



## The Nagaland Village, Area and Regional Councils Act, 1970

Act 2 of 1971

**Keyword(s):**

Assembly, Village Council, Development Work, Epidemic, Administration of Justice

Amendments appended: 6 of 1972, 10 of 1974

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**NAGALAND ACT 2 OF 1971**

**[NAGALAND VILLAGE, AREA AND REGIONAL COUNCILS  
ACT, 1970**

*Received the assent of the Governor on the 23rd January, 1971*

*[Published in the Nagaland Gazette—Extraordinary, dated 12th Feb. 1971]*

**An Act to consolidate and amend the law relating to constitution of Village, Area and Regional Councils in the districts of Kohima and Mokokchung, to regulate their duties and functions and for matters connected therewith.**

It is hereby enacted in the Twenty-first Year of the Republic of India, as follows:—

**Short title, extent and commencement.**—1. (1) This Act may be called the Nagaland Village, Area and Regional Councils Act, 1970.

(2) It extends to the districts of Kohima and Mokokchung in Nagaland.

(3) It shall come into force on such date as the State Government may by notification in the Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. In this Act unless the context otherwise requires:—

**Definition.**—(a) “appropriate authority” or “competent authority” means an authority having administrative jurisdiction with whatever designation called and notified by Government from time to time.

(b) “Assembly”—means the Nagaland Legislative Assembly.

(c) “Gazette” or “the Gazette”—means Nagaland Gazette.

(d) “Prescribed”—means prescribed by rules made under this Act.

(e) “State Government”—means the Government of Nagaland.

## CHAPTER 1

## VILLAGE COUNCIL

**Constitution.—3.** Every village having a population of not less than one hundred shall have a Village Council.

**Composition.—4.** A Village Council shall consist of members chosen by the villagers in accordance with the prevailing customary practice and usages, the same being approved by the State Government.

**Qualification for members.—5.** A person shall not be qualified to be chosen as a member of the Village Council unless he—

- (a) is a citizen of India ; and
- (b) is not less than twenty one years of age.

**Duration.—6.** Every Village Council shall continue for such period as the customary practice and usage require.

**Tenure of members.—7.** All members shall hold office during the life of the Village Council :

Provided that a member chosen to fill in a casual vacancy shall hold office for the remainder of the term of office of the member whom he replaced.

**Chairman.—8.** (1) The Village Council will choose a member as Chairman of the Council.

(2) During the absence of the Chairman from any sitting of the Village Council a member of the Council nominated by the Chairman shall act as Chairman.

**Power to remove members.—9.** (1) The State Government may remove any member of a Village Council from his office—

- (a) who is convicted of any non-bailable offence by a court of law ;  
or
- (b) who refuses to act or became incapable of acting ; or

- (c) who is declared to be insolvent ; or
- (d) who has been declared by notification in the Gazette to be disqualified for employment in the public service ; or
- (e) who without an excuse sufficient in the opinion of State Government, absents himself from the majority of meetings in a year of the Village Council ; or
- (f) who has been guilty of misconduct in discharge of his duties or of any disgraceful conduct, and two-third of the total number of the Village Council at a meeting recommend his removal.

(2). No person who has been removed from his office under clause (a) or clause (d) of sub-section (1) shall be eligible for re-election except with the previous permission of the State Government obtained by such person in the prescribed manner.

**Conduct of business.—10.** The procedure for the conduct of business in a Village Council shall be as may be regulated from time to time by the Chairman thereof. The written record of the gist of its proceedings shall be kept in the local dialect.

**Session.—11.** A Village Council shall be summoned to meet as and when required by the Chairman thereof.

**Powers and duties.—12.** The following shall be the powers and duties of a Village Council for the development and welfare of the village; namely :—

- (1) to formulate scheme for water supply, village roads, village forests, village sanitation, education and other social welfare activities ;
- (2) to help various Government agencies in carrying out development works in the village ;
- (3) to take up development works on its own initiative or on request by the Government.

**Power to do certain acts in the event of an epidemic.—13.** On the out break of an epidemic or an infectious disease, Village Council shall have power to take all or any of the following measures for control

and preventing the spread of the epidemic or infectious disease in the area within its jurisdiction, namely :

- (i) restriction of movement of the infected person or other persons or goods or domestic animals within its jurisdiction ;
- (ii) provision for vaccination or inoculation, as the case may be ;
- (iii) seizure of any polluted food-stuff ;
- (vi) disinfection of wells, tanks or other sources of water supply ; and
- (v) doing of such other acts as may be necessary.

**Administration of justice.** 14. (1) Every Village Authority or Village Council constituted under the law in force from time to time shall administer justice within the village limit in accordance with the customary law and usages as accepted by the canons of justice established in Nagaland, and the law in this respect as enforced from time to time.

(2) In case of disputes between villages falling in different areas or districts, two or more Village Councils, along-with the neighbouring Village Councils, may settle a dispute in a joint Session or refer it to the appropriate authority.

**Village Administration.**—15. (1) The Village Council shall be auxiliary to the administration and shall have full powers to deal with ordinary matters of internal administration of the village.

(2) In particular and without prejudice to the generality of the forgoing power, the Village Council shall discharge the following functions, namely :—

- (a) to maintain law and order in the village. In serious cases offender may be arrested but such person should be handed over to nearest Administrative Officer or Police Station without undue delay ;
- (b) to report to the nearest Administrative Officer occurrence of any un-natural death or serious accident ;
- (c) to inform the presence of strangers, vagabonds, suspects to the nearest Administrative Officer or Police Station ;

- (d) to enforce orders passed by the competent authority on the village as a whole ;
- (e) to report out-break of epidemics to the nearest Administrative Officer or Medical Officer ;
- (f) no transfer of immovable property shall be affected without the knowledge of Village Council. Written record of this shall be maintained by the local Administrative Officer.

**Disqualification.**—16. A person shall be disqualified from being selected as and for being a member of a Village Council ;—

(1) if he is of unsound mind and stands so declared by a competent court or such authority as may be recognised by the State Government ; or

(2) if he is not a citizen of India or has voluntarily acquired citizenship of foreign nation or is under acknowledgement of allegiance to a foreign nation ; or

(3) if he has been convicted by a Court in India of an offence and sentenced to imprisonment for not less than two years ; unless a period of five years or such less period as the State Government may allow in any particulars case, has elapsed since his release ; or

(4) if having held an office under the Regional or Area Council he has been found guilty of corruption, disloyalty or breach of Area or Regional Council laws ; unless a period of five years or such less period as the State Government may allow in any articular case, has elapsed since his becoming so disqualified ; or

(5) if he is an undischarged insolvent ; or

(6) if he is a salaried Government servant or employee of a Regional or Area Council ; or

(7) if he abstains himself from the majority of the meetings in a year and is unable to explain such absence to the satisfaction of the Council ; or

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

(9) if he has been dismissed from the service of the Government or any other local authority for misconduct unless a period of five years has elapsed from the date of dismissal.

**Decision on question of disqualification of a member.—17.** If any question arises as to whether a member of a Village Council has been subject to disqualification, the question shall be referred to the decision of the State Government whose decision thereon shall be final

**Vacation of seat.—18.** A seat shall become vacant :

- (1) when a member dies ; or
- (2) when a member resigns his seat by writing under his hand ; or
- (3) when a member is removed by the State Government on becoming disqualified.

**Filling of casual vacancy.—19.** When a seat becomes vacant the Chairman shall :

- (1) call upon the village concerned to choose a member ; or
- (2) request the Deputy Commissioner to appoint a person in case of a Gaon Burrah.

**Exclusion of courts jurisdiction.—20.** No Selection of a member of a Village Council shall be called in question in any court, and no court shall grant an injunction—

- (a) to postpone the selection of a member of a Village Council or a Village authority ; or
- (b) to prohibit a person, declared to have been duly selected under this Act, from taking part in the proceedings of the Village Council of which he has been selected a member ; or
- (c) to prohibit member nominated or selected for a Village Council from entering upon his duties.

**Selection disputes.—21.** If a dispute arises as to the selection of any member of a Village Council, the matter shall be referred to the State Government whose decision thereon shall be final.

**Incorporation.—22.** Every Village Council shall be a body, corporated by the name of the Village for which it is constituted and shall have perpetual succession and a common seal, and shall by the said name sue and

be sued through its Chairman, with power to acquire, hold and dispose of property, both movable and immovable and to contract and do all other things necessary for the purposes of this Act.

**Control of Village Council.**—23. Subject to the general superintendence of the State Government/the Deputy Commissioner/the Additional Deputy Commissioner or Sub-Divisional officer (Civil) in-charge of the Sub-Division, the Extra Assistant Commissioner or the Circle Officer shall have control over all the Village Councils or village authorities within the local limit of his jurisdiction.

## CHAPTER II

### AREA COUNCIL

**Constitution.**—24. There shall be an Area Council for each area specified in the Schedule to this Act.

**Composition.**—25. The Area Council shall consist of members elected by the Village Council in proportion of one member for a population of 500 and part thereof not below 250 :

Provided that a village with a population of less than 500 shall be represented by one member each.

**Qualification for membership.**—26. A person shall not be qualified to be elected as a member of an Area Council unless he ;

- (1) is a citizen of India ; and
- (2) has attained the age of 21 years.

**Chairman.**—27. (1) There shall be a Chairman elected from amongst the members of the Area Council.

(2) During the absence of the Chairman from any sitting of the Area Council a member of the Council nominated by the Chairman shall act as Chairman.

**Secretary.**—28. The local Administrative Officer shall be the *Ex-officio* Secretary to the Area Council.



**Duration.**—29. Every Area Council, unless sooner dissolved by the State Government shall continue for five years from the date appointed for its first meeting :

Provided that the said period may be extended by the State Government by a notification in the Gazette for a period not exceeding one year at a time.

**Tenure of member.**—30. All member shall hold office during the life of the Area Council :

Provided that a member elected to fill a casual vacancy shall hold office for the remainder of the term of office of the member whom he replaced.

**Power to remove members.**—31. (1) The State Government may remove any member of an Area Council from his office—

- (a) who is convicted of any non-bailable offence by a court of law ;  
or
- (b) who refuses to act, or became incapable of acting ; or
- (c) who is declared to be insolvent ; or
- (d) who has been declared by notification in Gazette to be disqualified for employment in the public service ; or
- (e) who without an excuse sufficient in the opinion of the State Government, absents himself from the majority of meetings in a year of the Area Council ; or
- (f) who has been guilty of misconduct in discharge of his duties or of any disgraceful conduct, and two third of the total number of the members of the Area Council at a meeting recommend his removal.

(2) No person who has been removed from his office under clause (a) or clause (d) of sub-section (1) shall be eligible for re-election except with the previous permission of the State Government obtained by such person in the prescribed manner.

**Power to do certain acts in the event of an epidemic.**—32. On

the out-break of an epidemic or an infectious disease, the Area Council shall have power to take all or any of the following measures for controlling and preventing the spread of the epidemic or infectious disease in the area within its jurisdiction, namely :—

- (i) restriction of the movement of the infected person or other persons or goods or domestic animals within its jurisdiction ;
- (ii) provisions for vaccination or inoculation, as the case may be ;
- (iii) seizure of any polluted food-stuff ;
- (iv) dis-infection of wells, tanks or other sources of water supply ;  
and
- (v) doing of such other acts as may be necessary.

**Session.**—33. An Area Council, shall meet atleast twice and not more than four times in a year.

**Conduct of business.**—34. The procedure for the conduct of business in an Area Council shall be as may be regulated by rules made from time to time by the State Government.

**Powers and duties.**—35. (1) The Area Council shall examine the developmental scheme formulated by various Village Councils within its jurisdiction and after coordinating and consolidating all such schemes into one for the area submit it to the appropriate authority with its recommendation and priorities.

- (2) The Area Council shall settle dispute :
  - (a) if it is voluntarily referred to it by two or more contesting Village Councils ; or
  - (b) if required to do so by the State Government ; or
  - (c) any other matter referred to it by any other authority.

(3) Subject to the prior approval of the Government and after due notification in the Gazette an Area Council shall have power to impose and collect :—

- (a) Cess
- (b) Tax on Bazar, village road
- (c) tolls for bridge constructed and maintained by an Area Council from its own resources ;

- (a) to postpone the election of a member of an Area Council ; or
- (b) to prohibit a person, declared to have been duly elected under this Act, from taking part in the proceedings of an Area Council of which he has been elected a member ; or
- (c) to prohibit member elected to an Area Council from entering upon his duties.

**Election disputes.**—43. If a dispute arises as to the election of any member of an Area Council, the matter shall be referred to the State Government whose decision thereon shall be final.

**Incorporation.**—44. Every Area Council shall be a body corporate by the name of the Area for which it is constituted and shall have perpetual succession and a common seal, and shall by said name sue and be sued through its Chairman, with power to acquire, hold and dispose of property both moveable and immovable and to contract and do all other things, necessary for the purpose of this Act.

**Control of Area Council**—45. Subject to the general superintendence and control of the State Government, the Deputy Commissioner, the Additional Deputy Commissioner or the Sub-Divisional officer (Civil) shall have control over all the Area Councils within their jurisdiction.

### CHAPTER III

#### REGIONAL COUNCIL

**Constitution.**—46. There shall be a Regional Council for each of the Kohima and Mokokchung districts.

**Composition.**—47. The Regional Council shall consist of :—

- (1) one member from every 6,000 population ; and
- (2) two persons to be nominated by the State Government.

**Qualification.**—48. A person shall not be qualified to be elected as member of a Regional Council unless he :—

- (1) is a citizen of India ; and
- (2) has attained the age of 25 years.

**Chairman.**—49. (1) There shall be a Chairman of the Regional Council elected from amongst the members of the Regional Council.

(2) During the absence of the Chairman from any sitting of the Regional Council a member of the Council nominated by the Chairman shall act as Chairman.

**Secretary.**—50. An Extra Assistant Commissioner in the Office of the Deputy Commissioner shall be an *Ex-officio* Secretary to the Regional Council.

**Duration.**—51. A Regional Council unless sooner dissolved by the State Government, shall continue for five years from the date of its first meeting :

Provided that the said period may be extended by the State Government, by a notification in the Gazette for a period not exceeding one year at a time.

**Tenure.**—52. All members shall hold office during the life of the Regional Council :

Provided that a member elected or nominated to fill a casual vacancy shall hold office for the remainder of the term of the member whom he replaced.

**Session.**—53. A Regional Council shall meet atleast twice and not more than four times in a year.

**Conduct of business.**—54. The procedure for the conduct of business in a Regional Council shall be as may be regulated by rules from time to time by the State Government.

**Powers and duties.**—55. (1) The Regional Council shall advise the State Government on the matters relating to Administration of law and order by means of passing resolutions and submitting it to the State Government.

(2) The Regional Council shall actively assist the State Government in implementing the development work by exerting its influence on the Village and Area Councils.

(3) The Regional Council shall discuss matters relating to the general welfare of the district as a whole and shall exert its influence over the Area and Village Councils for achieving balanced development in all sphere of activities.

(4) Regional Council shall attend to any other matter referred to it by any Area Council for advice or decision specially with regard to inter-tribal problems and disputes.

**Disqualification.—56.** A person shall be disqualified from being elected as, and for being a member of the Regional Council :—

- (1) if he is of unsound mind and stands so declared by a competent court or such other authority as may be recognised by the State Government ; or
- (2) if he is not a citizen of India or has voluntarily acquired citizenship of a foreign nation or is under acknowledgement of allegiance to a foreign nation ; or
- (3) if he has been convicted by a court in India of an offence and sentenced to imprisonment for not less than two years ; unless a period of five years or such less period as the State Government may allow in any particular case, has elapsed since his re-lease ; or
- (4) if having held an office under the Regional or Area Council he has been found guilty of corruption, disloyalty or breach of Regional or Area Council law ; unless a period of five years or such less period as the State Government may allow in any particular case, has elapsed since his becoming so disqualified ; or
- (5) if he is an undischarged insolvent ; or
- (6) if he is a salaried Government servant or an employee of a Regional or an Area Council ; or
- (7) if he abstains himself from the majority of meeting in a year and is unable to explain such absence to the satisfaction of the Council ; or
- (8) if he is a member of any other Regional, Area Council ; or

- (9) if he has been dismissed from the service of the Government or any other local authority for misconduct unless a period of five years has elapsed from such dismissal ; or
- (10) if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the State Government for the supply of goods to, or for the execution of any works undertaken by that Government.

**Decision on question of disqualification of members.—57.** If any question arises as to whether a member of the Regional Council has been subject to disqualification the question shall be referred to the decision of the State Government whose decision thereon shall be final.

**Vacation of Member's seat.—58.** A seat shall become vacant—

- (1) when a member dies ; or
- (2) when a member resigns his seat by writing under his hand ; or
- (3) when a member is removed by the State Government on becoming disqualified.

**Vacation of office of Chairman.—59.** A member holding the office as a Chairman of a Regional Council shall vacate his office—

- (1) on ceasing to be a member of the said Council ; or
- (2) when he resigns his seat by writing in his hand addressed to the Secretary to the Regional Council ; or
- (3) if a resolution is passed by the Regional Council removing him from office by a minimum of two-third of the total membership of the Council present and voting.

**Filling of casual vacancy.—59.** When a seat becomes vacant the Chairman shall—

- (1) notify the vacancy in the Official Gazette ; and
- (2) (a) call upon the Area Council concerned to elect a member ; or  
(b) request the State Government to nominate a person.

**Power to remove members.—61.** (1) The State Government may remove any member of a Regional Council from his office:—

- (a) who is convicted of any non-bailable offence by a court of law ;  
or
- (b) who refuses to act or became incapable of acting ; or
- (c) who is declared to be insolvent ; or
- (d) who has been declared by notification in Gazette to be disqualified for employment in the public service ; or
- (e) who without an excuse sufficient in the opinion of the Regional Council absents himself from the majority of meetings in a year of the Regional Council ; or
- (f) who has been guilty of misconduct in discharge of his duties or of any disgraceful conduct, and two-third of the total number of the members of the Regional Council at a meeting recommend his removal.

(2) No person who has been removed from his office under clause (a) or clause (d) of sub-section (1) shall be eligible for re-election except with the previous permission of the State Government obtained by such person in the prescribed manner.

**Exclusion of courts jurisdiction.—62.** No election of a member of a Regional Council shall be called in question in any court, and no court shall grant an injunction :

- (a) to postpone the election of a member of a Regional Council ; or
- (b) to prohibit a person, declared to have been duly elected under this Act, from taking part in the proceedings of a Regional Council of which he has been elected a member ; or
- (c) to prohibit a member nominated or elected to a Regional Council from entering upon his duties.

**Election disputes.—63.** If a dispute arises as to the election of any member of a Regional Council, the matter shall be referred to the State Government whose decision thereon shall be final.

**Incorporation.—64.** Every Regional Council shall be a body corporate by the name of the district for which it is constituted and shall have perpetual succession and a common seal, and shall by the said name

sue and be sued through its Secretary, with power to acquire, hold and dispose of property, both moveable and immoveable and to contract and do all other things necessary for the purposes of this Act.

**Control of Regional Council.**—65. Subject to the general superintendence and control by the State Government, the Deputy Commissioner shall have control over the Regional Council in his district.

#### CHAPTER IV MISCELLANEOUS

**Powers to make rules.**—66 (1) The State Government may by notification in the Gazette make rules consistent with this Act, to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of foregoing powers, such rules may provide for the following matters namely:—

- (a) for conduct of election to the Regional Council and Area Councils ;
- (b) for delimitation of constituencies for election to the Regional and Area Councils ;
- (c) for pay and allowances of members and Chairman of the Area and Regional Councils ;
- (d) appointment of officers and staff of the Area and Regional Councils and their conditions of service ;
- (e) custody and disposal of Area Council funds ;
- (f) procedure for maintenance of accounts and audit ;
- (g) rate of tax, toll or cess and procedure for its imposition and recovery ;
- (h) procedure for conduct of business of Village, Area and Regional Councils ;
- (i) any other connected matter in respect of which it is necessary to make rules for the constitution and proper functioning of the Village, Area and Regional Councils.



(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Nagaland Legislative Assembly while it is in session for a total period of seven days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Nagaland Legislative Assembly agree in making any modification in the rule or the Nagaland Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under this rule.

**Repeal.—67.** *The Nagaland Tribal, Area, Range and Village Councils Act, 1956 is hereby repealed.*

**Savings.—68.** All powers, rights and duties given by this Act shall be in addition to and not in derogation of any other powers, rights and duties conferred by any Act, law or custom and all such other powers, rights and duties may be exercised and put in force in the same manner by the same authority as if this Act has not been passed.

**Power to remove difficulties.—69.** (1) If any difficulty or doubt arises in giving effect to the provisions of this Act, the State Government may, by Order published in Gazette, make such provisions, not inconsistent with the purpose of this Act as appears to it to be necessary or expedient for the removal of the difficulty or doubt; and the Order of the State Government in such cases shall be final.

(2) Every Order made under this section shall be laid as soon as may be after it is made, before the Assembly while it is in session for a total period of seven days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following the Assembly agree in making any modification in the Order or the Assembly agree that the Order should not be made, the Order shall thereafter have effect only in such modified form or be of no effect as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under this Order.

**Dissolution.—70.** (1) If the State Government on receipt of a report from the Deputy Commissioner of a district or otherwise is satisfied that a

situation has arisen in which the Village/Area/Regional Council cannot function in accordance with the provisions of this Act, the State Government may, by order published in the Gazette, direct that the Council shall be dissolved from such date and for such period as may be specified in the notification.

(2) When the Village/Area/Regional Council is dissolved under the provisions of sub section (1) ;—

- (a) all members notwithstanding that their term of office has not expired, shall from the date of dissolution, vacate their office as such members ;
- (b) all powers and duties of the Village/Area/Regional Council shall during the period of dissolution, be exercised by such person or persons as the State Government may appoint in this behalf ;
- (c) all funds and other property vested in the Village/Area/Regional Council shall, during the period of dissolution, vest in the State Government ; and
- (d) as soon as the period of dissolution expires, the Village/Area/Regional Council shall be reconstituted in accordance with the provisions of this Act.

(3) Every Order made under this section shall be laid as soon as may be after it is made, before the Assembly while it is in session for a total period of seven days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following the Assembly agree in making any modification in the order or the Assembly agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect as the case may be ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under this Order.

## SCHEDULE

*(See Section 24)*

## LIST OF AREA COUNCILS

## KOHIMA DISTRICT :—

1. Southern Angami Area Council
2. Northern Angami Area Council
3. Western Angami Area Council
4. Phek Area Council
5. Pfutsero Area Council
6. Chazouba Area Council
7. Meluri Area Council
8. Ghaspani Area Council
9. Peren Area Council
10. Tseminyu Area Council
11. Dimapur Area Council
12. Tening Area Council
13. Chizami Area Council
14. Chetheba Area Council
15. Phungkhuri Area Council

## MOKOKCHUNG DISTRICT :—

1. Ongpangkong Area Council
2. Asetkong Area Council
3. Langpangkong Area Council
4. Changkikong Area Council
5. Japukong Area Council
6. Upper Lotha Area Council
7. Middle Lotha Area Council
8. Lower Lotha Area Council
9. Zunheboto Area Council
10. Aghunato Area Council
11. Satakha Area Council
12. Suruhoto Area Council
13. Akuluto Area Council
14. Satoi Area Council
15. Atoizu Area Council
16. Poghuboto Area Council

# THE NAGALAND VILLAGE, AREA AND REGIONAL COUNCIL (AMENDMENT) ACT, 1972

(THE NAGALAND ACT, NO. 6, OF 1972)

*(Received the assent of the Governor on 27.7.1972 and published in the Nagaland Gazette Extraordinary dated 16th August, 1972.)*

En

Act

to amend the Nagaland Village, Area and Regional Council Act, 1970.

It is hereby enacted in the twenty-third year of the Republic of India, as follows :—

## 1. Short title, extent and commencement.

- (1) This Act may be called the Nagaland Village, Area and Regional Council (Amendment) Act, 1972.
- (2) It extends to the districts of Kohima and Mokokchung in Nagaland.
- (3) It shall come into force on such date as the State Government may by notification in the Gazette appoint.

## 2. Amendment of Section 3.

Section 3 of the Nagaland Village, Area and Regional Council Act, 1970 (Act 2 of 1971) shall be substituted as follows namely:—

**“3. Constitution :—** Every recognised Village shall have a Village Council.

**Explanation :—** Village means and includes an area recognised as a Village as such by the Government of Nagaland. An area in order to be a village under this Act shall fulfil the following conditions namely :—

- (a) The land in the area belong to the population of that area or given to them by the Government of Nagaland if the land in question is a Government land or is given to them by the lawful owner of the land; and
- (b) The village is established according to the usage and customary practice of the population of the area.”

### 3. Amendment of Section 25.

For the proviso to Section 25 of the Nagaland Village, Area and Regional Council Act, 1970 (Act 2 of 1971) the following shall be substituted namely :—

- (i) Provided that a village with a population less than 500 but having at least 250 shall be represented by one member;
- (ii) Provided further that a group of contiguous small villages may together elect a member to the Area Council having the same territorial jurisdiction on such villages on the basis of 250 population;
- (iii) Administrative Headquarters with a population of 500 but below 2000 will elect members to the Area Council on the basis of one member for 500 or part thereof but not less than 250. The election shall be carried out by an *ad-hoc* Committee of the towns people themselves, to be constituted for the purpose by the local Administrative Officers.
- (iv) The Administrative Headquarters with a population of less than 500 shall merge with the neighbouring village for the purpose of election of members to the Area Council."

### 4. Insertion of new Section 47A.

After section 47 of the Nagaland Village, Area and Regional Council Act, 1970 (Act 2 of 1971) the following section shall be inserted namely :—

"47A. *Mode of election* :— Members of Area Council will elect the members for the Regional Council"

### 5. Insertion of new Section 48A.

After section 48 of the Nagaland Village, Area and Regional Council Act, 1970 (Act 3 of 1971) the following section shall be inserted namely :—

"48A. *Plural membership Councils* :— A member of Village Council may become a member of Area Council or Regional Council but the same member cannot be a member of both Area Council and Regional Council. A member of Area Council, in the event of his election to be a member of Regional Council, shall resign his membership of the Area Council and a new member shall be elected in his place."

**6. Amendment of the schedule.**

In the schedule appended to the Nagaland Village, Area and Regional Council Act, 1970, (Act 2 of 1971) after item No. 15 in the list of Area Councils specified under Kohima District the following items shall be inserted namely :—

“16, Pughoboto Area Council” and item No. 16 specified under Mokokchung District shall be deleted.

# THE NAGALAND VILLAGE AREA AND REGIONAL COUNCILS (AMENDMENT) ACT, 1974

(NAGALAND ACT NO. 10 OF 1974)

*(Received the assent of the Governor on the 19th Nov., 1974 and published in the Nagaland Gazette Extraordinary dated 30th November 1974).*

An

Act

to amend the Nagaland Village, Area and Regional Councils Act, 1970 and for matters connected therewith or incidental thereto. It is hereby enacted by the Legislative Assembly of the State of Nagaland in the twenty-fifth year of the Republic of India as follows :

## 1. Short title, extent and commencement.

- (1) This Act may be called the Nagaland Village, Area and Regional Council, (Amendment) Act, 1974.
- (2) It extends to the same area of Nagaland to which Village, Area and Regional Councils Act, 1970 applies.
- (3) It shall come into force at once.

## 2. Amendment of Section 12.

In section 12 of the Nagaland Village, Area and Regional Councils Act, 1970 the following clauses shall be added after : clause (3)

- “(4) to borrow money from the Government, banks or financial institutions for application in the development and welfare works of the Village, and to repay the same with or without interest as the case may be;
- (5) to apply for and receive grant-in-aid, donations, subsidies from the Government or any agencies;
  - (6) to provide security for due repayment of loan received by any permanent resident of the village from the Government, bank or financial institution;
  - (7) to lend money from its funds to deserving permanent residents of the village and to obtain repayment thereof with or without interest;

- (8) to forfeit the security of the individual borrower on his default in repayment of loan advanced to him or on his commission of a breach of any of the terms of loan agreement entered into by him with the Councils and to dispose of such security by public auction or by private sale;
- (9) to enter into any loan agreement with the Government, bank, financial institutions or a permanent resident of the village".