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NOTIFICATION

No.H. 12018/28/98-LJD, the 4th December, 2014. The following Act is hereby re-published for general information.

The Lushai Hills District (Village Councils)(Amendment) Act, 2014
(Act No. 10 of 2014)

{Received the assent of the Governor of Mizoram on the 28th November, 2014}.

Zahmingthanga Ralte,
Deputy Secretary to the Govt. of Mizoram.

THE LUSHAI HILLS DISTRICT (VILLAGE COUNCILS) (AMENDMENT) ACT, 2014

ACT No. 10 OF 2014

AN ACT

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

Whereas it is expedient further to amend The Lushai Hills District (Village Councils) Act, 1953 (Act No. 5 of 1953) (hereinafter referred to as the Principal Act).

It is enacted by the Legislative Assembly of the State of Mizoram in the sixty fifth year of the Republic of India as follows, namely :-

1. Short title and commencement.

- 1) This Act may be called The Lushai Hills District (Village Councils) (Amendment) Act, 2014.
- 2) It shall come into force from the date of its publication in Mizoram Gazette.

2. Amendment of Section 2.

In Section 2 of the Principal Act, after clause 20, the following new clauses shall be added, namely:-

- (21) "Gram Sabha" (Village Assembly) means a body consisting of persons registered in the Electoral Rolls relating to the Village Council.
- (22) "State Election Commission" means the State Election Commission referred to in Section 345 of the Mizoram Municipalities Act, 2007.
- (23) "Community Assets" means any property or 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 by the State Government".

3. Amendment of Section 3.

- (1) Clauses (i) (ii) (iii) & (iv) of sub-section (2) of Section 3 of the Principal Act, shall be substituted by the following clauses namely: -
 - "(i) For Village not exceeding 200 households, there shall be 3 (three) elected members, of whom 1 (one) shall be woman.
 - (ii) For Village with more than 200 households, but not exceeding 500 households, there shall be 5 (five) members, of whom 1 (one) shall be woman.
 - (iii) For Village with more than 500 households, but not exceeding 1000 households, there shall be 7 (seven) elected members, of whom 2 (two) shall be women.
 - (iv) For Village with more than 1000 households and above, there shall be 9 (nine) elected members, of whom 3 (three) shall be women".
- (2) After the proviso, a new proviso shall be added as follows, namely:-
 "Provided further that the process of election for constitution of the Village Councils shall be completed before the expiry of one year from the date fixed for the first meeting of the Village Council".

4. After sub-section (6) of Section 3 of the Principal Act, the following sub-section shall be added, namely :-

- "(7) The superintendence, direction and control of the preparation of electoral rolls for and the conduct of elections to the Village Council shall vest in the State Election Commission".

5. Amendment of Section 4.

In Section 4 of the Principal Act, after clause (f), a new clause (g) with Explanation shall be added, namely:-

- "(g) He holds any office of profit under the Central Government or the State Government.
 Explanation: In this clause, "office of profit" means a regular payment made in the form of Salary or wages".

6. Amendment of Section 5.

Section 5 of the Principal Act, shall be substituted by the following, namely :-

"Every Village Council, unless sooner dissolved under the provision of section 25 of this Act shall continue for 5 (five) years from the date appointed for its first meeting.

Provided that the State Government may, by order, extend or shorten the life of a Village Council for such periods not exceeding eighteen months in the aggregate.

Provided further that the process of election to a Village Council shall be completed before the term of the Councils comes to an end".

7. Amendment of Section 6.

In sub-section (3) of section 6 of the Principal Act, the word "ten" that appears in sub-section 3 shall be substituted by the word "three".

8. Amendment of Section 7.

In Section 7 of the Principal Act,

- (1) First paragraph shall be substituted by the following, namely. :-
“**Executive-** There shall be a President, a Vice President, a Treasurer and a Secretary in each Village Council and the executive functions of the Village Council shall be vested in these four.
Provided that if a Village Council having 3 (three) seats has only two members due to any reasons, the Vice President shall hold the post of Treasurer”.
- (2) In sub-section 2, the lines “on the advice of the President of the Village Council” shall be substituted by “on the recommendation of the executive body of the Village Council”.
- (3) In sub-section 7, after the last sentence, a new sentence “The State Government shall declare the seat as vacant” shall be added.
- (4) After sub-section (10), the following new sub-sections (11) and (12) shall be added, namely:-
“(11) If the President has lost the support of the majority of members, and if a report is received in writing by the State Government, a meeting of Village Council shall be convened by the officer appointed by the State Government to elect a new President. The officer appointed by the State Government shall serve a notice of such meeting specifying the date and time and place thereof and send a copy of notice to the State Government. Such meeting shall be presided over by any officials appointed by the State Government. The report on election of the new President shall be sent to the State Government without delay.
- (12) If the majority of members demand re- shuffle of the executive body of the Village Council and if such report is received in writing by the State Government for reshuffle of the executive body, the same procedure as per sub-section (11) of section 7 shall be applied”.

9. Amendment of Section 8.

After sub-section (3) of Section 8 of the Principal Act, the following new sub-sections (4) and (5) shall be added, namely:-

- “(4) The Village Council shall be accountable to the Gram Sabha for all its functions and decisions taken in its meetings.
- (5) Every Village Council shall prepare a report in respect of its administration in such form and with such details as may be prescribed and such report shall be submitted twice in a year to the State Government. If the report is not submitted, the State Government may withhold the payment of grants and remunerations due to the Village Councils thereafter”.

10. Insertion of new Section 8 A.

After Section 8 of the Principal Act, a new Section 8A shall be inserted as follows, namely:-

“8A. The Village Council shall have the following powers and duties:

- (1) To formulate village development schemes, to supervise development works received from the State Government through various agencies.
- (2) To help various Government agencies in carrying out development works in the village.
- (3) To take up development works on its own initiative or on request by the Government.
- (4) To convene regular social audit for successful implementation of development works in the village.
- (5) To collect property tax as prescribed by the State Government.
- (6) To realize registration fees for each litigation within its jurisdiction.
- (7) To raise fund for public utility within its jurisdiction by passing a resolution subject to the approval of the State Government.
- (8) To administer relief and rehabilitation to the people during calamities.
- (9) To assist the State Government in public distribution system.
- (10) To initiate or assist the State Government in all preventive measures on the outbreak of an epidemic or infectious disease.

- (11) To co-operate with Government officials in charge of any of the above functions within its jurisdiction”.

11. Insertion of new Section 11 A.

After Section 11 of the Principal Act, a new section 11A shall be inserted, namely:-

“11 A. Gram Sabha (Village Assembly):

- (1) Every Gram Sabha shall:
 - (i) approve the annual 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) be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes.
- (2) Ordinarily a Gram Sabha will be convened and presided over by the President of the Village Council.
- (3) Quorum of a Gram Sabha shall be 10% of the registered voters of latest electoral roll of the Village Council.
- (4) Every Gram Sabha shall be responsible to safeguard and preserve community assets.
- (5) The Gram Sabha and the Village Council shall be consulted before making resettlement and rehabilitation of persons affected.
- (6) There shall be at least 3 (three) Gram Sabha meetings in a year”.

12. Amendment of Section 12.

In section 12 of the Principal Act, the existing section shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered the following sub-section (2) shall be inserted, namely:-

“(2) There shall be at least 6 (six) Village Council meetings at regular intervals in a calendar year. Resolutions made in such meetings shall be properly recorded and shall be signed both by the President and the Secretary”.

13. Amendment of Section 16.

In sub-section (2) of section 16 of the Principal Act, the word “Deputy Commissioner” shall be substituted by “the State Government”

After sub-section 4 of Section 16 of the Principal Act, the following new sub-sections (5) and (6) shall be added as follows namely:-

- “(5) The President shall be responsible to pass on the letters received by him to the Village Council Secretary for records.
- (6) He shall fully relinquish Village Council charge and hand over Village Council records, documents, properties and assets including Village Council seal to the new Village Council President as the case may be”.

14. Insertion of new Section 17A.

After Section 17 of the Principal Act, the following new section 17A shall be inserted, namely:-

“17A-Treasurer: The Treasurer of a Village Council shall keep all money of the Village Council and properly maintain cash book and register as prescribed by the State Government.

In the event of the Treasurer ceasing to function for any reason he shall forthwith hand over the charge of Treasurer to the newly appointed Treasurer or any other person authorized by the State Government”.

15. Amendment of Section 18.

- (1) Clause (d) of section 18 of the Principal Act, shall be substituted by the following namely:-

“All the books and records shall be kept ready to be examined at any time by authorized officers of the State Government or any member of the Village Council”.

- (2) After clause (d), new clauses (e) and (f) shall be added as follows:-

“(e) He shall keep all village statistical data within the Village Council jurisdiction as may be prescribed by the State Government including data on beneficiaries under various schemes selected from the village and submit the report to the State Government as may be required.

(f) He shall continue as Secretary of the Village Council if the Village Council cannot perform its duties due to any reasons”.

16. Amendment of Section 25.

In sub-section (1) of Section 25 of the Principal Act, the following paragraphs shall be added, namely:-

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

If the situation demands, the State Government may, during the enquiry on the complaints suspend the functioning of the Village Council during which the administration of such Village Council shall be exercised by a Government official appointed by the State Government”.

17. In sub-section (2) of Section 26 of the Principal Act, the following clauses shall be added, namely:-

“(a) In case any Sub-Village or Thlawhbawk other than the Sub-Village or Thlawhbawk set up by the State Government under sub-section (1) is established and if the State Government is of the opinion that a situation has arisen demanding stoppage or closing of any Sub-Village or Thlawhbawk or any sort of settlement at any place, the State Government may issue notice for eviction to vacate the site or location or place on such person or persons individually to vacate the place within a period of one month from the date of such notice is served upon such person or persons, as the case may be.

(b) On failure to vacate within a fixed time in the notice, the State Government may impose a fine which may extend to Rs. 100/- per day to each person or family so long as the unauthorized occupation continues.

(c) In such case or cases where the unauthorized occupation continues, the State Government may issue order to demolish or dismantle the building for the purpose of evicting unauthorized occupation from the site”.