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NOTIFICATION

No.DCA/R-11/79 the -13th August,2003. In pursuance of paragraph 11 of the sixth schedule to the constitution of India, the following Act of the Chakma Autonomous District Council, which received assent of the Governor of Mizoram is hereby published for general information, namely-

THE CHAKMA AUTONOMOUS DISTRICT
(Village Councils) Act, 2003 (vide Governor of Mizoram's assent dt.9.8.2003)

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

CHAKMA AUTONOMOUS DISTRICT COUNCIL (Village Councils) Act, 2002

AN

ACT

to provide for the establishment of Village Councils and for other matters relating to village administration.

PREAMBLE: Whereas it is expedient to provide for the establishment of Village Councils and their powers and for other matters relating to Village Administration including village police, public health and sanitation; and

Whereas by clauses (e) and (f) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council for an Autonomous District is empowered to

make laws in respect of the establishment of Village or Town Committees of councils and their powers and any other matter relating to the Village or Town Administration including village or town police and public health and sanitation.

Now, therefore, the District Council of the Chakma Autonomous District (hereinafter referred to as the District Council), in exercise of the powers conferred on it as aforesaid and of all other powers enabling it in that behalf is pleased to enact and it is hereby enacted in the Fifty third Year of the Republic of India as follows:

CHAPTER - I PRELIMINARY

- Short title, extent and Commencement: 1. (1) This Act may be called the Chakma Autonomous District (Village Councils) Act, 2003
(2) It shall extend to the whole of the Chakma Autonomous District.
(3) It shall come into force on its publication in the Mizoram Gazette.
- Definition: 2. In this Act, unless the context otherwise requires:
(1) "Dajakam" means a work done collectively by villages for the common good;
(2) "Dakkerani" means a Village Crier;
(3) "Deputy Commissioner" means the Deputy Commissioner of Lawngtlai District;
(4) "District" means the Chakma Autonomous District as referred to in the Part III of the Table Appended to Paragraph 20 of the Sixth Schedule to the Constitution of India;
(5) "District Council" means the Chakma Autonomous District Council;
(6) "Executive Committee" means the Executive Committee of the Chakma Autonomous District Council;
(7) "Governor" means the Governor of the State of Mizoram;
(8) "Jurimana" means a customary fine imposed by a Village Council for refusal to contribute in the Village's "Dajakam";
(9) "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 and amended by laws made by the Parliament from time to time in so far as the specification pertains to the State of Mizoram;

(10) "Secretary" means the Secretary of the Village Council;

(11) "Village Council" means a Village Council constituted under the provision of this Act;

(12) "Voter" means a person who is entitled to vote at an election to the Chakma Autonomous District Council.

CHAPTER-II ESTABLISHMENT OF VILLAGE COUNCILS

3. CONSTITUTION OF VILLAGE COUNCILS.

(1) There shall be a Village Council in each Village within the jurisdiction of the Chakma Autonomous District Council;

Provided that a village having not less than 50 (fifty) houses shall not be entitled to have a separate Village Council.

(2) A Village Council shall be composed of members according to the number of houses that it contains as specified:- (a) For a Village having not more than 50 houses there shall be 3 members; (b) for Villages having 51 houses or more but less than 150 houses, there shall be 5 members; and (c) for Villages having 151 houses and above there shall be six members.

(3) Members of the Village Council, subject to sub-section (3), shall be elected by the residents of the Village who are entitled as voter in the latest Electoral Roll for the elections to the District Council.

(4) Of the total number of members determined under sub-section (2), one third or nearest shall be nominated by the Executive Committee and the rest be elected by the adult members of the Village in accordance with the rules made by the District Council under this Act.

4. DISQUALIFICATION FOR MEMBERSHIP: A person shall be disqualified for being elected as and for being a member of the Village Council:-

(a) if he is not a member of a Scheduled Tribe;

(b) if he has not attained the age of 25 years;

(c) if he is not a voter in respect of the village where he seeks election;

(d) if he is a member of any other Village Council;

(e) if he is of unsound mind and stands so declared by competent court or authorities;

(f) if he has been convicted of an offence under the existing law of the Chakma Autonomous District Council or under any 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) if he is not a citizen of India.

5. REMOVAL OF MEMBER: Any member of the Village Council who due to serious illness fails to attend the three consecutive meetings of the Village Council shall be declared disqualified and his seat shall on receipt of such report from the President of the Village Council shall be declared vacant by the Executive Committee. The Executive Committee may make due inquiry if it thinks proper and necessary.

6. DURATION 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 or shorten the term by not more than six months at a time.

7. TENURE OF MEMBERSHIP. A member nominated to a Village Council in accordance with the provision of sub-section (4) of section 3 shall hold office at the pleasure of the Executive Committee.

8. EXECUTIVE.

(1) There shall be a President in each Village Council who shall be elected by the members of the Village Council from amongst themselves, by majority of votes. They shall, with the assistance of the Secretary of the Village Council discharge all the functions of the Village Council.

(2) The Executive Committee shall, in consultation with the President appoint or dismiss the Secretary of the Village Council. The Secretary shall not be a member of the Village Council.

(3) Every member of the Village Council and the Secretary may at any time, by writing under his/her hand, submit his/her resignation through the President to the Executive committee. The Executive Committee shall arrange to elect or appoint as the case may be, substitute as soon as possible.

(4) The President may, at any time, by writing under his/her hand, submit his/her resignation to the Executive Committee and until the Executive Committee accepts the report of the resignation he/she shall continue to discharge the duties of the President.

(5) If any time, for any reason, there is vacancy of a seat in the Village Council, it shall be reported forthwith to the Executive Committee by the President.

- (6) 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 mean time duties of the office shall be performed by one of the members appointed by the Executive Committee.

9. DUTIES AND FUNCTIONS OF THE VILLAGE COUNCIL:

- (1) Subject to the provision as may be prescribed in this behalf by the Executive Committee, the Village Councils may exercise all or any of the following functions:

(a) cleaning of Village roads and paths;

(b) sanitation and conservancy in the Village area and the prevention of public nuisance;

(c) construction, maintenance and improvement of ghat, pond and well for the supply of water to the village for drinking, washing and bathing purpose;

(d) opening of, and regulating burial and cremation grounds for the disposal of dead bodies of human being and allocation of the places for disposal of dead animals and other offensive matters;

(e) taking of curative and preventive measure in respect of an epidemic;

(f) construction, maintenance and improvement of village communication, drains and waterways;

(g) control of village grazing grounds, allocation of grazers "Khutis" within the village area, village common and other property;

(h) regulating the construction of new building or house or extension or alteration of any such existing ones;

(i) anti-malaria and anti-kalazar measures and enforcement of vaccination;

(j) registration of Births and Deaths and maintenance of register for the purpose;

(k) supplying of local information as and when required to the District Council or the State Government;

(l) necessary measure for the preservation of public health and for improving the sanitation, conservancy or drainage of the village area;

(m) measures of public utility are to be calculated to promote the moral and material well being of the villagers;

(n) planting trees at the site of public places, on village roads and paths and taking care of them;

- (o) working and maintenance of public audio and visual sets for the benefit of the villagers;
 - (p) establishment and maintenance of libraries and reading rooms, cultural clubs or other places for recreation and games;
 - (q) popularization of indigenous sport, folk dance, folk-songs and organization and celebration of national and other local festivals;
 - (r) reservation of monuments;
- (2) The District Council may delegate any functions and powers in sub-section (1) from time to time to the officers appointed by it as it may deem necessary.
- (3) The Village Council shall allots a particular region or area within the boundaries of its village for jhuming in each particular year and the distribution of jhum 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. For each and every of the above duties and functions, the Village Council may appoint separate committee which shall be responsible for implementing its decisions.

10. MAINTENANCE OF POPULATION REGISTER AND POWER TO CONTROL MIGRATION FROM ONE VILLAGE TO ANOTHER.

- (1) The Village Council with the help of its Secretary shall maintain a Village population register according to proforma that may be prescribed by the Executive committee from time to time.
- (2) The President with the help of the Secretary shall cause submission of the latest population register/list every year of the Village Council to the Executive Committee or any other Officer that may be appointed by the Chakma Autonomous District Council for the purpose.
- (3) The Village Council shall not allow migration to any family or person to other Village without valid reason and without prior approval or permission from the Executive Committee or the officer appointed for the purpose.
- (4) The Village Council shall make entry in the population register of a newly migrated family from the other villages by fulfilling the following conditions:
- (a) collection of detail information;
 - (b) submission of valid migration certificate and other valid documents from the competent authority;
 - (c) prior permission from the Executive Committee of the Chakma Autonomous District Council or the other appointed on that behalf.

11. REGULATION OF "DAJAKAM":

(1) Each Village Council shall have powers to exempt any person or persons from "Dajakam" on the ground of illness and other reasonable causes at its own discretion. The reason for the exemption shall be recorded in writing.

(2) Any person below 15 years of age shall not be allowed to present in the "Dajakam".

(3) The President or the Secretary of the Village Council shall have a list of persons performing "Dajakam" and shall see that each household has represented.

(4) One representative from the Village Council member shall supervise the "Dajakam".

(5) The President of the Village Council shall cause to announce in the village the proposal of holding the "Dajakam" appointing the date and time.

(6) Any person who does not comply with the order of "Dajakam" shall be liable to "Jurimana" either in cash or in kinds not exceeding Rs 12/- per "Dajakam" day unless he has been exempted from "Dajakam" or has obtained communication under sub-section(1).

(7) If a Village Council fails to carry out its order to realize "Jurimana" imposed on any person the matter shall be referred to the Executive Committee for realization of the "Jurimana"

(8) Every person shall have the option commuting his obligation to render service under "Dajakam" on payment of compensation in lieu of it at a rate to be fixed by the Village Council not exceeding Rs 10/- per "Dajakam" Day.

(9) Utilisation of "Jurimana":-

(a) The amount of "Jurimana" that mentioned in sub-section (6) and the person performing "Dajakam" in any manner they think fit and proper might spend compensation mentioned in sub-section (8).

(b) The Secretary of the Village Council shall keep the account of receipt and expenditure of "Jurimana" and compensation and any person shall be at his liberty to inspect the accounts.

(10) The Executive Committee shall settle any dispute arising out of the performance of "Dajakam" and such decision shall be final and binding to all concerned. The District Council shall regulate all matters connected with "Dajakam" and which are not provided for this Act and the Executive Committee in a manner shall notify all decision if it considers appropriate.

12. SANITATION. Each Village Council shall be responsible for the sanitation of the Village. The Village Council shall appoint a Sanitation Committee if necessary.

13. COLLECTION OF TAXES.

- (1) The Executive Committee or the Officer authorized by it on this behalf shall either appoint tax Collector or allot the work for collection of taxes, to suitable persons, specifying their duties and any other matter connected with collection of taxes.
- (2) Collection of taxes shall be done strictly in accordance with rules and under the instruction and direction given by the Executive Committee of any Officer of the District Council authorized by the Executive Committee on that behalf.

14. POWER OF THE EXECUTIVE COMMITTEE. The Executive Committee shall have the power to abolish an already created Village Council if that Village Council is not fulfilling the conditions laid down under sub-section (1) of section 3 of this Act. The Executive Committee shall also have power to amalgamate two or more Village Council into one Village Council if it deem fit and necessary for better administration in the interest of public.

CHAPTER - III CONDUCT OF BUSINESS

15. PRESIDENT AND MEETING OF THE VILLAGE COUNCIL. The president of the Village Council shall preside over the meetings of the said Village Council. He shall summon the meetings of the Village Council whenever necessity arises and if and when two thirds of the members in writing request him to do so.

16. QUORUM.

- (1) The quorum to constitute a meeting of the Village Council shall be two-third of the members.
- (2) All proposals and questions shall be decided in the meeting by a majority of votes.
- (3) The President of the Village Council or any person acting in this behalf shall not vote at the first instance but shall have and shall exercise a casting vote in case of equality of votes.
- (4) 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 Council.

17. PRESERVATION OF ORDER IN A VILLAGE MEETING.

- (1) The President shall preserve orders and shall have all powers necessary for the purposes enforcing his decision during the meeting as follows:
- (2) The President may direct any members whose conduct is in his opinion disorderly to withdraw immediately from the days meeting. The member shall comply with the order at once.
- (3) If any member is ordered to withdraw for second time from a meeting of some session of the Village Council, the President may suspend the member for the remaining period of the same session.
- (4) If any member fails to carry out the direction given to him under sub-section (1) or sub-section (2), the President shall report, the conduct of the member in writing to the Executive Committee. On receipt of such report, the Executive Committee may, if it deems necessary suspend the member for any period consider reasonable.

18. VILLAGE COUNCIL FUND.

- (1) There shall be formed for every Village Council a fund to be called "Village Council Fund" Any collection authorized by law other than District Council revenue and taxes made in a Village Council for the good of the people shall be paid into the said fund. The President shall be the Treasurer of the fund and the Secretary shall keep the list of collection. Any subscriber to the collection shall open this account for inspection.
- (2) The President and the Secretary shall cause maintenance of account and utilization of grant-in-aid receipt by the Village Council either from the Autonomous District Council or any other agencies of the Government either in cash or kind and also shall be responsible for submission of utilization certificate or any other documents that may be prescribed by any concerned authorities from time to time.

19. RESPONSIBILITY OF THE PRESIDENT FOR THE COMPLIANCE OF ORDER ETC.

- (1) The President shall cause notices and instructions for prevention of danger such as outbreak of fire, epidemic etc in the Village to be proclaimed by engaging "Dakkerani" and whenever notices, orders circulars or letters are received for redistribution from the District Council or State Government to pass onto other villages, shall be forthwith caused 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 of State Government.
- (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 and it shall be given over to the Secretary for publication by the "Dakkerani".

- (4) The President shall be responsible for the proper and up to date maintenance of all books, records kept by the Secretary.

20. THE SECRETARY.

- (1) There shall be a Secretary in each Village Council appointed by the Executive Committee on the recommendation of the Village Council.
- (2) The Secretary shall be the Village writer and shall be responsible for the duties enumerated below:

- (a) he shall record all the proceedings of the Village Council as well as the Village Court and the President shall sign on all such records. He shall publish all orders, notifications and records as may be necessary of such order and the President shall sign on such notifications and records.

- (b) on receipts of orders, notices, circulars or letters from the District Council or from the State Government for service or for onwards transmission to other Village, the Secretary shall cause to be served on and transmitted to any other Village Council as may be directed and he shall be responsible to carry out such directions.

- (c) he shall keep the books and records of the Village Council and of the Village Council Court. He shall sent 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 at any time by the Officer of the District Council or any person so appointed in this behalf.

21. VILLAGE RULES.

- (1) Each Village Council may frame its rules for the administration of the village in accordance with the need of the village.

- (2) No rule shall be enforced in a Village Council by the Village Council without the prior approval of the Executive Committee.

22. VILLAGE SITE.

- (1) A Village Council shall not shift the site of a village to a new site without the approval of the Executive Committee.

- (2) Without the written permission of the Executive Committee no sub-Village or temporary village for more than a year shall be made or set up at any site within the Chakma Autonomous District Council Area.

- (3) The Executive Committee or any other Officers of the Chakma Autonomous District council authorised any Officer in that behalf by the Executive Committee, may evict any person or persons having an occupation of unauthorized sub-village or temporary village after service on such person or persons of a notice to vacate the area within a period of not less than three months.
- (4) On failure to vacate the area within the time fixed in the notice, the Executive Committee or any other Officer of the District Council authorised in that behalf may impose a fine not exceeding Rs 50/- per month to each family for the unauthorized occupation after serving the notice.
- (5) The order of the Executive Committee or the Officer of the District Council passed under sub-section (3) and (4) above shall deem to be a clause of a competent Civil Court for the purpose of evicting unauthorized of the area to which this section applies.

23. DAKKERANI.

- (1) Normally there shall be only one "Dakkerani" for each Village Council. If for any reason more than one "Dakkerani" is found necessary, prior approval of the Executive Committee for such appointment shall be obtained.
- (2) To appoint "Dakkerani" for each Village Council advertisement to this effect shall be made by the President fixing a date for selection. The Village Council in its full sitting shall make the appointment of "Dakkerani" from among the applicants. The Village Council may dismiss the "Dakkerani" but such cases shall be reported to the Executive Committee.

24. THE DUTIES OF THE DAKKERANI SHALL BE AS FOLLOWS.

- (1) He shall bring to the notice of the public all orders and notifications, the Village Council may direct to be notified.
- (2) He shall summon all parties and other persons required by the Village Council or the Village Court to attend the meeting.
- (3) The Secretary may also direct the "Dakkerani" to bring to the notice of the public any other matter not necessarily connected with the affairs of the Village Council.
- (4) If any emergency occurs requiring the gathering of the public in the interest of the Village Council, any member of the Village Council may without the previous approval of the President, direct the Dakkerani to summon all the villagers.
- (5) The "Dakkerani" shall carry notice to all members of the Village Council for a meeting of the Council summoned by the President.

25. REMUNERATION OF THE VILLAGE COUNCIL MEMBER ETC.

Members of the Village Council including the President and also the Secretary and the Dakkerani shall be entitled to receive such remuneration and privileges as may from time to time, determined by the District Council.

26. DISSOLUTION OF THE VILLAGE COUNCIL.

- (1) The Executive Committee 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 manners prejudicial to the interest of the State or for any reason consider sufficient for such dissolution and issue order for holding fresh election of the Village Council. Copies of all such order shall be sent to the Deputy Commissioner of the Lawngtlai District.
- (2) The Executive Committee may appoint any person or persons to assume charge of the Village administration and also to act in the Village Council Court during the period intervening between the dissolution of the Village Council and the completion of the election under the provisions of sub-section (1).
- (3) When any Village Council has been dissolved under the provision of sub-section (1), the Executive Committee at its meeting shall lay before the District Council in Session at its first meeting after such dissolution, all papers, connected therewith and the matter shall be opened for discussion by the members of the District Council.
- (4) So long as the Village Council acts as the Village Court under the law, the Village Council so dissolved shall cease forthwith to function as Village Council Court.

27. BOUNDARIES AND JURISDICTION OF VILLAGE COUNCIL.

- (1) In fixing the boundaries of the Village, the Executive Committee may appoint a boundary commission and the reports and the finding of the commission thus appointed shall be laid before the Council session.
- (2) No person shall be allowed to make jhum outside the jurisdiction of that Village in which he resides without the written permission of the Executive Committee.

28. ALLOTMENT OF HOUSE SITE IN THE VILLAGE. No person shall be allowed to construct a house for any purpose without the written permission from the Village Council.

29. POWER TO MAKE RULES. Subject to the approval of the Governor, the Executive Committee may make rules for carrying out any of this provision of this Act.

30. PEPEAL AND SAVING.

- (1) The Pawi-Lakher Autonomous Region (Village Councils) Act, 1954 as amended as applicable to the Chakma Autonomous District Council is hereby repealed.
- (2) Notwithstanding such repealed, any action taken or proceeding made under any provision of these Acts repealed therein shall be deem to be the action taken or proceeding made under this Act.

B.B.Chakma,
Executive Member i/c LAD,
Chakma Autonomous District Council,
Kamalanagar.

Certify that the above Bill, the Chakma Autonomous District Council (Village Council) Act. 2001 was unanimously passed in the Third Sitting of the Winter Session of 2001 of the 6th Chakma Autonomous District Council on 26.11.2001.

And

In authentication signed on this of Eleventh day of December two thousand-one Anno Domini.

Assented the Bill
This 27th day of December, 2002

Mrs. Aroti Chakma,
Deputy Chairperson,
Chakma Autonomous District Council,
Kamalanagar.

A.R.Kohli,
Governor,
Mizoram.