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NOTIFICATION

No. C. 31012/ 3/ 2011 - DCA (M), the 23rd July, 2012. In pursuance of paragraph 11 of the Sixth Schedule to the Constituion of India, the following Rules passed by the Mara Autonomous District Council and approved by His Excellency the Governor of Mizoram on 8.6.2012 is hereby published for general information, namely :-

"THE MARA AUTONOMOUS DISTRICT COUNCIL (VILLAGE COUNCILS) (AMENDMENT) ACT, 2012".

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

**THE MARA AUTONOMOUS DISTRICT COUNCIL
(VILLAGE COUNCILS)(AMENDMENT)ACT, 2012.**

**AN
ACT**

to amend the Mara Autonomous District Council (Village Council) Act, 1974 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 Committee 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 Mara Autonomous District (hereinafter 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 as follows :

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| Short title, extent & commencement | <p>1. (1) This Act may be called the Mara Autonomous District Council (Village Councils)(Amendment) Act, 2012.</p> <p>(2) It shall have like extent as the Principal Act.</p> <p>(3) It shall be deemed to have come into force with effect from the date of its publication in the Official Gazette.</p> |
| Amendment of Section 2. | <p>2. After Section 2 (14) of the Principal Act, the following sub-sections shall be added namely:-</p> <p>(1) “(15) ‘Village Assembly’ 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, which shall also mean “Gram Sabha” for the purposes of Part IX of the Constitution.</p> <p>(16) ‘State Election Commission’ means the Mizoram State Election Commission as constituted under clause (1) of Article 243K of the Constitution.</p> <p>(17) ‘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”.</p> |
| Amendment of Section 3. | <p>3. For Section 3, sub-sections (1),(2) & (3) of the Principal Act, the following sub-sections shall be substituted, namely:-</p> <p>(1) “There shall be a Village Council in each Village within the Mara Autonomous District having a number of not less than 50 (fifty) houses.</p> |

Provided that Village Councils in certain Villages if any, with less than 50 houses which have been in existence before the commencement of this Act shall continue to exist unless later abolished or amalgamated with any other Village Council or Councils as the case may be, by the Executive Committee.

- (2) A Village Council shall be composed of members according to the number of houses it contains as specified below:-
- (a) For Villages where number of houses is 50 (fifty) or more; but not more than 100 (one hundred), there shall be 3 (three) members.
 - (b) For Villages with more than 100 (one hundred) houses; but not more than 160 (one hundred sixty) houses, there shall be 4 (four) members.
 - (c) For Villages with more than 160(one hundred sixty) houses; but not more than 220 (two hundred twenty) houses, there shall be 5 (five)members and
 - (d) For Villages where the number of houses exceeds 220(two hundred twenty), there shall be 6 (six) members.
- Provided that Village Councils as defined in the proviso to sub-section (1) shall be composed of the same number of members as determined in clause (a) of this sub-section.
- (3) Members of the Village Council shall be elected by the residents of the Village concerned who are enlisted as voters in the latest electoral roll of the election to the Members of the District Council”.
- (4) After sub-section (4) of Section 3 of the Principal Act, the following sub-section shall be inserted, namely:-
“(5) “Not less than 1(one) of the total number of elected seats shall be reserved for women for the time being”.

Amendment of Section 6.

4. Section 6 of the Principal Act shall be substituted by the following, namely:-
- “(1) **Duration of Village Council:-**
Every Village Council, unless sooner dissolved, shall continue for five years from the date of its first meeting appointed by the Executive Committee provided that the existing Village Councils who have been elected before the Commencement of this amendment 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) The Executive Committee shall have the power to shorten or extend the term by not more than six months at a time”.

Amendment of Section 8.

5. (1) In Section 8 (5) of the Principal Act, after the words “by the President” the words “and the Executive Committee shall intimate the matter to the State Election Commission” shall be added.
- (2) After sub-section (6) of Section 8 of the Principal Act, the following sub-section shall be inserted, namely:-
“(6) **Removal of the President:-**
(a) The President of a Village Council may be removed from his office by simple majority of the total number of members if in their opinion the President is too inefficient to carry on the Village

Administration or is indulging in corrupt practices or misbehavior or is habitually involving in intoxicating drinks or substances, and shall elect a new President.

Provided that removal motion shall initially be submitted in writing to the President in which at least half of the members shall put their signature or left thumb impression in support of the motion and the President shall, within five days of the receipt of such motion, lay it before the Village Council meeting for discussion and decision by means of secret ballot.

Provided further that if the President refuses to bring the motion for decision in the Village Council meeting or willfully absents himself from the Village Council meeting, then after expiry of ten days the Secretary or any other member of the Village Council shall be able to preside over the Village Council meeting and conduct the deliberation and voting for removal of the President or election of a new President as the case may be.

(b) The Secretary shall forward the detailed proceedings with the result of the removal motion to the Executive Committee as soon as possible for formal approval and further notification to all concerned”.

Amendment of Section 9.

6. (i) For the words “the District Council” which appeared in sub-section (18) of Section 9 of the Principal Act, the words “the Governor or the Executive Committee” shall be substituted.
- (ii) The following new sub-sections shall be inserted after Section 9(20) of the Principal Act, namely:-
 “(21) Selection of individual beneficiaries under various welfare and development schemes as may be delegated to them from time to time.
 (22) The Village Council shall be accountable to the Village Assembly for all its functions, expenditure, approval of plans and approval of utilization certificates.
 (23) The accounts of the Village Council shall be kept properly and shall be liable to audit by the Executive Committee or any officer appointed on its behalf by the Executive committee.

Amendment of Section 10.

7. (i) In Section 10 (6) of the Principle Act, for the words and figure that appeared as “not exceeding Rs.7/- per Tlarai or Vatlarai day” the words “not exceeding Rs.100/- per Tlarai or Vatlarai day” shall be substituted.
- (ii) In Section 10 (8) of the Principle Act, for the words and figure that appeared as “not exceeding Rs.5/-per Tlarai or Vatlarai day” the words “not exceeding Rs.50/-per Tlarai or Vatlarai day” shall be substituted.

Insertion of new Section 20 A and 20B.

8. After Section 20 (d) of the Principal Act, the following Sections shall be inserted, namely:-

“20-A. The Governor on the recommendation of the Executive Committee from time to time may allocate all or any of the functions listed in the

Eleventh Schedule of the Constitution of India to the Village Council or Councils as a supplement to the powers of the District Council as provided under sub-paragraph (1) of Paragraph 6 of the Sixth Schedule to the Constitution and demarcate the roles of the Village Council and the District Council in these areas.

20-B (1) Village Assembly:-

- (i) Every Village Assembly shall, subject to approval of the Executive Committee, 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.
- (ii) Village Assembly shall be responsible for the identification and or selection of persons as beneficiaries under the poverty alleviation and other programmes.
- (2) Ordinarily a Village Assembly 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 the meeting.
- (3) Quorum of a Village Assembly shall be half of the total number of registered house holders.
- (4) Every Village Assembly shall be responsible to safeguard and preserve the traditions and customs of the people, their cultural identity, and management of community assets.
- (5) The Village Assembly shall be consulted (a) before making any acquisition of land; and (b) before re-settlement and rehabilitation of persons affected by such projects. However, the final decision shall rest with the Executive Committee.
- (6) There shall be at least three Village Assembly meetings in a year.
- (7) The minutes of the meeting of each Village Assembly shall be recorded in a Register and shall be maintained by the Secretary of the Village Council”.

Amendment of Section 26.

- 9.** For Section 26 (1) of the Principal Act, the following sub-section shall be substituted, namely:-

“(1) **Dissolution of Village Council** :- The Executive Committee may, by public notification, order the dissolution of any of the Village Councils for the following reasons or on the following grounds:-

- (a) If in its opinion, the Village Council is too inefficient or is not able to carry on the Village administration, or is involved in financial mismanagement or misappropriation of public money, or is acting in a manner prejudicial to the interest of the District Council or of the State, or for any other reason considered sufficient for such dissolution.

Provided that in such cases there shall be constituted an inquiry commission who shall enquire into the Village Council concerned on the spot and submit his/her finding to the Executive Committee and the dissolution shall be done on the basis of the recommendation of such inquiry commission.

Provided further that no such dissolution shall be done unless the Village Council has been given a reasonable opportunity to explain as to why it should not be dissolved.

- (b) If at least half of the members resigned from membership due to difference in policy matters or for any other reason.

Provided that a member shall submit his resignation or members shall collectively submit their resignation in writing, under his hand or their hands to the President of the Village Council and the President shall forward the resignation or resignations as the case may be, to the Executive Committee within ten days.

Provided further that if for any reason, the President fails to forward the resignation or resignations to the Executive Committee within ten days, then after expiry of fifteen days the Executive Committee shall be competent to take necessary action as it may deem appropriate or necessary.

- (c) In case of dissolution of a Village Council the Executive Committee shall forward the matter to the State Election Commission for holding fresh election within six months.