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A STUDY OF THE LOCAL COUNCIL SYSTEM IN MIZORAM

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Abstract:

The establishment of the Aizawl Municipal Corporation (AMC) under the Mizoram Municipalities Act, 2007 was an important step in putting the 74th Constitutional Amendment into effect and encouraging democratic decentralization in Mizoram. The AMC serves as the primary urban local governance in Aizawl. Local Councils constituted under the Mizoram Municipalities (Ward Committee and Local Council) Rules, 2010, functions as the grassroot democracy. Each Council comprises of five or seven members and one-third of the seats are reserved for women. The Mizoram Municipalities (Ward Committee and Local Council) Rules amendments in 2020 and 2022 further refined their composition and transitional arrangements. However, despite their important role in grassroot governance, Local Councils still depends on the AMC and State Government for administration and financial resources.

Key words: Local Council, Urban Local Bodies, Democratic Decentralization

Introduction

Aizawl Municipal Council (AMC) covers a total area of 129 sq. kms. with a population of 293,416 as per 2011 Census. Under the AMC, there are 19 Wards comprising of 83 Local Councils. The 74th Constitutional Amendment Act of 1992, which came into force on 1st June, 1993, marked a major step in strengthening democratic decentralization in India. It granted Municipalities, or urban local bodies, constitutional recognition and clearly defined their powers and responsibilities. In line with this amendment, Govt. of Mizoram are constitutionally required to implement the new system by establishing municipalities as prescribed under the Act.

The Mizoram Municipalities Act, 2007 was passed by the Mizoram Legislative Assembly on 20th April, 2007 and it received the assent of the Governor of Mizoram on 16th April, 2007. The Act was subsequently amended as the Mizoram Municipalities (Amendment) Act, 2009, paving the way for the establishment of a municipal administration in Aizawl. This amendment replaced the village council system in Aizawl, which had been in place since 1954. The Aizawl Municipal Council (AMC) began working in 2010.

The office of the Aizawl Municipal Council was inaugurated on 1st July, 2008. The Governor of Mizoram in the exercise of the powers conferred under Section 6 of the Mizoram Municipalities Act, 2007 (Act No. 6 of 2007), finally constitutes the area to be the Aizawl Municipal Area. Notified Urban Areas of Aizawl City is divided into 19 Wards out of which 6 Wards are reserved for women as mandated by 74th Constitution Amendment Act of 1992. As per Notification No. B.14015/8/2010-SEC/MC/30, the 23d August, 2010, the State Election Commission declares Ward No. II, Ward No. IV, Ward No. VI, Ward No. XI, Ward No. XII, Ward No. XVII by draw of lots as the Women reserve seats for the General Election to the first Council of Aizawl Municipality. The first ever Aizawl Municipal Council Election was conducted on 3rd November, 2010 across the AMC 19 wards in Aizawl city. So far, three Elections have been conducted for the AMC, The first one on 3rd November, 2010, followed by the second election on 26th November, 2015, and the most recent on 16th February, 2021.

The Aizawl Municipal Corporation (AMC) is the governing body responsible for the civic administration of Aizawl city. The AMC comprises 19 members and the Corporation is led by a Mayor, a Deputy Mayor and a Commissioner. It includes 19 elected representatives from each ward, along with additional members appointed by the Governor of Mizoram. One-third of the seats are reserved for women, with these reservations rotated every five years. The Corporation has a tenure of five years. Each ward has its own Ward Committee, chaired by the elected councillor of that ward, and includes two members from each Local Council within the ward. Aizawl currently has 83 Local Councils, each serving a term of five years.



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Constitution of Local Council

The Mizoram Municipalities Act, 2007 stands as the key legislative framework for urban local governance in Mizoram. According to this act, the Municipality may constitute Local Council for every locality in the Ward holding election to be conducted by State Election Commission. Any resident whose name appears on the electoral roll of a locality is eligible to vote in the election of Councillors for that locality. Only those qualifies to vote in a Local Council election may stand as a candidate, with the exception of individuals employed under the Central Government, State Government or Public Sector Undertakings. Furthermore, the municipality holds the authority to form more than one Local Council within an area that was formerly administered by a single village council.

Composition of Local Council

The number of members in the Local Council shall be as:

- (a) Five members in a locality comprising 1500 voters or less.
- (b) Seven members in a locality comprising more than 1500 voters.
- (c) One-third of the Members in a Local Council shall be reserved for women. That is, in a Local Council with 5(five) Members, 1(one) Member shall be Women; and in a Local Council with 7 (seven) Members, 2 (two) Members shall be Women.

(2) The Local Council shall have a Chairman, a Vice Chairman, a Treasurer and a Secretary. The First Meeting of the elected Members shall be held within 10 (ten) days and shall elect a Chairman, a Vice Chairman and a Treasurer and also the two Members who will represent the Local Council in the Ward Committee.

(3) There shall be a Secretary of the Local Council who may be appointed or dismissed by the Municipality on the advice of the Chairman of the Local Council.

(4) The Secretary shall not be a member of the Local Council.

(5) There shall be a Tlangau (Local Crier) in each Local Council to be appointed by the Council. The remuneration of Tlangau may be as determined from time to time by the concerned Municipality.

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

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

(ii) He shall perform such other duties as the Local Council may direct or required in the general interest of the public or for the smooth functioning of the Council.

The tenure of Local Council Members is 5 (five) years from the date of the first meeting of the Committee. In the case of casual vacancy in the membership for any reason, the Council may nominate any prominent person residing in the locality to fill the vacancy for the remaining period of the tenure.

General Functions of the Local Council

The general functions of the local council are as entrusted to it by the Municipality for the common civic services and common benefit of the community and other matters in accordance with the Mizo traditions, customs and practices.

Other Functions

1) The State Government or the Municipality or the Ward Committee, may entrust the Local Council with one or more functions of the Ward Committee within the area of the locality.

2) The Local Council, subject to general supervision of the Ward Committee or the Municipality, shall, within the Ward, supervise and monitor:



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(a) Detection of violation of various provisions of the Act such as illegal construction, encroachments on Municipal and public properties, public nuisance, evasion of taxes, unlicensed activities etc.

(b) Arresting wasteful uses of various Municipal services like tap water, street hydrant, street light, parks and playgrounds, community centre etc.

(c) Detection of unclean premises and accumulated garbage, with powers to require the owner or the occupier of such premises to clean and to dispose of such garbage.

Role of Local Council in Planning

(1) The Local Council shall render all possible assistance to the Ward Committee in the discharge of its role.

(2) If and when the Ward Committee entrusts particular role or function within the locality to the Local Council, it shall be the duty of the Local Council to discharge such role or functions satisfactorily.

(3) The Local Council may identify any uncompleted work or works of poor quality or materials of inferior quality used for any work within the Ward and report such matter to the authority concerned for action.

Dissolution of Local Council

(1) The Municipality for good and sufficient reasons, to be recorded in writing and after discreet inquiry by a duly authorised and responsible officer, may order dissolution of any Local Council.

(2) In the event of such dissolution, the Municipality may appoint a prominent person of the locality to be designated as Administrator to take over the charge of the Local Council till such time fresh election is held. Provided that in the event of such dissolution, a fresh election shall be held within sixty days from the date of dissolution of the Local Council. Provided further that the Municipality may retain the service of the Secretary of the Local Council to assist the Administrator till a new Local Council is formed. This rule also applies in the case of mass resignation of Members of the Local Council.

According to the Mizoram Municipalities (Ward Committee and Local Council) (Amendment) Rules, 2020, After the expiry of the tenure and where an election to Local Council/Councils cannot be held and the situation demands immediate constitution of such a Local Council, the Government may appoint persons not more than the total membership to hold office of the Local Council for the particular local areas to sit and act as elected members of the local council for a period not exceeding one year from the date of the first meeting of the Local council: Provided that the process of election for constitution of the Local Councils shall be completed before the expiry of one year from the date fixed for the first meeting of the local council. The state government may extend or shorten the term of a local council for such periods not exceeding 12 months in aggregate.

The Mizoram Municipalities (Ward Committee and Local Council) (Amendment) Rules, 2022 provided that during the transitional period, existing Village Councils within the Municipal Area shall function as Local Councils till Local Councils are constituted.

Concluding observation

According to the Mizoram Municipalities (Ward Committee and Local Council) Rules, 2010, the general functions of Local Council shall be such as may be entrusted to it by the Municipality for the common civic services and common benefit of the community and other matters in accordance with the Mizo traditions, customs and practices as provided under sub-section (3) of section 23 of the Mizoram Municipalities Act, 2007. In Rule 21 (Sub-rule (1) & (2) The State Government or the Municipality or the Ward Committee, as the case may be, may entrust the Local Council with one or more functions of the Ward Committee under Rule 11 of these Rules within the area of the locality.

The Mizoram Municipalities (Ward Committee and Local Council) Rules, 2010 did not mention that Local Councils can levy or collect taxes. Their main function is to oversee, coordinate, and carry out the tasks that have been given to them. Local Councils mostly work under the Municipality or the State Government. They do not have their own



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sources of income, so they depend on the Aizawl Municipal Corporation (AMC) or the State Government. This makes it hard for them to carry out development programs and provide services effectively.

The local council system in Mizoram is a mixture of traditional governance and modern governance at the local level. While the traditional village councils still have a lot of power, especially in rural areas, urban local bodies play a key role in Aizawl. But it is important to draw a clear line between Local Councils and Village Councils to prevent overlap and confusion, particularly in transitional areas where both systems co-exist.

While the Mizoram Municipalities Act, 2007 was meant to promote democratic decentralization and strengthen Local Councils, however, the Aizawl Municipal Corporation (AMC) and the Urban Development & Poverty Alleviation (UD&PA) Department still have most control over planning, finances and administration. This control limits the Local Council's ability to operate independently and act merely as an implementing agency.

Conclusion

The Local Council system in Mizoram is a big step toward realizing the goals of the 74th Constitutional Amendment's vision of democratic decentralization. By making grassroots governance a part of the system in cities and transitional areas, it has helped bring citizens and local government closer together. However, The Mizoram Municipalities (Ward Committee and Local Council) Rules, 2010 provide a framework for participatory local governance within urban areas of Mizoram, but the Local Councils remain largely dependent on the Aizawl Municipal Corporation for administration and finances. Local Councils need their own sources of income to improve their financial independence and carry out development programs effectively without relying too much on the AMC or the state government. It is important to clearly define the roles and responsibilities of Local Councils and Village Councils to avoid confusion especially in areas where both systems co-exist. Greater participation of the local people is needed for effective grassroots governance. Local councils can promote transparency and encourage people's participation by making use of official websites, social media platform and mobile apps. To keep track of households, the local population, infrastructure, land use and local resources, Local Councils need a database of their area so they could plan and carry out development projects, identify community needs and allocate resources efficiently.

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