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NOTIFICATION

No.H.12018/28/92- LJD/20, the 22nd November, 1999. The following Act of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Lushai Hills District (Village Councils)
(Amendment) Act, 1999 (Act No. 10 of 1999)

(Received the assent of the Governor of Mizoram on the 7th Nov. 1999)

AN
ACT

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

Whereas it is expedient to further amend the Lushai Hills District (Village Councils) Act, 1953 (Act No. V of 1953) to suit the present situation of the State of Mizoram and other matters connected therewith.

Be it enacted by the Legislative Assembly of Mizoram in the Fiftieth year of the Republic of India as follows:

Short title extent
and commence-
ment

1. (1) This Act shall be called the Lushai Hills District (Village Councils) (Amendment) Act, 1999.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force on such date as the State Government may, by notification in the official gazette, appoint.

Amendment of
section 3

2. In the Lushai Hills District (Village Councils) Act, 1953 (herein after referred to as the principal Act),-

(a) after sub-section (1) or section 3, the following proviso shall be inserted, namely-

“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.

(b) for clauses (a), (b), (c), (d), (e), (f), and (g) in sub-section (2) of section 3 of the principal Act, the following clauses shall be substituted, namely-

(i) For Village not exceeding 200 houses, there shall be 3 members;

(ii) For Village with more than 200 houses but not exceeding 400 houses, there shall be 5 members

(iii) For Village with more than 400 houses but not exceeding 700 houses, there shall be 7 members;

(iv) For Village with more than 700 houses, but not exceeding 1500 houses, there shall be 9 members;

(v) For Village with more than 1500 houses, there shall be 11 members.

(c) for sub-section (3) of section 3, the following sub-section shall be substituted, namely-

“(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 Councils cannot be held and the situation demands immediate constitution of such a Village Council, the Government may appoint person 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”.

Amendment of
section 6

3. In the principal Act, for sub-section (1) and sub-section (2) of section 6, the following sub-sections shall be substituted, namely-

“(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.

Amendment of
section 26

4. In the principal Act, for section 26, the following section shall be substituted, namely-

26. SUB-VILLAGE OR THLAWHBAWK(1)

(1) The Government may, by order, set up at any suitable place a sub-village of 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).

(3) If the 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, 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

(5). If any person fails to comply with the vacation order given under sub-section (3) or sub-section (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 sub-section (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 (6) and of the authorised officer passed under 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

P. Chakraborty,
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C E R T I F I C A T E

**This Bill was passed by the Mizoram Legislative Assembly on the
August, 1999**

**Dated Aizawl
the1999**

**(R. LALAWIA)
Speaker
Mizoram Legislative Assembly**

I assent to this Bill

**Dated Aizawl,
the 1999**

**(A. PADMANABAN)
Governor : Mizoram**