

**THE LUSHAI HILLS DISTRICT (VILLAGE COUNCILS)
ACTS, 1953
(As adapted and amended up to date)**

No. TAD/R/61/52-In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Lushai Hills District Council, which received the assent of the Governor of Assam, is hereby published for general information.

LUSHAI HILLS ACT NO. OF 1953

The Lushai Hills District (Village Councils) Act, 1953

(Passed by the Lushai Hills District Council)

(Received the assent of the Governor of Assam on the 19th November, 1953)

(Published in the Assam Gazette, dated the 9th December, 1953)

An

Act

to provide for the establishment of Village Councils, etc. 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 and public health and sanitation.

And Whereas by clauses (e) and (f) of sub - paragraph (l) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council for an Autonomous District is empowered to make laws with respect to the establishment of village or town committees or councils and their powers and any other matter relating to village or town administration, including village or town police and public health and sanitation.

Now, therefore, the District Council of the Lushai Hills District (hereafter referred to as 'the District Council') in exercise of the powers conferred on to as aforesaid and of all other powers enabling it in that behalf, is pleased to enact and it is hereby enacted as follows :

**Chapter - 1
PRELIMINARY**

1. Short title, extent and commencement -

- (1) This Act may be called the Lushai Hills District (Village Councils) Act, 1953.
- (2) It extends to the (State of Mizoram) except the areas under the jurisdiction of the Pawi - Lakher Regional Council (as it existed immediately before the 2nd day of April, 1972).
- (3) It shall come into force at once.

2. Definition - In this Act, except here it is expressly otherwise provided or the context otherwise requires :

- (1) "District" means the [Aizawl and Lunglei districts in the (State of Mizoram)]

- (2) "Deputy Commissioner" means the Deputy Commissioners of the (Aizawl and Lunglei District)
- (3) ("Executive Committee" is constructed as the Government of Mizoram)
- (4) "Hnatlang" means a common service for the common good of the villagers which the residents of the village are to render.
- (5) "Leipui" means as subsidiary shifting jhum cultivation
- (6) "Mizoram Buhchhun" means the surtax imposed (***) under the Lushai Hills District (Revenue Assessment) Regulation, 1953.
- (7) "Mizo" means a member of any Lushai (Mizo) tribe ;
- (8) "Scheduled tribe or tribes" means such tribe or tribes [specified in Part XVII - Mizoram of the schedule to the Constitution (Schedule Tribes) Order, 1950]¹
- (9) "Tlangau" means a village crier,
- (10) "Tuikhur" means any place wherein water supply is obtained;
- (11) ["Village Council" means a Village Council constituted under section 3 of this Act.]²
- (12) ("Voter" means a person who fulfills the qualifications enumerated in Rule of the Assam Autonomous Districts (Constitution of District councils) Rules, 1951 as in force immediately before the 29th day of April, 1972;)³
- (13) "Adult" means a person belonging to a scheduled Tribe who is not less than twenty one years of age on such date as may be fixed in that behalf by the (Government;)¹
- (14) ("District Fund" is constructed as the Consolidated Fund of the State of Mizoram;)¹
- (15) 'Ngawidawh' means construction of a trap or device by which fishes in the river are trapped and collected in a container ;
- (16) "Khamkhuai" means a species of honey - producing bee;
- (17) "Khawper" means a sub-village or hamlet ;
- (18) "Thlawhbawk" means a temporary sub-village created for the sole purpose of jhumming in a certain area for a specified period.
- (19) "Run" means a customary fine imposed by a Village council for refusal to contribute in the Village Hnatlang;
- (20) "Village" means an area declared as such by the (Government of Mizoram)⁵;⁴
- (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. (20-23 As amended in 2014).

1. *Constructed as per sub-paragraph (4) of paragraph 8 of the Dissolution of the Mizo District Council (Miscellaneous Provisions) Order, 1972 and as per the state of Mizoram Act, 1986 (34 of 1986).*
2. *Amended by the Lushai Hills District (Village Councils) Amendment) Act, 1986.*

3. *Substituted by the Dissolution of the Mizo District Council (Miscellaneous Provisions) Order, 1972.*
4. *Inserted by the Lushai Hills District (Village Councils) Amendment) Act, 1986.*
5. *Substituted by the State of Mizoram Adaptation of Laws Order (No. 2) of 1987*

Chapter - II

ESTABLISHMENT OF VILLAGE COUNCIL

6. Constitution of Village Council -

(1) There shall be a Village Council Comprising one or more villages as the (State Government)² may by notification in the Mizoram Gazette, decide to be composed in the manner here in after provided in section (2)

Provided that a village once notified as a constituent of a Village Council is liable to be denotified at any time if the Village becomes vacant as a result of mass migration of the villagers or if a situation arises demanding such action for a reasonable ground of administrative, developmental or security reasons as the Government may decide.

(2) Number of Members of Village Council - A Village Council shall be composed of members according to the number of houses it contains as specified below :

(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. (As amended in 2014)

(3) The Total number of members as determined under sub-section (2) shall be elected by adult suffrage in accordance with Election to Village Councils Rules made by the Government under this Act :

Provided that where an election to a Village Council cannot be held and the situation demands immediate constitution of such a Village Council, the Government may appoint persons not more than the total membership to hold office of the Village Council for the particular Village as specified in sub-section (2) to sit and act as elected members of the Village Council for a period not exceeding one year from the date of the first meeting of the Village Council. 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. (As amended in 2014)

(4) The Government may abolish a Village Council if in its opinion the number of the households of the village has become too small to have Village Council of its own or if in its opinion, there is an exigency to amalgamate two or more Village Councils on the ground of administrative convenience, in such a situation the village shall be comprised of the nearest village having a Village Council under sub-section (1) or as arranged by the Government.

(5) The (State Government) shall decide as to how many members shall constitute a village council subject to the provisions of sub-section (2).

(6) For the purposes of this section the (State Government) shall publish in the Mizoram Gazette a list of village or villages].

(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. (As amended in 2014)

7. Qualification of Members -

A person shall be disqualified for being elected as and for being a member of the Village Council if :

- (a) he is not a member of a Scheduled 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 an offence under the Lushai Hills Autonomous District (Administration of justice) Rules, 1953 or under other Law for the time being in force in India, unless a period of three years has elapsed since his conviction, and if imprisoned since his release from prison.
- (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.

5. Duration of Village Council-

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. (As amended in 2014)

6. Tenure of membership -

(1) All members of a Village Council shall hold office during the life of the Council :

Provided that in the case of a fresh election due to dissolution of a Village

Council under section 25, the members so elected shall hold office during the remaining term of the Village Council.

(2) A member elected to fill a casual vacancy shall hold office for the remaining term of office of the member whose seat falls vacant.

(3) If a member absents himself continuously in three consecutive meetings of a Village Council without permission of the Village council, the village council may in a meeting specially convene for the purpose, declare his seat vacant after giving him an opportunity for a hearing and in such case the Village council shall communicate the decision to the (State Government). (As amended in 2014)

7. 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. (As amended in 2014)

(1) The President and the Vice - President of the Village Council shall be elected by the members of the village Council from among themselves by a majority of votes).

(2) There shall be a Secretary of the village council who may be appointed or dismissed by the (State Government) on the recommendation of the executive body of the Village Council (As amended in 2014)

(3) The Secretary shall not be a member of the Village Council neither the President nor the Vice-President of the Village Council (here in after called “the President” or “the Vice- President”) shall be eligible to hold office of the Secretary of the Village Council.

(4) The President may at any time by writing under his hand, submit his resignation to the (State Government) and until the (State Government) accepts the resignation he shall continue to work as such.

(5) The Vice-President may at any time in writing under his hand, submit his resignation to the President who shall without delay, forward to the (State Government) or to an officer authorised by it in this behalf, for acceptance, and until the resignation is accepted, he shall continue to function as such. Any resignation shall be normally accepted. When the resignation is accepted the members of the Village council shall elect another member as Vice-President).

(6) Any Member other than the President and the Vice-President may at any time in writing under his hand submit his resignation to the President, or to the Vice-President in the absence of the President, he shall without delay forward it to the State Government or to an officer authorised by it in this behalf for acceptance and until the resignation is accepted he shall continue to function as such. Any resignation shall be normally accepted.

(7) If at any time, for any reason there is vacancy of a seat in the Village council, it shall be reported forthwith to the State Government by the President or the Vice-President, as

the case may be. The State Government shall declare the seat as vacant. (As amended in 2014)

(8) If for any reason the office of the President becomes vacant, the State Government shall cause the vacancy to be filled as soon as possible. In the meantime the duties of the Office (of the President) shall be performed by the Vice-President. (8-A) Members of the Village Councils including the Presidents and the Vice-Presidents shall be entitled to receive such remuneration and privileges as may from time to time be determined by the (State Government).

(9) The President, the Vice-President, the Member and the Secretary of a Village Council shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code].

(10) The Government may remove the President or the Vice-President of a Village Council if in his opinion the President was the case may be the Vice-President has lost support of the majority of members but refuses to tender resignation or is too inefficient or too corrupt to carry on the village administration or acting in a manner prejudicial to the interest of the State.

(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. (As amended in 2014)

8. Function of Village Council -

(1) The Village Council or any officer of the (State Government) authorised by the (State Government) shall allot a particular region within the boundaries of each Village for jhums each particular year, and the distribution of the jhum - plots shall be done in accordance with the laws framed by the (State Government) [under paragraph 3 (1) (d) of the Sixth Schedule to the Constitution of India].

(2) The Village Council shall have powers to enforce 'Hnatlang' in the interest of the public whenever occasion so demands. Provided that no discrimination shall be made on grounds of religion or caste or class or any of them.

(3) Any person who does not comply with the order of 'Hnatlang' shall be liable to 'Run' either in kind or in cash which may (be fixed by the government, by order, from

time to time not exceeding {Rs. 50 per hnatlâng day} unless he has been exempted from hnatlâng under section 9 (1) on has obtained commutation under Section 9 (3).

(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. (As amended in 2014)

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.(As amended in 2014)

9. Regulation of Hnatlâng -

(1) Each Council shall have power to exempt any person or persons from Hnatlang at its own discretion. The reason for exemption shall be recorded in writing. No person who is 60 years or above shall be compelled to do any Hnatlâng.

(2) Any person below 15 years shall not be allowed to represent in the Hnatlâng.

(3) Every person shall have the option of commuting his obligation to render service under hnatlang on payment of cash compensation in lieu of it at a rate to be fixed by the Village Council not exceeding (Rs 25/-) per hnatlâng day.

10. Collection of Taxes -

(1) The (State Government) or any Officer authorised by it in this behalf, shall either appoint tax collectors or allot the work of collection of taxes to suitable persons, specifying their duties and any other matters connected with the collection of taxes.

(2) Collection of Taxes shall be done strictly in accordance with rules or under the

instructions and directions given by the (State Government) authorised be [it] in that behalf.

SANITATION

11. Sanitation Committee -

Each Village Council shall be responsible for the sanitation of the Village. A Sanitation Committee shall be appointed by the Village Council if necessary.

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. (As amended in 2014)

Chapter - III CONDUCT OF BUSINESS

12. President and the meetings of the Village Council -

(1) The President of the Village Council shall preside over all the meetings of the said Council. He shall summon the meetings of the village Council whenever necessity arises and if or when two - thirds of the members in writing request him to summon a meeting.

(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. (As amended in 2014)

13. Voting in the Meeting of the Village council -

(1) All proposals and questions shall be decided in this meeting by a majority of votes.

(2) The President of the Council or any person acting in his behalf shall not vote in the first instance but shall have and shall exercise a casting vote in the case of in an equality of votes.

(3) No person other than a Member of the Village council shall vote nor shall speak or take part in its deliberation and any person contravening this provision shall be punishable with a fine not exceeding Rs. 50/- by the Village Court in such deliberation, if the Village council so requires, but shall have no vote).

14. Preservation of order in Meeting of Village Council -

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

(1) He may direct any Member whose conduct is, in his opinion disorderly to withdraw immediately from the day's meeting. The Member ordered in this manner shall comply with the order at once.

(2) If any member is ordered to withdraw for a second time from a meeting of the same session of the council, the President may suspend the member for the remaining period of the same session.

(3) If any member fails to carry out the direction given to him under sub-section (1) or subsection

(2) the President shall report, in writing, the conduct of the member to the (State Government). On receipt of such report, the (State Govt.) may if deems fit necessary, suspend the member for any period considered reasonable by the (State Government).

15. Village Council Fund (As amended in 2011) -

(1) Village Council Fund - There shall be formed for every Village Council a fund to be called Village Council Fund". Any collection authorised by law other than District revenue and taxes made in a village for the good of the people shall be paid into the said Fund. The President shall be the treasurer of the fund and the list of the collection shall be kept by the Secretary. This account shall be opened for inspection by any subscriber to the collection.

(2) Power to collect Property Tax - The Village Councils are empowered to collect property tax within their respective jurisdictions on such items, and at such rates, as may be determined by the State Government from time to time. Provided that Village Council may appoint a Treasurer from amongst the members who shall keep developmental grants and other fund exclusive of a collection authorised by law, and maintain the accounts thereof which will be liable to inspection by the Village Council in its sitting and by an official authorised to do so by the Government.

16. Responsibility of President for compliance of order, etc. -

(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 the "Tlangau" and whenever notices orders circulars or letters are received for redistribution from the (State Government)²⁶ to pass on to other villages he shall forthwith cause it to be send through the Secretary.

(2) The President shall be responsible for the compliance of all orders and notification issued (by the Deputy Commisioner)²⁷

(3) The President shall cause all such orders and notifications to be read out by the Secretary in the meeting of the Village Council, and if it is necessary to be brought to the knowlegde of Public, it shall be given over to the Secretary for publication either by Tlangau or by a notice of Public.

(4) The President shall examine the books kept by the Secretary from time to time as he may deem necessary.

(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.(As amended in 2014)

17. Vice President -

The Vice President shall have position next to the President and in the absence of President he shall perform the duties of that office and during such period the power of the President shall be vested in him.

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 handover the charge of Treasurer to the newly appointed Treasurer or any other person authorizedby the State Government. (As amenden in 2014)

18. Secretary -

The Secretary shall be the Village writer and shall be responsible for the duties as enumerated below:-

(a) He shall record all the proceedings of the Village Council as well as the Village Court and such record shall be signed by the President. He shall published all orders, notification and records as may be necessary and such orders, notifications and record shall be signed by the President.

(b) On receipt of any orders, notices, circular or letter from the State Government or from the Deputy Commissioner and his Assistants for service or for onward transmission to other villages, the Secretary shall cause it to be served or transmitted to any other Village Council as may be directed, and he shall be responsible to carry out such direction.

(c) 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 (State Government) as may required by it, with his own signature and of the President.

(d) 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 (As amended in 2014)

(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. (As amended in 2014)

19. Remuneration of the Secretary -

The Secretary shall be paid such remuneration as may be fixed by the (State Government).

20. Officers -

(1) The (State Government) may appoint a District Local Administration Officer in each District to which this Act extends.

(2) The (State Government) may divide each District to which this Act extends into two or more circles and appoint a Circle Officer for each circle.

(3) The (State Government) may also appoint one or more Circle Assistants, as it may deem necessary for each circle and define their jurisdiction.

(4) The duties of the District Local Administration Officer, Circle Officer and Circle Assistant shall be to inspect the villages within their respective jurisdiction and to give instructions to the Village Councils in their office work and other allied matters and they shall be responsible in their respective jurisdiction for the proper functioning of the Village Councils in general.

(5) The Circle Officers shall submit monthly reports to the Deputy Commissioner through the District Local Administration Officer on their respective circles touching any important subject, point or occurrence, for which they can obtain necessary reports from their Circle Assistants].

21. Seat of Village Council -

A Village Council shall not shift the seat of a Village to new site (Khawthar) without the previous approval of the (State Government).

22. Tlângau -

(1) Normally there shall be only one Tlângau for each Village Council. If for any reason more than one Tlângau is found necessary, prior approval of the (State Government) shall be obtained for such appointment.

(2) To appoint Tlângau for a Village Council advertisement to this effect shall be made fixing a date for selection. The Village Council in its full sitting shall make the appointment of Tlângau from amongst the applicants. The Village Council may dismiss the Tlângau but such cases shall be reported to the (State Government).

(3) The duties of Tlângau shall be as follow :-

(i) He shall bring to the notice of the public all orders and notification as the Village Council may direct to be notified.

(ii) He shall summon all parties and other persons required by the Village Council or Village Court to attend its meetings.

(iii) The Secretary of the Village Council may also direct the Tlângau to bring to the notice of the public any other matter not necessarily connected with the affairs of the Village Council or any officer of the (State Government) on duty.

(iv) If any emergency occurs requiring the gathering of the public in the interest of the village, any Member of the village may, without the previous approval of the President, order the Tlângau to summon all the villagers.

(v) The Tlângau shall carry notice to all Members of the Village Council for all meetings of the Village Council summoned by the President.

(4) Remuneration of Tlângau :-

(a) The Tlângau shall be exempted from -

(i) All Hnatlâng enforced by the Village Council under Sub-section (2) of section 8.

(ii) Zoram chhiah.

(b) The Tlângau shall be entitled to receive such other remuneration and privileges as may from time to time be determined by the (State Government)

23. Power to make rules -

(1) Subject to the previous approval of the (Governor) the (State Government) may make rules for carrying out any of the provisions of this Act.

(2) In Particular and without prejudice to the foregoing powers such rules may prescribe -

(a) Control, preservation and use of timbers and other forest products except of the reserved forests, ordinarily utilised for building purposes such as canes, sungrass, siallu, thilthek, laisawral etc.

(b) Maintenance preservation and improvement of good water supply.

(c) Control of stray animals within its jurisdiction and at night within the Village Ram.

(d) Prevention and control of fire within the Village and the Village Ram.

(e) Ngawidawh.

(f) Sanitation and cleanliness of the village.

(g) Extraction of Khâmkhuai.

Chapter - IV TOWN COMMITTEE

24. Formation of Town Committee -

The (State Government) shall cause the formation of Town committee, where such Committee are considered desirable and convenient in accordance with law made by the (State Government) for the purpose.

Chapter - V

25. (1) The (State Government) may by public notification order the dissolution of a Village Council, if in its opinion, the Village council is too inefficient or is not able to carry on the village administration or is acting in the manner prejudicial to the interest of the State or for any other reasons considered sufficient for such dissolution and issue orders for holding a fresh election of the Village Council Copies of all such orders shall also be sent to the Deputy commissioner of the District.

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. (As amended in 2014)

(2) The (State Government) may for such dissolution issue order appointing any person or persons to assume charges of the Village Administration and also to Act as a Village

Court for the remaining period of the term (or for the period ending with the date of first meeting of the Village Council after the fresh election).

Provided that if the (State Government) consider it necessary so to do for the interest of general public it may issue order for holding a fresh election of the Village council at any time before the expiry of the remaining period.

(3) So long as the Village Council acts as the Village Court under the law the Village Council so dissolved shall cease forthwith to perform the functions of the Village Court.

Chapter - VI **SUB-VILLAGE OR THLAWHBAWK**

26. (1) The Government may, by order, set up at any suitable place a sub-Village or a Thlawhbawk and permit any person or persons to settle in such a place for temporary settlement, with such terms and conditions as it may lay down in the order for such settlement.

(2) No person shall establish any sub-Village or a Thlawhbawk, other than the sub-Village or Thlawhbawk set up by the Government under sub-section (1).

(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. (As amended in 2014)

(3) If the Government is of the opinion that a situation has arisen demanding a stoppage or closing of any sub-Village or Thlawhbawk or any sort of settlement at any place, including any sub-Village or Thlawhbawk already opened under sub-section (1) it may, by order, evict the occupants of such sub-village, Thlawhbawk or settlement after service of a notice on such person or persons individually to vacate the place within a period of three months from the date such notice is served upon such person or persons, as the case may be.

(4) In the event of a site of a sub-Village or a Thlawhbawk becoming vacant as a result of mass migration of the occupants from the place, the Government may, by order, declare such place as vacant and deserted. Thereafter nobody shall make any sort of settlement in that place without getting fresh permission from the Government for such settlement and the Government may, by order, evict any person making settlement in a

deserted or vacant place so declared under this sub-section after service on such person or persons individually of a notice to vacate the place within a period of one month as may be specified in the order.

(5) If any person fails to comply with the vacation order given under sub-section (3) or subsection (4) of this section after expiry of the time specified in the order, the Government or any officer authorised in its behalf may impose a fine which may extend to one hundred rupees per day to each family for the unauthorised occupation so long as the occupation continues.

(6) In the event of prolonged unauthorised occupation beyond six months in the case of subsection (3) and three months in the case of sub-section (4) of this section, the Government may resort to physical eviction of the defaulting occupants from the place.

(7) The order of the Government passed under sub-section (5) and sub-section (5) above shall be deemed to be a decree of a competent civil court for the purpose of evicting unauthorised occupant from the area to which this section applies.”