APPENDICES

APPENDIX I

The Constitution (Seventy-third Amendment) Act, 1992

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:

An Act further to amend the Constitution of India

Short title and commencement

1. (1) This Act may be called the Constitution (Seventy-third Amendment) Act, 1992.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new Part IX

2. After Part VIII of the Constitution, the following Part shall be inserted, namely:

‘PART IX’ THE PANCHAYATS

Definitions (243)

In this Part, unless the context otherwise requires, ---

(a) “district” means a district in a state;

(b) “Gram Sabha” means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of a panchayat at the village level;

(c) “intermediate level” means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purpose of this Part;

(d) “Panchayat” means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;

(e) “Panchayat area” means the territorial area of a Panchayat;
(f) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;

(g) “village” means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

_Gram Sabha (243A)_

A Gram Sabha may exercise such powers and perform such functions at the Village level as the Legislature of a State may, by law, provide.

_Constitution of Panchayats (243B)_

(1) There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.

(2) Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

_Composition of Panchayats (243C)_

(1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats;

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.
(3) The Legislature of a State may, by law, provide for the representation:

(a) of the Chairpersons of the panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;

(b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;

(c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such a Panchayat;

(d) of the members of the Council of States and the members and the members of the Legislative Councils of the State, where they registered as electors within ---

(i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level

(ii) a Panchayat area at the district level, in Panchayat at the district level.

(4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.

(5) The Chairperson of –

(a) a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and

(b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.
Reservation of Seats (243D)

(1) Seats shall be reserved for –

(a) the Scheduled Castes; and

(b) the Schedule Tribes, in every Panchayat and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Schedule Caste in that Panchayat area and of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Schedule Castes or, as the case may be, the Schedule Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for Scheduled Castes and Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level, the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State.

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women.
Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayat at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

Duration for Panchayats etc. (243E)

(1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Panchayat shall be completed –

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution.

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.
Disqualification for Membership (243F)

(1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat –

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

Powers, Authority and Responsibilities of Panchayats (243G)

Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to –

(a) the preparation of plans for economic development and social justice,

(b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Scheduled.
Power to Impose Taxes by, and Funds of, the Panchayats (243H)

The Legislature of a State may, by law –

(a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

(b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;

(c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and

(d) provide for constitution of such Funds for crediting all moneys received respectively, by or on behalf of the Panchayats and also for the withdrawal of such money therefrom, as may be specified in the law.


(1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to –

(a) the principles which should govern –

(i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by the Panchayats;

(iii) the grants-in-aid to the Panchayats from the consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Panchayats;
(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.

(2) The Legislature of a State may, by law, provide for the composition of the commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.

(3) The Commission shall determine the procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them.

(4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

Audit of Accounts of Panchayats (243J)

The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by Panchayats and the auditing of such accounts.

Elections to the Panchayats (243K)

(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such
staffs as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1).

(4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to or in connection with, election to the Panchayats.

**Application to Union Territories (243L)**

The provisions of this Part shall apply to the Union Territories and shall, in their application to a Union Territory, have effect as if the differences to the Governor of a State as if the references to the Administrator of the Union Territory, appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union Territory having a Legislative Assembly, to that Legislative Assembly:

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union Territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

**Part not to Apply to Certain Areas (243M)**

(1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

(2) Nothing in this Part shall apply to –

(a) the State of Nagaland, Meghalaya and Mizoram;

(b) the hill areas in the State of Manipur for which District Councils exist under any law for the time being in force.

(3) Nothing in this Part –

(a) relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;

(b) shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.
(4) Notwithstanding anything in the Constitution –

(a) the Legislature of a State referred to in sub-clause (a) of (2) may, by law, extend this Part to the State, except the areas, if any, referred to in clause (1) if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting;

(b) Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law and no such law shall be deemed to be an amendment of this Constitution for the purpose of Article 368.

**Continuance of Existing Laws and Panchayats (243N)**

Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent legislature or a competent authority or until the expiration of one year from such commencement, whichever is earlier:

Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless or sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

**Bar to Interference by Courts in Election Matters (243O)**

Notwithstanding anything in this Constitution –

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies made or purporting to be made under Article 243K, shall not be called in question in any court;
(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

Amendment of Article (280)

3. In clause (3) of Article 280 of the Constitution, after sub-clause (b), the following sub-clause shall be inserted, namely:

“(bb) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State:”

Addition to the Eleventh Schedule

4. After the Tenth Schedule to the Constitution, the following Schedule shall be added, namely –

“Eleventh schedule (article 243g)

1. Agriculture including agriculture extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
17. Education including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
21. Cultural activities.
22. Market and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets.”
India as modified by law made by Parliament from time to time in so far as the specification pertains to the autonomous district of Assam.

(9) “Tlangau” means Village Crier.

(10) “Tuikhur” means any place wherein water supply is obtained.

(11) “Village Council” means of Village Council instituted under section 3 of this Act.

(12) “Voter” means a person who fulfils the qualifications enumerated in rule 128 of the Assam Autonomous District (Constitution of District Councils, Rules 1951, as in force immediately before the 29th day April 1982.

(13) “Adult” means a person belonging to a Schedule Tribe who is not less than twenty one years of age on such date as may be fixed in that behalf by the District Council.

(14) “District Fund” means the District Fund of the Lushai Hills District Autonomous District.

(15) “Ngawidawh” means construction of a trap of 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) “Tlawhbawk” means a temporary sub-village created for the sale purpose of jhuming in a certain area for a specific 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 Administrator of Mizoram.
CHAPTER – II
Establishment of Village Council.

3. **Constitution of Village Council** --

(1) There shall be Village Council comprising one or more villages as the Administrator may, by notification in the Mizoram Gazette, decide to be composed in the manner here-in-after provided in sub-section (2)

Number of members of Village Council – (2) 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 houses, there shall be 3 (three) members;

(ii) For village with more than 200 houses, but not exceeding 500 houses there shall be 4 (four) members;

(iii) For village with more than 500 houses, but not exceeding 800 houses, there shall be 5 (five) members;

(iv) For village with more than 800 houses, there shall be 6 (six) members.

Nothing in the above amendment shall effect the existing Village Councils till the end of their present term”.

(3) Of the total number of members of the Village Council as determined under sub-section (2) one third or nearest shall be nominated by the executive committee and the rest elected by the adult of the Village in accordance with the rules made by the District Council under this Act. (*the nominated seat has been abolished since 1999 by the Government of Mizoram*)

“Provided that in case election of members constitute a Village Council or Councils, under this sub-section cannot be held due to any reason considered unavoidable by the Administrator but the circumstances demand the immediate constitution of such Village Council or Councils, the Administrator may also nominate the remaining number of members of such Council or Councils and the members so nominated shall hold office for a period of not exceeding one year from the date of the first meeting of the Council or Councils”.
(4) “The Administrator may abolish a Village Council if the number of the house-holds of the village has in his opinion, become too small to have a Village Council of its own. In such a situation the village shall be comprised of the nearest village having a Village Council, under sub-section (1)”.

(5) “The Administrator shall decide as to how many members shall constitute a Village Council subject to the provisions of sub-section. (2)

(6) “For the purpose of this section, the Administrator shall publish in the Mizoram Gazette a list of Village or Villages”.

4. 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 schedule tribe;
(b) he has not attained the age of 25 years;
(c) he is not voter where he seeks election;
(d) he is a member of any other Village Council;
(e) he is unsound mind and stands so declared by a competent Court or 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 imprisons, since his released from prison.

5. Duration of Village Council --

Every Village Council, unless sooner dissolved under the provision of section 25 of this acts shall continue for three years from the date appointed for its meeting.

Provided that the life of a Village Council may be extended or shortened by the District Council for a period not exceeding 18 months in the aggregate.
6. **Tenure of Membership** --

(1) A member nominated to a Village Council in accordance with the provision of sub-section (3) of section 3 shall hold office during the pleasure of the Executive Committee.

(2) Subject to the provision of sub-section (1) all members both elected and nominated, shall hold office during the life of the Council;

Provided that a member so elected or nominated to fill a casual vacancy shall hold office for the remainder of the term of office of the member whose seat falls vacant.

(3) If a member absent himself continuously in ten consecutive meeting of the Village Council may in a meeting specially convened for the purpose, declare his seat vacant after giving him an opportunity for hearing and in such case the Village Council shall communicate the decision to the Executive Committee.

7. **Executive** --

There shall be a President, Vice-President and a Secretary in each Village Council and the Executive functions of the Councils shall be vested in these three.

(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 District Council on the advice of the President of the Village Council.

(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 Executive Committee and until the Executive Committee 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 Administrator or to an officer authorised by him in this behalf for acceptance, and until the resignation is accepted, he shall be normally accepted. When the resignation is accepted the members of 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, who shall without delay forward it to the Administrator or to an officer authorised by him 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 for with to the Executive Committee, by the President or the Vice-President, as the case may be.

(8) 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.

(9) Members of the Village Council including the President shall be entitled to receive such remuneration and privilege as may, from time to time, be determined by the District Council.

(10) “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 Indian Penal Code”.

“The Administrator may remove the President or the Vice-President of a Village Council if in his opinion the President or the Vice-President has lost support of the majority of the members but refuses to tender
resignation, or is too inefficient or too corrupt to carry on the Village Administration or is acting in a manner prejudicial to the interest of the State”.

8. Functions of the Village Council --

(1) The Village Council or any Officer of the District Council authorised by the Executive Committee shall allot a particular region within the boundaries of each village for jhum each particular years, and the distribution of the jhum plots shall be done in accordance with the laws framed by the District Council 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 wherever occasion so demands.

“Provided that no discrimination shall be made on grounds of religion, of caste of class or of any of them” should be added as another paragraph next to sec. 8 (2) of the Village Councils Act.

(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 Hnatlang a day.

9. Regulation of Hnatlang --

(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 Hnatlang.

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

(3) Every person shall have the option of commuting his obligation to render service under Hnatlang no payment of cash compensation in lieu of it at a rate to be fixed by the Village Council not exceeding Rs.25/- per Hnatlang a day.
10. **Collection of Taxes** --

(1) The Executive Committee 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 direction given by the Executive Committee or any officer of the District Council authorised by Executive Committee in that behalf.

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.

**CHAPTER – III**

**Conduct of Business**

12. **President and Meetings of the Village Council** --

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.

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 exercise a casting vote in the case of 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.

“Provided that the Secretary of the Village Council may speak and take part in such deliberation, if the Village Council so requires, but shall have no vote”.

14. *Preservation of order in Meetings 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 members whose conduct 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 sub-section (2) the President shall report, in writing, the conduct of the member to the Executive Committee on receipt of such report the Executive Committee may, if it deems necessary, suspend the member for any period considered reasonable by the Executive Committee.

15. *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 open for inspection by any subscriber to the collection.
16. Responsibility of the President for compliance of orders etc.--

(1) The President shall cause notices and instructions for prevention of dangers such as the outbreak of fire, epidemics etc. in the Village to be proclaimed by engaging the “Tlangau” and whenever notices, orders circulars or letters are received for re-distribution from the District Council to pass on the other villages, he shall forth-with cause it to be send through the Secretary.

(2) The President shall be responsible for the compliance of all orders and notifications issued by the Deputy Commissioner.

(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 necessary to be brought to the knowledge of the public, it shall be given over to the Secretary for publication either by Tlangau or by a notice for the public.

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

17. Vice-President --

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

18. Secretary --

The Secretary shall be the Village writer and shall be responsible for all 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 publish all orders, notifications and records as may be necessary and such orders, notifications and records shall be signed by the President.

(b) On receipt of any orders notice, circulars or letters from the District Council 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 transmit to any other Village Council as may be directed, and he shall be responsible to carry such directions.

(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 require 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 the Officers of the District Council or any members of the Village Council appointed in this behalf.

19. Remuneration of the Secretary --

The Secretary shall be paid such remuneration as may be fixed by the District Council.

20. Officers --

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

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

(3) The Administrator may also appoint one or more Circle Assistants, as he may deem necessary, for each Circle and define their jurisdiction.

(4) The duties of the District Local Administration Officer, Circle Officer and Circle Assistants 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 in 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 District Council.

22. Tlangau (Village Crier) --

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

(2) To appoint Tlangau 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 Tlangau from amongst the applicants. The Village Council may dismiss the Tlangau but such cases shall be reported to the Executive Committee.

(3) The duties of Tlangau shall be as follows:-

(i) He shall bring to the notice for the public all orders and notifications 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 Tlangau to bring to the notice of public any other matter not necessarily connected with the affairs of the Village Council or any officer of the Mizoram District Council on duty.

(iv) The Tlangau shall carry notice, to all members of Village Council for all meeting of the Village Council recommended by the President.

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 Tlangau to summon all the Villagers.

(4) Remuneration of Tlangau:

(a) The Tlangau shall be exempted from,

(i) all ‘Hnatlang’ enforced by the Village Council under sub-section (2) of section 8 of the principal Act,

(ii) ‘Zoram Chhiah’
(b) The Tlangau shall be entitled to receive such other remuneration and privileges as may from time to time, be determined by the Administrator of the Union Territory of Mizoram.

Provided that if in any Village, no Tlangau can be found on the remuneration granted under this sub-section, the Executive Committee may, by order, raise additional remunerations from the villagers concerned to be paid either in cash or in kind, the amount of which shall be fixed in consultation with the Village Council concerned.

23. **Power to make rules** --

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

(2) In particularly and without prejudice to the forgoing powers such rules may prescribe –

(a) Control, preservation and use of timbers and other forest products accept of the reserved forests, ordinary utilised for building purposes such as canes, sungrass, siallu, thilthe, 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 Khamkhui.
CHAPTER – IV

Town Committee

24. Formation of Town Committee --

The District Council shall cause the formation of Town Committees, where such Committees are considered desirable and convenient in accordance with law made by the District Council for the purpose.

CHAPTER – V

25. (1) The Executive Committee may, by publish notification, order the dissolution of a Village Council in its opinion the Village Council is too in-efficient or is not able to carry on the Village administration or is acting the manner prejudicial to the interest of the State or for any other reasons considers 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.

(2) The Executive Committee 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 Executive Committee considers 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 forwith to perform the functions of the Village Court.

CHAPTER – VI

26. (a) Without permission of the Executive Committee no Thlawhbawk for more than a year or Khawper (sub-village) shall be made or set up at any site within the District.
(b) The Executive Committee or any officer of the District Council authorised in that behalf by the Executive Committee, may evict any person or persons having in occupation of unauthorised Khawper or Thlawhbawk, after service on such person or persons individually of a notice to vacate the area within a period of not less than three months.

(c) On failure to vacate the area within the time fixed in the notice, the Executive Committee or any officer in the District Council authorised in that behalf may impose a fine not exceeding Rs.50/- per month to each family for the unauthorised occupation after the service of the notice.

(d) The order of the Executive Committee or of the officer passed under sub-section (b) and (c) above, shall be deemed to be a clause of a competent civil court for the purpose of evicting unauthorised occupant from the area to which this section applies.
Appendix III

The Panchayats

The Structure of the Panchayati Raj System

The Constitution (Seventy-third Amendment) Act, 1992 makes it mandatory that every village shall constitute a Gram Sabha which shall consists of all the voters within the area of the Panchayat at the village level. This body shall exercise all the powers and functions of the Panchayat at the village level as assigned to it by the state legislature. In exception to the Gram Sabha the new Panchayati Raj institution was designed to constitute under three-tier structure in every state. However, the state with a population not exceeding twenty lakhs may be exempted from the introduction of the intermediate level so that they may have only two-tier structure. The three tier structures of the Panchayati Raj system are as follow:

(i) The Panchayati Raj at the village level: The lowest tier of the Panchayati Raj Institutions is the Panchayat at the village level which is commonly known as the Gram Pachayat, the Village Panchayat or whatever name is given to it by the State Legislature. The Village Panchayats is the executive committee of the Gram Sabha whose members are directly elected by the villagers.

(ii) The Panchayat at the intermediate level: The panchayat at the intermediate or block level may be called the Panchayati Samiti, Janapad Panchayat, Mandal Panchayat, Block Panchayat or whatever name is given to it by the concern authority. It is constituted by the representatives of the Village Panchayat and the co-opted members appointed by the state legislature.

(iii) The Panchayat at the district level: The uppermost tier of the Panchayati Raj Institutions is constituted at the District level which is called the Zilla Parishad or the District Panchayat but in the state of Jammu and Kashmir it is called District Planning and Development Board. The head of the district level panchayat are
mostly called the Chairperson or the President. They are called Adhyaksha in Bihar, Goa, Karnataka, Sikkim and Uttar Pradesh and in Rajasthan he is called Pramukh. ¹

**Composition of the Panchayati Raj Institutions**

The provision regarding the composition of the Panchayat shall be constituted by the state legislature provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the state.²

All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.³

The Legislature of a State shall provide for the representation of the Chairpersons of the Panchayat at the village level, intermediate level or in the Panchayat at the district level. It shall also provide for the representation of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level. It shall also provide for the representation of the members of the Council of State and the members of the Legislative Council, where they are registered as electors within the Panchayat area at the intermediate level and the district level.

The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies shall have the right to vote in the meetings of the Panchayats.⁴ The Chairperson

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¹ George Mathew, *Panchayati Raj in India – An Overview: Status of Panchayati Raj in the States and Union Territories of India 2000* (Concept Publishing Company, New Delhi-110059), Appendix V
² Article (243C) (1) of the Constitution (Seventy-third Amendment) Act, 1992
³ Article (243C) (2) of the Constitution (Seventy-third Amendment) Act, 1992
⁴ Article (243C) (4) of the Constitution (Seventy-third Amendment) Act, 1992
of a Panchayat at the village level shall be elected in such a manner as the law provided by the Legislature of the State and the Chairperson at the intermediate level and district level shall be elected by, and from amongst, the elected members thereof.

**Reservation of Seats**

The 73rd Constitution Amendment Act, 1992 provides reservation of seats for Schedule Castes and Schedule Tribes in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayats as the population of Schedule Castes in that Panchayat area and of the Schedule Tribes on the Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.\(^5\) Not less than one-third of the reserved seats shall be reserved for women belonging to the Schedule Caste or Scheduled Tribes, as the case may be.

In every Panchayat, not less than one-third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.\(^6\)

The office of the Chairpersons in the Panchayats at the village or any level shall be reserved for the Scheduled Castes and Scheduled Tribes and women as the Legislature of the State may by law provide. The reservation shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayat at each level, the population of the Scheduled Castes in the State or of the Schedule Tribes in the State bears to the total population of the State.

In every level of the Panchayat one-third of the total number of such offices shall be reserved for women and this shall be allotted by rotation to different Panchayat at each level.

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\(^5\) Article (243D) (1) of the Constitution (Seventy-third Amendment) Act, 1992  
\(^6\) Article (243D) (4) of the Constitution (Seventy-third Amendment) Act, 1992
Qualifications to be a member of the Panchayats

The constitution (Seventy-third Amendment) Act, 1992 has mentioned that a person shall be disqualified for being chosen as a member of a Panchayat if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the concerned State. It also provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years.\(^7\)

If a question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned above the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

From the above statement it is clear that every member of the panchayat must attained the age of twenty one years and must fulfil all the requisite qualifications to be a member of the State Legislature.

Tenures of the Panchayati Raj Institutions

Every Panchayat shall continue for a period of five years unless sooner dissolved under any law for the time being in force, from the date appointed for its first meeting.\(^8\) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level.

An election to constitute a Panchayat shall be completed before the expiry of its duration which is of five years. An election to a dissolved Panchayat shall be completed before the expiration of a period of six months from the date of its dissolution. In case, the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election for constituting the new Panchayat for such period. A Panchayat constituted upon the dissolution of a Panchayat before the

\(^7\) Article (243F) (1) of the Constitution (Seventy-third Amendment) Act, 1992
\(^8\) Article (243E) (1) of the Constitution (Seventy-third Amendment) Act, 1992
expiry of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued.⁹

_Election to the Panchayat Bodies_

The Governor shall appoint the State Election Commission consisting of the State Election Commissioner in whose hands the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the panchayats shall be vested.¹⁰ The Governor shall determine the conditions and tenure of office of the State Election Commissioner in accordance with the provisions of any law made by the Legislature of the State. Accordingly, all the states within the purview of the new Panchayati Raj system have formed their own SEC which causes great variation among the states in the election procedure of the Panchayat bodies.

_Powers and Functions of the Panchayati Raj Institutions_

Article (243G) of the Constitution (Seventy-third Amendment) Act, 1992 has clearly mentioned that the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government subject to the provision of this Constitution. All such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to-

(a) the preparation of plans for economic development and social justice,

(b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule of the Constitution.

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⁹ Article (243E) (4) of the Constitution (Seventy-third Amendment) Act, 1992
¹⁰ Article (243K) (1) of the Constitution (Seventy-third Amendment) Act, 1992
Conduct of Business

The Constitution (Seventy-third Amendment) Act, 1992 does not mentioned anything about the procedure for the meeting of the Panchayats. However, the Legislature of a State are empowered to make their own laws on the procedure for the conduct of business of their own Panchayats. The processes of the Panchayats’ meeting in many of the states have common features.

The meetings of the Panchayati Raj institutions are headed by the Chairpersons at each level. Resolutions in the meetings of the Gram Panchayats are made by means of majority of votes. It functions through various committees and the members may also request the Sarpanch to call for a special meeting. In case of the Panchayat Samitis or the Second Tier the meetings are held at least six times in a year for which not more than two months are to be allowed to elapse between the two successive meetings. It has got two types of meetings which may be called ordinary and special. Notice of every meeting specifying the time and place thereof and the business to be transacted is dispatched to every member of the Panchayat Samiti and demonstrated at the office of the Panchayat Samiti. The meetings of the Panchayat Samitis may be adjourned with the consent of majority of the members present in the meetings and it can be transacted at the following meeting. The Chairman of the Panchayat Samiti presides over its meetings and in his absence the Vice-Chairman. In case of the Zila Parishad or the uppermost tier business are usually conducted once in three months. It may also conduct a special meeting if one-third of its members requested for it in writing. The Chairman has to call for such special meeting within 15 days of such request.

Remuneration

The Seventy-third Constitution Amendment did not mention anything about the remuneration of the members of the Panchayats. It has clearly mention that all the state falling within the purview of the Panchayati Raj institution is to constitute a Finance Commission to review the financial
condition of the Panchayats and to make recommendations to the Governor. So, the state governments with the help of the State Finance Commission are to decide the pay or remuneration of its Panchayat members. Therefore, like any other employees of the state governments the members of the Panchayats in different parts of India did not enjoy equal pay or remuneration as it has been decided by their respective state governments who have got great authority over its employees.

Financial Resources of the Panchayati Raj Institutions

The Panchayat also has got the power to impose taxes and funds as approved by the Legislature of a State, who may authorize the Panchayats to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits. It may, by law, assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits. It may also provide for making such grants-in-aid to the Panchayats from the consolidated fund of the State and provide for constitution of such Funds crediting all money received respectively, by or on behalf of the Panchayats and also for the withdrawal of such money there from, as may be specified in the law.

The Governor of a state is authorized to constitute a Finance Commission within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and there after the expiration of every five years. The Finance Commission is to review the financial position of the Panchayats and to make recommendation to the Government of the State as to the principles which should govern the distribution of finances between the State and the Panchayats, the determination of taxes, duties, tolls and fees, grants-in-aid to the Panchayats from the consolidated fund of the State and any other

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11 Article (243I) of the Constitution (Seventy-third Amendment) Act, 1992
12 Article (243H) of the Constitution (Seventy-third Amendment) Act, 1992
matter referred to the Finance Commission by the Government of the State in the interest of sound finance of the Panchayats.

The Legislature of a State may, by law, provide for the composition of the Commission, the qualification which shall be requisite for appointment as members and the manner in which they should be selected. The Commission shall determine their procedure and shall have such powers in the performance of their function as the Legislature of a State may confer on them. The recommendation made by the Finance Commission shall be laid by the Government of the State before the Legislature of the State together with an explanatory memorandum as to the action taken.
APPENDIX II

The Lushai Hills District
(Village Councils) Act, 1953
(Lushai Hills Act No V of 1953, as Amended from time to time)

CHAPTER -- I

Preliminary

1. Short, title extends and commencement.

   (1) This Act may be called the Lushai Hills District (Village Councils) Act, 1953.
   (2) It extends to the Lushai Hills District except the areas under jurisdiction of the Pawi – Lakher Regional Council.
   (3) It shall come into force at once.

2. Definition --

   In this Act, except where it is expressly otherwise provided or the context otherwise requires:
   (1) “District” means the Autonomous Lushai Hills District.
   (2) “Deputy Commissioner” means the Deputy Commissioner of the Lushai Hills District.
   (3) “Executive Committee” means the Executive Committee of the Lushai Hills District Council (Constitution of District Council) Rules, 1951.
   (4) “Hnatlang” means a common service for the common good of the Villagers which the residences of the Village are to render.
   (5) “Leipui” means a subsidiary shifting jhum cultivation.
   (6) “Mizo” means a member of any Lushai (Mizo) tribe.
   (7) “Mizoram Buhchhun” means the surtax imposed by the District Council under the Lushai Hills District (Revenue assessment) Regulation, 1953.
   (8) “Schedule tribe or tribes” means such tribe or tribes as are specified by the President of India under Article 342(1) of the Constitution of