final report of the Commission in its meeting and majority of the members present in such meeting voted for dissolution of the Village Council under inquiry, the Executive Committee shall issue an order of dissolution accordingly with a copy to the Deputy Commissioner.*
- (5) *If a Village Council is dissolved under the foregoing provisions, the Executive Committee shall intimate the same to the State Election Commission and a bye-election shall be held within six months for the reconstitution of the Village Council. In such a case, the Executive Committee may appoint not more than three persons from amongst prominent villagers or officials of the LADC, one of whom shall be the President and others as member to assume charge of the village administration and to act as the Village Council/Court until a new Village Council is reconstituted by way of election.*
- (6) *When a Village Council is dissolved under the foregoing provisions, 'Secretary' and 'Tlangau' shall also be deemed terminated. The President so appointed shall appoint the Tlangau, and appointment of the Secretary shall be done in the manner as provided in sub-section (2) of section 7".*
- (7) *The Executive Committee shall order dissolution of a Village Council forthwith if majority of members of the Village Council resign and a bye-election shall be held within six months".*

13. Amendment of Section 11: For Section 11 of the Principal Act, the following shall be substituted, namely:

"11. Suspension of Village Council during enquiry:

- (1) *The Executive Committee shall, as soon as enquiry proceeding is drawn as provided under section 10 (1), order suspension of the functioning of a Village Council against which such enquiry is being conducted, which shall be in force until the conclusion of such enquiry by the Commission duly appointed under Section 10 (1).*

(2) During the period of suspension, the Executive Committee shall assume to itself all the powers and functions of the Village Council and may appoint not more than three persons from amongst prominent villagers or officials of LADC as care taker or care takers.

(3) The persons so appointed to assume charge of Village Council may be paid such remuneration as may be decided by the Executive Committee from time to time.

(4) If on perusal of the report of the Commission, the Executive Committee finds no reasonable ground to dissolve the Village Council which is under enquiry, or if the Commission has become infructuous as provided under Section 10 (2), such order of suspension shall be revoked and the Village Council shall continue to function as it were immediately prior to such suspension”.

14. Amendment of Section 16: In Section 16 of the Principal Act, for the word “Secretary”, the word “Treasurer” shall be substituted.

15. Amendment of Section 17: In Section 17 of the Principal Act –

(1) For sub-section (4), the following shall be substituted, namely:

“ (4). The President shall be responsible for proper and upto date maintenance of all books and accounts including cash books and records kept by the Secretary and the Treasurer”.

16. Insertion of Section 17A: After Section 17 of the Principal Act, a new section, Section 17A shall be inserted, namely:

“17A. Duties of Treasurer:

(1) He shall maintain the financial accounts of the Village Council.

(2) He shall keep all money of the Village Council and shall record all receipts and expenditures in a cash book or register as may be prescribed by the Executive Committee.

(3) In the event of the Treasurer ceasing to function for any reason, he shall forthwith handover the charge of Treasurer to the newly appointed Treasurer or any other person authorized by the Executive Committee”.

17. Amendment of Section 18: For sub Section (1) of Section 18, the following shall be substituted, namely:

“(1) There shall be a Tlangau for each Village Council. Subject to the approval of the Executive Committee, a Village Council having five (5) members or more may have two (2) Tlangaus.”

18. Amendment of Section 20: In Section 20 of the Principal Act,

(1) In sub section (1), for the word “rules”, the words “Bye Law or/and order as the case may be” shall be substituted.

(2) In sub section (2), for the word “rules”, the words “Bye Law or/and order” shall be substituted.

(3) In sub section (3), for the word “rules”, the words “Bye Law or/and order” shall be substituted.

19. Amendment of Section 21: In Section 21 of the Principal Act,

(1) For sub-section 2, the following shall be substituted, namely:

“(2) The Village Council of a village shall function as the Village Court of the village for the trial of suits and cases between parties all of whom belong to the Scheduled Tribes, of the village”.

(2) For sub-section (3), the following shall be substituted, namely:

“(3) A village Court shall try suits and cases and shall award or impose fines or punishment, as the case may be, in accordance with the provisions of the Pawi Autonomous District Council (Administration of Justice) Rules, 1974, as amended from time to time.”

(3) Sub section (4) and (5) shall stand omitted.

20. Amendment of Section 25: In Section 25 of the Principal Act, the word “Treasurer,” shall be inserted after the word “Vice President”.

21. Savings: The existing Village Council, which have been elected prior to this Amendment Act of 2023 shall continue with its current strength until the expiry of the remainder of the term”.