

# **Lai Autonomous District (Village Councils) Act, 2007**

MIZORAM

India

## **Lai Autonomous District (Village Councils) Act, 2007**

### **Rule**

### **LAI-AUTONOMOUS-DISTRICT-VILLAGE-COUNCILS-ACT-2007 of 2007**

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Lai Autonomous District (Village Councils) Act, 2007Last Updated 18th February, 2020Statement of Objects and Reasons. - The existing laws i.e. the Pawi Autonomous District Council (Village Council) Act, 1974 and the Lai Autonomous District (Village Council) (Amendment) Act, 1993 have become outdated and are no longer useful to cope with the present need for village administration. Therefore, legislation of new law is felt necessary. Hence the Bill. Chapter - 1

### **1. Short Title and Commencement.**

(1) This Act may be called the Lai Autonomous District (Village Councils) Act, 2007 (2) It shall extend to the whole of Lai Autonomous District. (3) It shall come into force on the date of publication in the Mizoram Gazette.

### **2. Definition.**

- In this Act, except where it is expressly provided or the context otherwise requires:-(1)'Collective Works' means a community work done by the village jointly for the common good.(2)'District' means the Lai Autonomous District as provided in Part- III of the table appended to Paragraph 20 of the Sixth Schedule to the Constitution of India.(3)'District Council' means the Lai Autonomous District Council.(4)'Executive Body' means the executive body of the Village Council.(5)'Executive Committee' means the Executive Committee of the Lai Autonomous District Council.(6)'Governor' means the Governor of Mizoram.(7)'Judicial function' means the judicial function of the Village Council.(8)'Khaw Upa' means a Village headman appointed to look after a Sub-Village under the authority of Executive Committee in consultation with the Village Concerned.(9)'Legislative function' means the legislative functions of the Village Council(10)'Member' means a member of a Village Council(11)'President' means a President of a Village Council elected by majority of members

of Village Council or appointed as such by the Executive Committee(12)'Scheduled 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.(13)'Secretary' means the Secretary of a Village Council.(14)'Tlangau' means the village announcer.(15)'Vice President' means a Vice President of a Village Council elected by majority of members of Village Council or appointed as such by the Executive Committee.(16)'Village Council' means a Village Council constituted under the provisions of this Act(17)'Voter' means a person who is entitled to vote at any election to the Lai .AAutonomous District Council.CHAPTER-II Establishment of Village Council

### **3. Constitution of Village Council.**

(1)There shall be a Village Council in each village within the jurisdiction of the District Council of the Lai Autonomous District.(2)A Village Council shall be composed of members according to the number of houses it contains as specified below:-For a village having 50-120 houses:

#### **3. Elected members and 1 nominated member.**

For a village having 121-240 houses:

#### **5. Elected members and 1 nominated member.**

For a village having 241 above:

#### **5. Elected members and 2 nominated members.**

(3)The elected members as provided above shall be elected on the basis of adult suffrage and in accordance with the Rules made by the Lai Autonomous District Council under this Act. The other nominated members shall be appointed by the Executive Committee of the Lai Autonomous District Council on the recommendation of the President of the Village Council immediately.

### **4. Qualification for membership.**

- A person shall not be qualified for being elected as and for being a member of the Village Council if:-(1)he/she is not a member of Scheduled Tribe or a permanent resident of the Lai Autonomous District.(2)he/she has not attained the age of 25 years.(3)he/she is not a voter where he/she is not a permanent resident and a voter where he/she seeks election.(4)he/she is a member of any other Village Council.(5)he/she is of unsound mind and stands so declared by a competent court or authorities.(6)before or after the commencement of this Act, he/she has been convicted of an offence under the existing law of the Lai Autonomous District Council or under any other law for the time being in force in India, unless a period of three years has elapsed since his/her conviction, and if imprisoned.(7)he/she is not a citizen of India.(8)in case the Executive Committee thinks necessary one Khaw Upa (Village Headman) shall be appointed in a sub-Village in consultation with the

concerned Village Council President, a person so appointed should qualify for membership under section-4 of this Act Provided that any member of Village Council who has transferred his/her vote from where he/she has been elected shall not be entitled to continue his/her membership and the seat shall be declared vacant.

## **5. Removal of members.**

(1) Any member of the Village Council, who due to serious illness cannot attend the meetings of the Village Council and is not likely to recover from his/her illness for the whole term of that Village Council, the President of that Village Council shall submit a report to the Executive Committee. The Executive Committee on receipt of such reports, shall make an inquiry and may take action as it thinks proper on the basis of the inquiry. (2) Any member of the Village Council, who due to serious disregard of his/her duty as a member does not attend the meeting of the Village Council for three consecutive meetings, may be removed from his membership. Such decision for the removal of the member shall be made by the majority of members in the full sitting of that Village Council and shall be - forwarded to the Executive Committee for approval. On such decision being approved, his seat shall be declared vacant. (3) The Executive Committee shall have the power to disallow any member to attend the meeting of the Village Council for a specified period not exceeding three months, if he/she is found to be undesirable for willful disobedience or misconduct in the discharge of his/her duties as a member. Such member shall not be entitled to enjoy remuneration during the period he/she is not allowed to attend the meeting as a member.

## **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) The Executive Committee shall have the power to extend the term by not more than six months at a time.

## **7. Tenure of membership for Elected and Nominated member.**

(1) All the elected members of the Village Council shall hold office during the life of the Village Council. A member nominated to a Village Council under the provision of sub-section (3) of section-3 shall hold office during the pleasure of the Executive Committee.

## **8. Vacation of Office of the Executive Body.**

(1) The President or Vice President of the Village Council may be removed on a vote of no-confidence passed by majority of members of a village council at the meeting specially convened for the purpose. For removing the President or the Vice President of the village council, a motion expressing want of confidence in the conduct of the President or the Vice President as the case may be, duly signed by the majority of the members of the Village Council shall be submitted to the Executive Committee of the Lai Autonomous District Council at any time before the commencement of any meeting of the Village Council. (2) Members of the Village Council desiring to move a motion

of no confidence against either the President or the Vice President of a Village Council should submit such demand in writing signed by them to the Executive Committee of the District Council coupled by making physical appearance.(3)The Executive Committee or officer authorised in this behalf shall then fix a date within ten (10) days from the date of physical appearance to take up the motion if their demand is found satisfactory enough.(4)A motion shall be decided by taking votes of the members who shall vote by raising hands or by secret ballot. If the motion of no confidence is passed by the majority of members, the person presiding over the meeting shall declare in the meeting that the President or the Vice President against whom the motion is moved from his office, if the motion fails for want of the required number of votes, the person against whom the motion was moved shall continue his office at the first instance, the person presiding over the meeting shall not be entitled to vote, but shall have the right to exercise his casting vote in case of equality of votes.(5)Provided that if the motion is moved for the removal of the President of the Village Council, the Vice President of the Village Council shall preside over the meeting, and if the motion is moved for the removal of the Vice President, the President of the Village Council shall preside over such meeting.(6)In the event of removal of President or Vice President, as the case may be, the President or Vice President of the same Village Council, shall be elected within two days counting from the date of removal of either the President or the Vice President by the Village Council members. Such election shall be presided over by the President, if election is for the Vice President, and by the Vice President if the election is for the President.(7)Secretary of the Village Council shall keep record of such reports and submit in writing to the Executive Committee immediately failing which disciplinary action as the Executive Committee deems fit shall be taken against him/her.Provided that in case of failure in the election of either the President or the Vice President, as the case may be, the Executive Committee shall assume to itself powers and functions of the Village Council, and may' appoint any employee of the Lai Autonomous District Council to exercise such power and function in this behalf, for a period not exceeding three months at the first instance.Provided that a period of three months may be extended to another three months at every occasion by a fresh public notification till a new President or Vice President as the case may be, is elected without dissolving the Village Council.Provided further that in the opinion of the Executive Committee, a situation has arisen in which the election of the President and the Vice President of the Village Council cannot be held in the village, the Executive Committee shall take action to dissolve the Village Council for the purpose of holding fresh election.

## 9.

(a)Executive Body. - (1) There shall be a President, a Vice President and a Secretary in each Village Council to form an executive body in which the executive function shall be vested.(2)The President and the Vice President of the Village Council shall be elected by the members of Village Council from amongst themselves by a majority of votes.(3)There shall be a Secretary of the Village Council who may be appointed or dismissed by the Executive Committee on the advice of the President of Village Council, and shall function as a Secretary, but as not a member of the Village Council.(4)Neither the President nor the Vice President of the Village Council shall be eligible to hold office of Secretary of the Village Council under any circumstances.(5)Every member and the Secretary of the Village Council may, at any time by writing under his hand, submit his resignation to the Executive Committee through the President of the Village Council, who shall immediately forward to the

concerned authority of the Executive Committee. The Executive Committee shall arrange to elect or appoint as the case may be a substitute as soon as possible.(6)The President may, at any time by writing under his/ her hand, submit his/her resignation to the Vice President of the Village Council who shall without delay forward to the Executive Committee and until the Executive Committee accept the resignation, he/she shall continue to discharge the duties of the President.(7)The Vice President of the Village Council may, at any time by writing under his/her hand submit his/her resignation to the President of the Village Council who shall without delay forward to the Executive Committee and until the Executive Committee accept the resignation, he shall continue to discharge the duties of the Vice President.(8)If at any time, for any reason there is vacancy of a seat in the Village Council, it shall be reported forthwith to the Executive Committee either by the President or the Secretary of the Village Council.(9)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 of the Village Council.(10)If at any time, for any reason, there is vacancy of a seat in the Village Council, it shall be report forthwith to the Executive Committee either by the President or by the Secretary and the Executive Committee shall make arrangement to fill up the seats as provided by the Election Rules of Village Council.(b)Legislative functions:-(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)The 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 in its full sitting such Rules shall have no effect.(c)Judicial functions:-(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(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 that village for the trial of suit and cases between parties all of whom belong to the village.(3)A Village Court shall normally trial suit and cases of the nature falling within the customary laws of the village community.(4)Every village Court shall have the power to trial thefts and petty crimes in which the punishment may extend to a maximum of Rs. 500 (Rupees five hundred) only.(5)Appeal from a Village Court shall lie to the Subordinate District Council Court.

## 10. Dissolution of Village Council.

- The Executive Committee may, by public notification appoint a commission under this Act consisting of not more than three persons to be appointed from amongst officers of the District Council to inquire the affairs of a Village Council if it is considered too in-efficient or is unable to carry on the village administration or is acting in a manner pre-judicial to the interest of the state or, is found to have been indulging in corrupt practices in matter of village administration and such a commission shall, after proper inquiry, submit each report of findings along with its recommendations to the Executive Committee within a period of time specified by the Executive Committee.The Executive Committee may order either;(a)Suspension of the Village Council for a period of three months at a time which may be extended for another three months or,(b)Dissolution of the Village Council for fresh election.When order is made under (a) above, the Executive Committee shall assume to itself all the power and functions of the Village Council and may authorise in this behalf any employee of the Lai District Council to exercise this function during the

period of suspension. When a Village Council is dissolved under (b) above, fresh election shall be held within six months. Provided that pending of the election of Village Council the Executive Committee may authorise any employee of the Lai Autonomous District Council as specified above.

## 11. Duties & functions of the Village Council.

- Subject to such rules except those may specifically be prescribed in such behalf by the Executive Committee duties and functions of Village Council shall be;

- (1) Cleaning of village roads and path.
- (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 regulating, burial and cremation grounds for disposal of dead bodies of human beings, and allocation of places for disposal of dead animals and other offensive matter.
- (5) Taking of curative and preventive measure in respect of an epidemic.
- (6) Construction, maintenance and improvement of village
- (7) Control of village grazing grounds, location of glazier Khuties within the village area, village common and other communal property.
- (8) Regulating the construction of new buildings or houses, or the extension or alteration of any such existing ones.
- (9) Anti Malaria and Anti Kala Azar measures and enforcement of vaccination.
- (10) Registration of births and deaths and maintenance of register for the purpose.
- (11) Registration of marriage.
- (12) Supplying local information as and when require to the District Council or the State Government.
- (13) Measures necessary for the preservation of public health and for improving the sanitation conservancy of drainage of the village area.
- (13) Measures of public utility calculated to promote the moral and material well-being of the villagers.
- (15) Planting of trees at the sites of public places, on village roads and paths, and taking care of them.
- (16) Working and maintenance of public radio sets for the benefit of the villagers.
- (17) Establishment and maintenance of libraries, reading rooms, social and cultural clubs or other places for recreation and games.
- (18) Popularization of sports including indigenous sports, folks dances, folk song and organization and celebration of national and other local festival.
- (19) Any other functions and powers as may be delegated by the District Council from time to time.
- (20) Regulation and order of collective works.
- (21) The Village Council shall allot a particular region or area within the boundaries of each Village for jhum and subsidiary cultivation each particular year, and the distribution of the jhum and subsidiary plots shall be done in accordance with the laws frame by the District Council under Paragraph 3 (1) (d) of the Sixth Schedule to the Constitution of India.
- (22) Creation of Safety Reserve: Every Village shall have safety reserve for the protection of fire etc. and no one shall be allowed to cut tree or to have gardening and agriculture activity within the safety reserve. Proper boundary of the safety reserve area shall be demarcated and reported to the concerned department for record. Any violation of trespass into the safety reserve in a manner prejudicial to the safety of reserve shall be punishable with a fine which may extend to Rs.1000 (Rupees one thousand) only.
- (23) Creation of Supply Reserve: The Village Council shall create or maintain a supply reserve for the village. The reserve shall be accessible for collection of materials for construction of houses etc. The Village Council shall be generally held responsible for the proper and maintenance of this reserve.
- (24) The Village Council shall have the power to prohibit the use of explosive or poison for the purpose of fishing or killing animals or birds. In the event of violation of the above provisions within the jurisdiction of the Village, and the Village Council of that village fail to take notice and does not report the matter to the District Council. The Village Council concern shall be held responsible and

shall be liable to punishment with a fine as provided in Subsection (22). For each or any of the above duties and functions, the Village Council may appoint a separate Committee which shall be responsible for implementing its decisions.

## **12. Regulation of Collective Works.**

(1) Each Village Council shall have powers to exempt any person or persons from collective works on the ground of illness and other reasonable causes at its own discretion. The reason for the exemption shall be recorded in writing. No person who is sixty years of age or above shall be compelled to do any collective works. (2) Any person below fifteen years of age shall not be allowed to represent in the collective works. (3) The President or the Secretary of a Village Council shall have a list of persons performing collective works and shall see that each household is represented. (4) One or more representative from the Village Council shall supervise the collective works. (5) The President of the Village Council shall announce in the Village the proposal for holding collective works appointing the date and the time. (6) Any person who does not comply with the order of collective works shall be liable to a fine either in kind or in cash not exceeding Rs. 90 (Rupees ninety) per collective working day unless he has been exempted from collective works or has obtained commutation under Sub-section (1). (7) If a Village Council fails to carry out its order to realize fine imposed upon any person, the matter shall be referred to the Executive Committee for the realization of the fine. (8) Every person shall have the option of commuting his obligation to render service under collective works to payment of cash compensation in lieu of it at a rate to be fixed by a Village Council not exceeding Rs. 70 (Rupees seventy) per collective working day. (9) Utilization of fine etc. : (a) The amount of fine mentioned in Sub-section (6) and cash compensation mentioned in Sub-section (8) may be spent by the persons performing collective works in any manner they think fit and proper. (b) The Secretary of the Village Council shall keep the accounts of receipt and expenditures of fine and compensation, and any person shall be at liberty to inspect the accounts. (10) Any disputes arising out of the performance of collective works shall be settled by the Executive Committee and such decision shall be final and binding on all concerned. Any other matters connected with the collective works and which are not provided for in this Act shall be regulated by the District Council, and all the decision shall be notified by the Executive Committee in a manner it considers appropriate.

## **13. Sanitation.**

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

## **14. Collection of Taxes.**

(1) The Executive Committee or any officer authorised by it in this behalf, shall either appoint tax collectors or allot the works of the 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 the rule or under the instructions and the direction given by the Executive Committee or any Officer of the District Council authorised by the Executive Committee in that

behalf.CHAPTER-III Conduct of Business

## **15. Meeting of the Village Council.**

(1)The President of the Village Council shall preside over all the meetings. He shall summon the meetings of the Village Council whenever necessity arises, or if and when two-third of the members in writing request him to do so.(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 members presiding the meeting shall not have vote at the first instance but shall have an exercise a casting vote in the case of equality of votes.(5)The President shall summon the meeting at least once in two months and sixty days shall not elapse between the date of the last meeting and the next meeting.(6)The Secretary and Tlangau shall also attend the Village Council meeting but shall not have vote.

## **16. Maintenance of Order.**

- The President shall preserve order and have all powers necessary for the purpose of enforcing 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 meeting of the Village Council. the President may suspend the member for the remaining period of the same meeting.(3)If any member fails to carry out the directions 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.

## **17. Village Council Fund.**

- There shall be a fund for every village council, a fund to be called "Village Council Fund". Any collection authorised by Law, other than revenue and taxes made in a village for the good of the people shall be paid into the said fund. The Secretary shall, keep the Village Council Fund and the accounts which shall be opened for inspection as and when any member of a Village Council considers necessary.

## **18. Responsibility of the President.**

(1)The President shall cause notice and instructions for prevention of dangers such as out-break of fire, epidemic, etc. in the village to be proclaimed by engaging 'Tlangau' and whenever notices, orders: circulars or letters are received for re-distribution from the District Council to pass onto the other village, he shall forthwith cause it to be sent through the 'Secretary'.(2)The President shall be responsible for the compliance of all orders and notifications issued either by the District Council or any state Government's department authorities through the office of the District Council.(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 knowledge of the public, it shall be given over to the Secretary for publication by the 'Tlangau'.(4)The Secretary shall be responsible for the proper and up-to-date maintenance of all books and records.

## **19. Duties of Secretary.**

(a)He shall record all the proceedings of the Village Council as well as the Village Court and such records shall be signed by the President. He shall publish all orders, notification and records as may be necessary and such orders, notification and records shall be signed by the President.(b)On receipt of any orders, notices, circulars or letters from the District Council or from any authorities in the state government for service for onward transmission to other village, the Secretary shall cause it to be served or transmit 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 Council and of the Village Court. He shall send all such books and records to the Executive Committee as may be required by it, with his own signature and of the President.(d)All books and records shall be kept ready to be examined once in a year by the officer of the District Council or any member of the Village Council so appointed in this behalf.(e)He shall keep the Village Council Fund and the accounts as provided in Section 17.

## **20. Village Site.**

(1)Without the written permission of the Lai Autonomous District Council, no such village or temporary village shall be made or setup at any site within the Lai District area.(2)A Village Council shall not shift the site of a village to a new site without the previous approval of the Lai Autonomous District Council.(3)The Executive Committee or any officer authorised by the Lai Autonomous District Council may evict any person or persons having in-occupation of un-authorised sub-village or temporary village. After serving on such person or persons, individually of a notice shall vacate the area within a period of one month.(4)Failure to vacate the area within the time fixed in the notice, the Executive Committee or and officer of the District Council authorised in that behalf, may impose a fine not exceeding Rs. 1,000/- per month to each family for the un-authorised occupation after the service of the notice.(5)The order of the Executive Committee or of the officer under Sub-Section (3) and (4) above, shall be deemed to be an appropriate clause of the competent Civil Court for the purpose of evicting unauthorised occupation from the area to which this section applies.

## **21. Allotment of House-site or Land.**

(1)No person shall be allowed to construct a house for any purpose without the written permission of the Executive Committee or officers authorised in this behalf.(2)The Village Council should be consulted before the house or any building is constructed.Provided that nothing restricts the power of Executive Committee from allotting any house-site or sites for constructing a house or houses for any purposes, or land for jhumming or gardening purposes within the territorial jurisdiction of a village.Provided further that in doing so the Executive Committee shall consult with the village concerned.

## **22. Boundaries and jurisdiction of Village.**

- In fixing the boundaries of the . village, the Executive Committee may appoint Boundary Commission and the report and finding of the Commission shall be laid before the Council in Session.

## **23. Tlangau.**

(1) There shall be one or two Tlangau for each Village Council as determined by the Executive Committee. (2) The President shall have a power to appoint or dismiss the Tlangau but such case shall be reported to the Executive Committee for approval. (3) The duties of Tlangau shall be as follows:-(a) He shall bring to the notice of the public all orders and notifications the Village Council may direct to be notified. (b) He shall summon all parties and other person required by the Village Council or Village Court to attend its meeting. (c) The Secretary of Village Council may also direct the Tlangau 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 Lai District Council on duty. (d) If at any time emergency requires the gathering of the public in the interest of the village, any member of the village council may, without the previous approval of the President, direct the Tlangau to summon all the village. (e) The Tlangau shall carry notice to all the members of the Village Council for all meetings of the Village Council summoned by the President.

## **24. Remuneration of Member.**

- The District Council from time to time shall, have the power to determine entitlement of the remuneration and privileges of President, Vice President, members, Secretary, Tlangau and Khawupa.

## **25. Power to make Rules.**

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

## **26. Removal of Doubt and Difficulty.**

- If any doubt or difficulty arises in giving effect to the provision of this Act, the Executive Committee may, as occasion may require by order do anything not inconsistent with the provision of this Act or rules made there-under which appears to it necessary for the purpose of removing such doubt and difficulty.

## **27. Repeal and Saving.**

(1) The Pawi Autonomous District Council (Village Councils) Act, 1974, and the Lai Autonomous District (Village Councils) (Amendment) Act, 1993 are hereby repealed. (2) Notwithstanding such

repeal, any action taken or proceeding made under any provisions of the Acts repealed therein shall be deemed to be the action taken or proceedings made by this Act.