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सत्यमेव जयते

**COMPILATION OF  
ACTS DEvised BY THE STATE ELECTION  
COMMISSION FOR USE IN THE GENERAL/BY-  
ELECTIONS TO VILLAGE COUNCILS UNDER LAI  
AUTONOMOUS DISTRICT COUNCIL**

1. THE LAI AUTONOMOUS DISTRICT COUNCIL (VILLAGE COUNCILS) ACT, 2010.
2. THE LAI AUTONOMOUS DISTRICT COUNCIL (VILLAGE COUNCILS) (AMENDMENT) ACT, 2011.
2. THE LAI AUTONOMOUS DISTRICT COUNCIL (VILLAGE COUNCILS) (SECOND AMENDMENT) ACT, 2013.



*State Election Commission, Mizoram*

**COMPILATION OF  
Acts devised by the State Election Commission  
for use in the By-Elections to Village Councils under  
Lai Autonomous District Council**

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Published by State Election Commission, Mizoram

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# The Mizoram Gazette

## EXTRA ORDINARY

### *Published by Authority*

RNI No. 27009/1973      Regn. No. NE-313(MZ) 2006-2008      Rs. 2/- per issue  
VOL. - XXXIX Aizawl, Friday 30.7.2010, Sravana 8, S.E. 1932, Issue No. 267

#### NOTIFICATION

No. C.31012/2/95-DCA/1., the 28<sup>th</sup> July, 2010. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India: the following Act passed by the Lai Autonomous District Council, which has received assent of the Governor of Mizoram on 21<sup>st</sup> July, 2010 is hereby published for general information, namely :-

THE LAI AUTONOMOUS DISTRICT (VILLAGE COUNCILS) ACT, 2010.

P. Chakraborty,  
Commissioner & Secretary,  
Government of Mizoram.  
District Council Affairs Department.

THE LAI AUTONOMOUS DISTRICT (VILLAGE COUNCILS) ACT, 2010

AN  
ACT

To provide for the establishment of Village Councils and their powers and for other matter relating to village administration.

Be it enacted by the Lai Autonomous District Council in the sixty first Year of Republic of India as follows :-

#### CHAPTER I PRELIMINARY

1. *Short title, extent and commencement*

- (1) This Act may be called the Lai Autonomous District (Village Councils) Act, 2010.
- (2) It shall extend to the whole of the Lai Autonomous District Council area.
- (3) It shall come into force on its publication in the Mizoram Gazette.

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) "Tlangau" means a Village Crier.
- (j) "Upa" means a person appointed to look after a sub-village under the authority of the Village Council of the parent village.
- (k) "Village Council" means a Village Council constituted under the provisions of this Act.

## CHAPTER II ESTABLISHMENT OF VILLAGE COUNCIL

### 3. *Constitution of Village Councils*

- (1) Subject to approval of District Council the Executive Committee shall have power to create Village or Veng and Sub-village as it considers necessary.
- (2) There shall be a Village Council in each village within the Jurisdiction of the Lai Autonomous District.  
Provided that a village having less than 50 houses shall not be entitled to have separate Village Council.
- (3) A Village Council shall be composed of Members according to the number of houses it contains as specified below :-
 

| (a) for a village having | No. of members |
|--------------------------|----------------|
| (i) 50 to 150 houses     | 3              |
| (ii) 151 to 200 houses   | 5              |
| (iii) 201 to 400 houses  | 7              |
| (iv) 401 to 1000 houses  | 9              |
- (4) All Village Council members shall be elected by the adult suffrage of the village in accordance with the provisions of the Rules made under this Act.
- (5) If the Executive Committee thinks necessary one Upa may be appointed in a sub-village having less than 50 houses. Person so appointed shall be qualified for membership under section 4 of this Act.

### 4. *Qualification for membership*

A person shall not be qualified for being elected as a member of the Village Council if :-

- (a) he is not a member of Schedule Tribe;
- (b) he has not attained the age of 25 years;
- (c) he is not a voter where he seeks election;
- (d) he is a member of any other Village Council;
- (e) he is of unsound mind and stands so declared by a Competent Court of Authority;
- (f) Whether before or after the commencement of this Act, he has 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 unless a period of three years has elapsed since the conviction and if imprisoned since his release from prison;

- (g) he is not a citizen of India,
- (h) he is a salaried person.

5. *Removal of Members*

- (1) Any member of the Village Council, who due to illness cannot attend the meetings of the Village Council and is not likely to recover from his illness for remaining term of that Village Council, he shall be declared disqualified by the Executive Committee and his seat shall on receipt of such report from the President Secretary of the Village Council be declared vacant by the Executive Committee provided that the Executive Committee may make due enquiry if it thinks proper and necessary.
- (2) Any member of Village Council who due to series disregard of his duty as a member, does not attend the meeting of that Village Council for five consecutive meetings, may be removed from his membership by the President. Such decision for removal of a member shall be forwarded by the President to the Executive Committee for approval and on such decision being approved his seat shall be declared as vacant.
- (3) The Executive Body shall have the power to disallow any member to attend the meeting of the Village Council if he is found to be undesirable for willful disobedience or for any other reasons considered to be sufficient.
- (4) The Executive Committee shall have a power to remove the member of a Village Council if he leaves the village due to migration to another village and shall declare his seat as vacant.

6. *Term of Village Council*

- (1) Every Village Council, unless sooner dissolved, shall continue for three years from the date of its first meeting appointed by the Executive Committee.
- (2) If at any time, the Executive Committee is satisfied that a situation has arisen in which the general election of Village Council cannot be held on expiry of a normal term it may extend the term for a period not exceeding six months at a time.

7. *Formation of Executive Body*

- (1) There shall be formed an Executive Body consisting of President, Vice President and Secretary for each Village Council. The President and the Vice President shall be elected by the members of the Village Council from amongst the members by majority of votes. The Secretary shall be appointed by the Executive Committee on recommendation of the President of the Village Council. The Secretary shall not be a member of the Village Council. Neither the President nor the Vice President of the Village Council shall be eligible to hold the office of the Secretary of the Village Council.
- (2) Election of the President and the Vice President of the Village Council shall be conducted by the Secretary.
- (3) The Vice President of the Village Council shall take over the charge of the President in the event of any temporary absence of the President from the village.
- (4) Election of the President and the Vice President shall be held within three days from the date of declaration of the result.
- (5) In case of failure to elect the President and the Vice President within the specified time, the Executive Committee shall appoint the President and the Vice President from amongst the members.
- (6) Handing over the charge of the outgoing President shall be done within two days from the date of election of the new President.

8. *Vacation of Seats*

- (1) 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.
- (2) The Vice President, Member 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 elect or appoint as the case may be a substitute as soon as possible.
- (3) If at any time, for any reason there is vacancy of seat in the Village Council, it shall be forthwith reported to the Executive Committee by the President.
- (4) 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 members appointed by the Executive Committee.

9. *Removal of President*

- (1) If and when majority of the members of a Village Council desire to move a motion of no-confidence against the President, they shall submit in person a notice of such motion duly signed by them to the Executive Committee. In such case the Executive Committee shall issue order for holding of a special meeting for the purpose specifying the place date and time.
- (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 the Secretary of such Village Council or if he is otherwise incapacitated, then by any Group A employee of the District Council as may be appointed by the Executive Committee in this behalf.
- (3) If a motion of no-confidence is passed on the votes of the majority of members of a Village Council, the person presiding over the meeting shall declare in the meeting that the President is removed from his office and shall record in writing the whole proceeding under his signature with date. If a motion of no-confidence fails to be passed for want of majority-votes, he shall also declare that the President is not removed.
- (4) In the event of removal of the President, a new President shall be elected within forty-eight hours from the time of removal of the President.
- (5) The Election of a new President shall be presided over by the same person who presided over the meeting for the no-confidence motion. In case of equality of votes, the Presiding Officer shall decide by drawing lots.
- (6) If a Village Council fails to elect its President within forty-eight hours, the Presiding Officer shall give a report to the Executive Committee within five days. The Executive Committee shall thereupon cause to hold the election of the President within fifteen days. The Vice President shall take over the charge of President until the President is duly elected.

10. *Dissolution of Village Council*

- (1) The Executive Committee may, by public notification, 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 is considered 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. The Commission shall, after proper enquiry, submit its report of findings along with its recommendation to the Executive Committee within a period of time specified by the Executive Committee.

- (2) The Executive Committee shall lay such report of the Commission with its proposal thereon before the District Council in session. The Executive Committee shall issue order in accordance with the decision taken by the District Council in session, with a copy to the Deputy Commissioner.
- (3) The Executive Committee shall order dissolution of a Village Council forthwith if two-third of members of the Village Council resign and a by-election shall be held within six months.
- (4) If a Village Council is dissolved under the foregoing provisions, the Executive Committee may appoint not more than three persons from amongst prominent villagers one of whom shall be the President and others as members to assume charge of the village administration and to act as the Village Council/ Court during the period of dissolution. In such case, a by-election shall be held within six months for the reconstitution of the Village Council.
- (5) In case of dissolution of a Village Council, 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 (1) of section 7 of this Act.

11. *Suspension of Village Council*

- (1) The Executive Committee may, on the recommendation of the Commission appointed under section 10 of this Act, order suspension of any Village Council for a period of three months at a time which may be extended for another three months. During the period of suspension the Executive Committee shall assume to itself all the powers and functions of the Village Council and appoint not more than three persons from amongst prominent villagers as provided by sub section (4) of section 10 of this Act.
- (2) If a Village Council fails to form its Executive Body on expiry of the suspension period, then the Executive Committee may order forthwith dissolution of the Village Council and a by-election shall be held within six months.
- (3) The prominent villagers 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.

12. *Duties and functions*

Subject to such rules as may be made in this behalf by the Executive Committee, the Village Council shall discharge all or any of the following duties and functions :

- (1) Cleaning of village roads and paths;
- (2) Sanitation and conservancy in the village area and the prevention of public nuisance;
- (3) Construction, maintenance and improvement of public wells and tanks for the supply of water to the village for drinking, washing and bathing purposes;
- (4) Opening of, and regulation of burial and cremation grounds for disposal of dead bodies of human beings;
- (5) Taking of curative and preventive measures in respect of an epidemic;
- (6) Construction, maintenance and improvement of village communication systems, drains and water ways;
- (7) Control of village grazing grounds, location of graziers khuties within the village area, village community and other community property;
- (8) Regulating construction of new building or houses or extension or alteration of any such existing ones;
- (9) Anti-Malaria and anti-Kala-azar measures;
- (10) Supplying local information as and when required to the District Council or the State Government;
- (11) Measures necessary for the preservation of public health;
- (12) Measures of public utility calculated to promote the moral and material well being of the villagers;
- (13) Planting of trees at the site of public places on village roads and paths and taking care of them;

- (14) Establishment and maintenance of libraries, reading rooms, social and cultural clubs or other places for recreation and games;
- (15) Popularization of sports including indigenous sports, folk-dances, folk-song and organization and celebration of national and other local festivals;
- (16) Fire protection within its village jurisdiction;
- (17) Distribution of the Jhum and subsidiary Jhum land in accordance with laws made under Paragraph 3(I)(d) of the Sixth Schedule to the Constitution;
- (18) Control and regulation of Hnatlang in accordance with the provision of the Pawi Autonomous District (Hnatlang) Act as may be amended from time to time;
- (19) Submission of quarterly report relating to the birth and death also submission of the information regarding the shifting in and out of families, in the form prescribed by the Executive Committee;
- (20) Any other powers and functions as may be empowered by relevant rules of the District Council made from time to time.

13. *Sanitation*

Each Village Council shall be responsible for the sanitation of the village. A Sanitation Committee may be constituted by the Village Council, if necessary.

### CHAPTER III CONDUCT OF BUSINESS

14. *Meetings*

- (1) The President shall preside over all the meetings. He shall summon the meetings of the Village Council at least once in two months, and if or when two-third of the members in writing request him to do so, the President shall summon a requisitioned meeting.
- (2) The quorum to constitute a meeting of the Village Council shall be two-third of the members.
- (3) All proposals and questions shall be decided by a majority of votes.
- (4) The President or any member presiding the meeting shall not have vote at the first instance but shall have and exercise a casting vote in the case of equality of votes.
- (5) The Secretary shall also attend the Village Council meeting but shall not have a vote.

15. *Preservation of order*

The President shall preserve order and have all powers necessary for the purpose of enforcing decision during the meeting as follows:-

- (a) he may direct any member whose conduct is in his opinion disorderly, to withdraw immediately from the day's meeting. The member so ordered shall comply with the order at once.
- (b) If any member is ordered to withdraw for a second time from the same meeting, the President may suspend the member for the remaining period of the same meeting.
- (c) If any member fails to carry out the direction given to him under sub-section (1) or sub-section (2), the President shall report, in writing the conduct of the member to the Executive Committee. On receipt of such report, the Executive Committee may, if it deems necessary, suspend the member for any period considered reasonable by the Executive Committee.

16. *Village Council Fund*

There shall be formed for every Village Council a fund which shall be called "Village Council Fund of Village". Any collection authorised by in and made in a village by the Village Council for the good of the people shall be credited into the said Fund. The Secretary shall keep all account of the Village Council fund. Which shall be operated by the President and account of deposits and draw from the fund shall be kept open for inspection by any member of the Village Council at any time in its meeting.



17. *Responsibility of President*

- (1) The President shall cause notices and instructions for prevention of dangers such as outbreak of fire, epidemic, etc. in the village to be proclaimed by engaging "Tlangau". Whenever notices, orders, circulars or letters are received for redistribution from the District Council to pass on to the other village, he shall forthwith cause it to be sent through the messenger.
- (2) The President shall be responsible for the compliance of all orders and notifications issued by the District Council.
- (3) The President shall cause wide publicity for all such orders and notifications necessary to be brought to the knowledge of the public.
- (4) The President shall be responsible for proper and upto-date maintenance of all books ~~net~~ and accounts including cash-books and records kept by the Secretary.

18. *Duties of Secretary*

- (1) He shall record all the proceedings of the Village Council as well as the Village Court and shall get it signed by the President. He shall notify all orders as directed by the President.
- (2) On receipt of any orders, notices, circulars or letters from the District Council, or from the office of the Deputy Commissioner, Lawngtlai District for service or for onward transmission to other village, the Secretary shall cause it to be served or transmitted to any other Village Council as may be directed, and shall be responsible to carry out such direction.
- (3) He shall keep all the books and records of the Village Council and of the Village Court. He shall send all such books and records to the Executive Committee as may be required by it, under his own signature and of the President.
- (4) All books and records shall be kept ready to be examined at any time by the officer of the District Council or any member of the Village Council so appointed in this behalf.

19. *Tlangau*

- (1) There shall be a Tlangau or Tlangaus for each Village Council as may be determined by the Executive Committee.
- (2) For appointment of a Tlangau, a Village Council shall float advertisement to this effect, under the order of its President, prescribing the qualifications, age etc. required and the duties to be performed, and fixing a date for selection. The Village Council in its full sitting shall interview the applicants and make the selection from amongst the applicants. The Tlangau shall be appointed or terminated by the President but such case shall be reported to the Executive Committee.
- (3) The duties of Tlangau shall be as follows :-
  - (a) He shall bring to the notice of the public all orders and notifications as the President or Secretary may direct it to be notified.
  - (b) He shall summon all parties and other person required by the Village Council or Court to attend its meetings.
  - (c) In any emergency requiring the gathering of the public in the interest of the village any member of the Village Council's Executive Body may, without the previous approval of the President, direct the Tlangau to summon all the villagers.
  - (d) The Tlangau shall carry notice to all the members of the Village Council for all meetings of the Village Council summoned by the President.

20. *Legislative powers of Village Council*

- (1) A Village Council shall have the power to make Rules for the normal administration of the Village in accordance with the needs of the village.
- (2) Rules made by the Village Council shall be in keeping with the culture, custom and practices of the village community.

- (3) Rules made by the Village Council shall be submitted to the Executive Committee for approval and until approved by the Executive Committee, such Rules shall have no effect.

21. *Judicial functions of the Village Council*

- (1) There shall be a Village Court in each village for the trial of suit and cases falling within the customary laws and practices of the village community.
- (2) Until Rules are made in its behalf by the District Council, 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.
- (3) A Village Court shall normally try suits and cases of the nature falling within the customary laws of the village community.
- (4) Every Village Court shall have the power to try petty thefts and petty crimes in which the punishment may extend to a maximum of Rs. 500 (Rupees five hundred) only.
- (5) Appeal from an order of a Village Court shall lie to the Subordinate District Council Court of the Lai Autonomous District.

22. *Village Site and unauthorised occupation*

- (1) No person shall set up a village or temporary village at any site within the Lai Autonomous District without the written permission of the Executive Committee.
- (2) A Village Council shall not shift the site of a village to a new site without the previous approval of the Executive Committee.
- (3) The Executive Committee or any officer authorized by the Executive Committee may evict any person or persons having in occupation of unauthorized sub-village or temporary village, after serving on such person or persons, individually of a notice to vacate the area within a period of one month.
- (4) In the case of failure to vacate the area within the time fixed in the notice, the Executive Committee or any officer of the District Council authorized in that behalf, may impose a fine not exceeding Rs. 500/- per month to each family for such unauthorized occupation after serving the notice.
- (5) The order of the Executive Committee or of the officer under sub-section (3) or (4) above, shall be deemed to be an appropriate order of a competent Civil Court for the purpose of evicting authorized occupant from the area to which this section applies.

23. *Allotment of House site*

- (1) The Village Council shall have powers to make allotment of temporary house site.
- (2) No person shall be allowed to construct a house for any purpose without the written permission of the Village Council.
- (3) The Village Council should be consulted before any house or building is constructed; Provided that nothing shall restrict the power of the Executive committee from allotting any house site or sites in a village for construction of a house or houses for any purpose.

24. *Boundaries and Jurisdiction of Village*

- (1) Every village shall have express record of its village boundary.
- (2) The Executive Committee shall have the powers to re-fix village boundary if it is considered necessary.
- (3) If any dispute arises about the boundary or boundaries of any contiguous villages, the Executive Committee may appoint a Boundary Commission, and the report and finding of the Commission thus appointed, with its recommendation thereon shall be submitted to the Executive Committee for further disposal; provided that the report of the Boundary Commission together with a brief write-up assort the action taken by the Executive Committee shall be laid before the District Council in its earliest session.

25. *Remuneration and privilege*

The District Council may from time to time, determine emolument to remuneration and privileges of President, Vice President, Members, Secretary, Tlangau and Upa of every Village Council.

26. *Power to make rules*

Subject to approval of the Governor, the Executive Committee may make rules for the carrying out any of the provisions of this Act.

27. *Repeal and saving*

- (1) The Lai Autonomous District (Village Councils) Act, 2007, is hereby repealed.
- (2) Notwithstanding such repeal any action taken or proceeding made under any provision of the Act so repealed shall be deemed to be the action taken or the proceedings made under the relevant provision of provisions of this Act.

**STATEMENT OF OBJECTS AND REASONS.**

There are provisions in the Lai Autonomous District (Village Council) Act, 2007 which retain nominated members in every village who are not elected by the voters in the villages. This has diminished the value of adult franchise which is the most valuable characteristic of a democracy. Moreover, as time went on, determination of the number of houses in the villages need change according to the ratio of increase of population. Hence it is considered essential to repeal the present Act.

Financial memorandum

The proposed repealed Bill does not affect any extra financial implication on the Lai Autonomous District Council.

Hence the Bill.

**Samuel Chinzah,**  
Executive Member i/c LAD,  
Lai Autonomous District Council,  
Lawngtlai, Mizoram.

**CERTIFICATE OF AUTHENTICATION**

Certified that the above bill was passed by the Lai Autonomous District Council in its Emergency Budget Session held on 24.9.2009.

And in authentication whereof I put my signature on this Twenty ninth day of June 2010 Anno Domini.

**F. Manghnuna,**  
Chairman,  
Lai Autonomous District Council,  
Lawngtlai.



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## EXTRA ORDINARY

### Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

Re. 1/- per page

VOL - XL Aizawl, Thursday 21.7.2011 Asadha 30, S.E. 1933, Issue No. 307

#### NOTIFICATION

No.C.31012/2/95-DCA, the 19<sup>th</sup> July, 2011. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act passed by the Lai Autonomous District Council, which was received assent of the Governor of Mizoram on 11th July, 2011 is hereby published for general information, namely :-

#### THE LAI AUTONOMOUS DISTRICT COUNCIL (VILLAGE COUNCILS) (AMENDMENT) ACT, 2011

#### AN ACT

To provide for the establishment of Village Councils and their powers and for other matter relating to Village administration.

It is enacted by the Lai Autonomous District Council in the sixth second year of Republic of India as follows :-

**1. Short Title, Extent and Commencement -**

- (1) This Act may be called Lai Autonomous District (Village Councils) (Amendment) Act, 2011.
- (2) It shall have the like extent as the Principal Act.
- (3) It shall come into force from the date of its publication in the Official Gazette.

**2. Amendment of Section 2 - In Section 2 of the Act -**

- (1) The existing clause (i) and (j) shall be re-lettered as clause (j) and (k), and before clause (j) so as re-lettered, the following clause shall be inserted, namely :-  
“(i) ‘State Election Commission’ means the State Election Commission as constituted for the State of Mizoram under the provisions of Part IX and Part IX A of the Constitution.”
- (2) The existing clause (k) shall be re-lettered as clause (m), and before clause (m), so re-lettered, the following clauses shall be inserted, namely :-  
“(k) ‘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 also mean ‘Gram Sabha’ for the purpose of Part IX of the Constitution.

- (1) 'Village 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 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."

**3. Amendment of Section 3 -**

- (1) After sub-section (5), the following sub-section shall be inserted, namely :-  
 "(6) Not less than one seat of the total number of seats shall be reserved for women for the time being."

**4. Amendment of Section 6 -** For Section 6 of the Act, the following Section shall be substituted, 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 prior to the Amendment Act of 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 Council comes to an end.
- (3) In case of the dissolution of a Village Council, election for the new Village Council shall be completed within six months of the date of order of dissolution."

**5. Amendment of Section 8 -** In sub-section (3) of Section 8, the words "and the State Election Commission" shall be inserted after the words "Executive Committee."

**6. Amendment of Section 10 -**

The following proviso shall be added to sub-section (2) of Section 10, 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".

**7. Insertion of new Section 12-A -**

- (1) After Section 12, the following Section 12-A shall be inserted, namely :-  
 "12-A. The Governor, on the recommendation of the Executive Committee from time to time may allocate all or any of the functions of the Eleventh Schedule to the Constitution to the Village Council, and demarcate the roles of the Village Council, the District Council".
- (2) After Section 12-A, the following Section 12-B shall be inserted, namely :-  
 "12-B Village Assembly -
- (1) Every Village Assembly, subject to approval of the Executive Committee shall -
- (i) 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) be responsible for the identification 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 may convene a meeting.
- (3) Quorum of a Village Assembly shall be 1/3rd of the registered voters.
- (4) Every Village Assembly shall be responsible to safeguard and preserve the traditions and customs of the people, their cultural identity and management of village community assets.
- (5) Every Village Council shall be required to obtain from the Village Assembly a certification of utilization of funds by the Council for the plans, programmes and projects executed by them.
- (6) The Village Assembly and the Village Council shall be consulted (a) before making any acquisition of land; and (b) before re-settlement and rehabilitation of persons affected by such projects. In case, a mutually acceptable solution is not found, the final decision shall rest with the Executive Committee; Provided that where the Executive Committee does not agree with the views of the Village Assembly, the reasons thereon and the views of the Village Assembly must be placed before in its immediately next or the earliest session for an appropriate resolution of the District Council.
- (7) The recommendations of the Village Assembly and the Village Council shall be considered for grant of concession for the exploitation of minor minerals by auction.
- (8) Subject to sub-section (1), all individual beneficiaries under various welfare and development schemes shall be selected by the Village Council.
- (9) There shall be at least four Village Assembly meetings in a year.
- (10) 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."

8. **Insertion of Section 16(A) -**

After Section 16, the following new Section 16-A shall be inserted, namely:-

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

Sd/-

**Lalbiakmawia,**

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



# The Mizoram Gazette

## EXTRA ORDINARY

### *Published by Authority*

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

Re. 2/- per page

VOL - XLII Aizawl, Tuesday 28.5.2013 Jyaistha 7, S.E. 1935, Issue No.257

#### NOTIFICATION

No.C.31012/2/2012-DCA(L), the 20th May, 2013. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act passed by the Lai Autonomous District Council and approved by His Excellency the Governor of Mizoram on 9th May, 2013 is hereby published for general information, namely :-

#### “THE LAI AUTONOMOUS DISTRICT (VILLAGE COUNCILS) (SECOND AMENDMENT) ACT, 2013”

An  
Act

further to amend the Lai Autonomous District Council (Village Councils) Act, 2010 ( hereinafter referred to as the Principal Act).

It is enacted by the Lai Autonomous District Council in this sixty third year of the Republic of India as follows:-

1. **Short title, extent and commencement.-**
  - 1) This Act may be called the Lai Autonomous District (Village Councils) (Second Amendment) Act, 2013.
  - 2) It shall have the like extend as the Principal Act.
  - 3) It shall come into force on the date of Publication in the Official Gazette.
2. **Amendment of Section 3.-**
  - (1) In sub-section (3) of Section 3 of the Principal Act, the following shall be substituted, namely;  
  
“(3) A Village Council shall be composed of members according to the number of houses it contains as specified below:

| (a) for a village having   |   | No. of members |
|----------------------------|---|----------------|
| (i) 50 to 150 houses       | - | 3              |
| (ii) 151 to 300 houses     | - | 5              |
| (iii) 301 houses and above | - | 7              |

Provided that the existing village council which have been elected prior to this amendment Act, shall continue for not more than three years”.

- (2) After sub-section (6) of Section 3 of the Principal Act, the following sub-sections shall be added, namely;

“(7) The Executive Committee may abolish a Village Council if the number of the households of the village has become less than 50 houses due to migration or other reasons.

“(8) Subject to approval of the Governor, the Executive Committee shall have power to bifurcate the existing Village Council into two Village Councils.

Provided that if the existing Village Council is bifurcated into two Village Councils, the Executive Committee may make necessary arrangement in the formation of that Village Council from the existing Village Council Members until General election is held”.

3. **Insertion of new sub-section after sub-section (3) of Section 6.-**  
After sub-section (3) of Section 6 of the Principal Act, the following new sub-section shall be inserted, namely;

“(4) All members of a Village Council shall hold office during the life of the Village Council.

Provided that in the case of mid-term election or to fill casual vacancy, the members so elected shall hold office during the remaining term of the Village Council.”

4. **Amendment of Section 7.-**

(1) In sub-section (1) of section 7 of the Principal Act, words between ‘shall be terminated’ and ‘by the Executive Committee’ the words “or terminated” shall be inserted.

(2) In sub-section (2) of Section 7 of the Principal Act, the following proviso shall be added, namely-

“Provided that in case the Secretary is inconvenient to conduct election of the President and Vice President, Executive Committee may appoint any person or persons to conduct the said elections.”

5. **Amendment of Section 9.-**

(1) After sub-section (1) of section 9 of the Principal Act, the words “If the Executive Committee thinks appropriate” shall be added..

(2) After sub-section 6 of section 9 of the Principal Act, the following sub-section shall be inserted, namely:

“(7) If and when the members of a Village Council desire to move a motion of no-confidence against the Vice President, they shall submit a notice of such motion



duly signed by themselves to the President. In such cases, the President shall issue order for holding of special meeting for the purpose specifying the place, date and time and the meeting shall be conducted by the President.

Provided that the President shall have no casting vote at the first instance in a motion of no-confidence. But in the case of equality of votes, the President shall have casting vote.

Provided further that in the event of removal of the Vice President, a new Vice President shall be elected within forty eight hours from the time of removal of the Vice President”.

**6. Amendment of Section 10.-**

In sub-section (3) of section 10 of the Principal Act, for the words, two-thirds shall be substituted by the word “majority”.

**P. Singhanga,**  
Secretary to the Govt. of Mizoram,  
District Council Affairs Deptt.

