

Assembly Bill No. 62  
of 2023

**THE SINLUNG HILLS COUNCIL  
(AMENDMENT) BILL, 2023**

**GENERAL ADMINISTRATION DEPARTMENT**

**THE SINLUNG HILLS COUNCIL  
(AMENDMENT) BILL, 2023**

**A BILL**

to amend the Sinlung Hills Council Act, 2018  
(Act No. 6 of 2018)

Be it enacted by the General Council of the Sinlung Hills Council with the approval of the Government of Mizoram in the Seventy-Fourth Year of the Republic of India as follows:-

**1. Short title and commencement:**

- (1) This Act may be called the Sinlung Hills Council (Amendment) Act, 2023.
- (2) It shall come into force on the date of its publication in the Official Gazette.

**2. Amendment of section 5:**

- (1) In sub-section (1) of section 5 of the Sinlung Hills Council Act, 2018 (hereinafter referred to as the Principal Act), after the word "elected", the words "from the territorial constituencies of the Sinlung Hills Council" shall be inserted and the word in the last line "in consultation with the Council" shall be omitted and the proviso "provided that the members to be nominated by the Government shall be as recommended by the Chief Executive Member from amongst the persons having requisite qualifications for being a member of the Council" shall be inserted.
- (2) In sub-section (2) of section 5 of the Principal Act, in the second sentence, for the words "Chairman and Deputy Chairman", the words "Pro-tem Chairman" shall be substituted.

**3. Amendment of section 9:**

In sub-section (3) of section 9 of the Principal Act, for the words "members", the words "Chairman, Deputy Chairman and Members of the Council" shall be substituted.

**4. Amendment of section 16:**

After sub-section (9) of section 16 of the Principal Act, the following sub-section shall be inserted, namely:

"(10) Subject to the previous approval of the Government, the Council may make rules regulating the conditions of service of officers and staff appointed to the Secretariat of the Council.

Provided that where such rules have not been made by the Council, the conditions of service of such officers and staff of the Council shall be regulated by orders to be issued by the Government, and in the absence of such orders, by the relevant rules applicable to officers and staff of the State Government, subject to such

restrictions or modifications as the Government may direct in the case of a particular appointment or class or classes of appointment."

**5. Amendment of section 34:**

Section 34 of the Principal Act shall be substituted by the following, namely:

**"34. Election of Members,-**

The superintendence, direction and control of the preparation of the electoral rolls and, for the conduct of election to the Sinlung Hills Council shall vest in the State Election Commission".

**6. Amendment of section 35:**

Section 35 of the Principal Act, shall be substituted by the following, namely:

**"35. Qualifications for membership of General Council -**

A person shall be qualified to be elected to the General Council if he/she is

- (a) a citizen of India;
- (b) not less than 25 years of age on the date of filing of Nomination papers;
- (c) a member of any of the Scheduled Tribe for the State of Mizoram and is a permanent resident of the Sinlung Hills Council; and
- (d) is entitled to vote at the election of the Members of the Sinlung Hills Council."

**7. Amendment of section 36:**

- (1) In sub-section (1) of section 36 of the Principal Act, before and for the words "A person"; the following words shall be inserted, namely -  
"Subject to the provisions of the rules made under sub-section (2) of this section, a person"
- (2) In sub-section (1) of section 36 of the Principal Act, clause (b), shall be substituted by the following, namely -  
"(b) is less than 25 years of age on the date of filing of Nomination papers; or"
- (3) In sub-section (1) of section 36 of the Principal Act, in clause (c), for the words "Village Council within the State"; the words "Sinlung Hills Council" shall be substituted.
- (4) In sub-section (1) of section 36 of the Principal Act, in proviso; after the words "Executive Member", the words "or Chairman or Deputy Chairman or Member" shall be inserted.

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## STATEMENT OF OBJECTS AND REASONS

1. Sub-section (1) of section 5 of the Sinlung Hills Council Act, 2018 (No.6 of 2018) states that 2 (two) members of the Council shall be nominated by the Government. It is felt necessary to include in the Act brief conditions for recommendation of persons for appointment as nominated members of the Council.
2. Proposed amendment in sub-section (2) is correction as election of Chairman and Deputy Chairman is to be done under the chairmanship of the Pro-tem Chairman whereas Pro-tem Chairman is to be elected under the Chairmanship of the Deputy Commissioner that the Deputy Commissioner who administered the oath of Affirmation to the Pro-tem Chairman may cast his vote to decide the result of election of the Pro-tem Chairman in case of tie in election of Pro-tem Chairman and not the election of Chairman and Deputy Chairman.
3. Section 9 of the Sinlung Hills Council Act, 2018 (No.6 of 2018) confers the Council the powers to frame rules to prescribe the salary, allowances and conditions of service of the Chief Executive Member, Executive Members and Members of the Council. However, there is no provision in the Act wherein the salary, allowances and conditions of service of the Chairman and Deputy Chairman may be prescribed.

Therefore, inclusion of provision in the Sinlung Hills Council Act, 2018 conferring the Council the powers to make rules to prescribe the salary, allowances and conditions of service of the Chairman and Deputy Chairman is required.

4. For the smooth, efficient and effective functioning of the Council, inclusion of provision in the Sinlung Hills Council Act, 2018 conferring the Council the powers to make rules regulating the conditions of service of officers and staff appointed to the Secretariat of the Council is required.
5. The superintendence, direction and control of the preparation of the electoral rolls and, for the conduct of

3/N  
NOTE SHEET

I.D. No. LJD. 14/2022/81  
Dated Aizawl, the 12<sup>th</sup> August, 2022

Draft Cabinet Memo 'The Sinlung Hills Council (Amendment) Bill, 2022 has been examined in the Law & Judicial Department and is hereby returned vetted as per corrections.

*[Signature]*  
12/8/22  
Asst. L.R. -cum- Under Secretary  
to Law and Judicial Department

Addl. Secretary (CL)  
GAD

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~~AS, GAD~~

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12/11/2022

12/18/22

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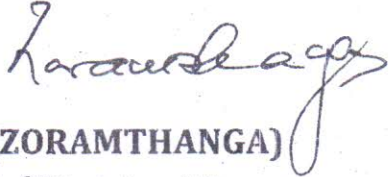
**FINANCIAL MEMORANDUM**

**(for The Sinlung Hills Council (Amendment) Bill, 2023)**

The proposal for the Sinlung Hills Council (Amendment) Bill, 2023 will not have additional financial implications since it does not involve creation of new posts nor establishment of a separate body.

Hence, no additional financial expenditure will be involved for implementation of the Sinlung Hills Council (Amendment) Bill, 2023.

Dated Aizawl,  
The 2<sup>nd</sup> February, 2023

  
**(ZORAMTHANGA)**  
Chief Minister, Mizoram