

**THE NAGALAND AND AREA COUNCILS
ACT, 1978
(NAGALAND ACT. NO. 1 OF 1979)**

Received the assent of the Governor on the 9th March, 1979 and published in the Nagaland Gazette
extraordinary dated the 13th March, 1979.

An
Act.

To consolidate and amend the law relating to constitution of Village and Area Councils in Nagaland and to regulate their duties and functions and for matters connected therewith.

It is hereby enacted in the twenty-ninth year of the Republic of India as follows:-

Short titles, extent and commencement – (1).

- (1) This Act may be called the Nagaland Village and Area Councils Act, 1978.
- (2) It extends to whole of Nagaland.
- (3) It shall come into force on such date as the Government may by notification in the gazette, appoint, and different dates may be appointed for different provisions of this Act.

Definition - 2. In this Act unless the context otherwise requires:-

- (a) "appropriate authority" or "competent authority" means an authority having Administrative jurisdiction with whatever designation called and notified by the 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

3. Constitutions; every recognized Village shall have a Village Councils.

Explanation:- Village means and includes an area recognize as a Village under this Act fulfill the following condition namely:-

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 The Village is established according to the usage and customary practice of the population of the area.

4. A Village Council shall consist of members, chosen by Villages in accordance with the prevailing customary practices and usage the same being approved by the Government, provided that her authority village Chief GBs and Angs shall be Ex-officio Members of such Council and shall have voting right.

Qualification for members

5. A person shall not be qualified to be chosen as a member of the village Councils unless, he:-

- (a) is a citizen of India, and
- (b) has attained the age 25 years.

6. (a) Every Village Councils, unless otherwise dissolve by the State Government, shall continued for five years from the date of appointment; 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.

(b) All members shall hold office during the life of the Village Councils

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

Provided further that Village institution which were traditionally established like the "Putu Menden" in Ao area and recognized as Village Council shall continue to function as Village Council according to respective Custom & Usage.

Chairman

7. (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

(1). The State Government may remove any member of a Village Council from his Office:-

- (a). Who is convicted of any offence involving moral turpitude by a Court of Law, or
- (b). Who refuses to act, or become incapable of acting or
- (c). Who is declare 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 or sufficient ground in the opinion of the said Government absents himself from the majority of meeting in a year of 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 members of the Villager Council at a meeting recommended 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

The procedure of the conduct of business in a Village Council shall be as may be regulated from timer to time by the Chairman thereof. The written record of the gist of its proceedings shall be maintained. The Village Council shall be meet once in every three months; provided by the Chairman may summon the meeting of the council at any time if requisition is made by one third of the members.

Powers and Duties.

The Village Council shall have following powers and duties:-

- (1). To formulate Village Development schemes, to supervise proper maintenance of water supply, roads, forests, sanitation, education and other welfare activities ;-
- (2). To help various Government agencies in carrying out Development works in the Village;
- (3). To take development works on its own initiative or on request by the Government;
- (4). To borrow money from the Government, Banks or financial institutions for application in the development & welfare work 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 residents of the Villages 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 forefeet the security of the individual borrower on his default in repayment of loan advance to him or on his commission of a breach of any of the terms of loan agreement entered into by him with the council and to dispose of such security by public auction or by private sale;
- (9). To enter into any loan agreement with the Government Bank and financial institutions or a permanent resident of the village;
- (10). To realize registration fees for each litigation within its jurisdiction;
- (11). To raise fund for utility service within the village by passing a resolution subject to the approval of the state government;

Provided that all monetary transaction shall be conducted through a scheduled banks or the Nagaland State Co-operative bank;

- (12). To constitute Village Development Board;
- (13). Power to do certain Acts in the event of an epidemic. On the out break of an epidemic or infectious diseases the Village Council initiate all preventive measures.

Administration of Justice.

14. (1). The Village Council constituted under the law in force from time to time shall administer justice within the Village limits in accordance with the customary law and usage 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 dispute between Villages falling in different areas or districts, two or more Village Council 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 internal administration of the village.
 - (a). Maintenance of law and order.
 - (b). In serious case offender may be arrested but such person should be handed over to the nearest Administrative Officer or police station without undue delay ;
 - (c). To report to the nearest Administrative Officer occurrence of any unnatural death or serious accident;
 - (d). To inform the presence of strangers, vagabonds or suspects to the nearest Administrative Officer or Police station;
 - (e). To enforce orders passed by the competent authority on the Village as a whole;
 - (f). To report out-break of epidemics to the nearest Administrative Officer or medical Officer;
 - (g). No transfer of immovable property shall be affected without the consent of the Village Council. Written record of this shall be maintained by the Village Council.

Disqualification

A person shall be disqualified from being selected as and for being a member of Village Council:- if he is of unsound mind and stands so declared by the competent court or such authority as may be recognized by the State Government ; or

if he is not a citizen of India or has voluntarily acquired citizenship of foreign nation or is under acknowledgement or allegiance to as foreign nation ; or
if he has been convicted by a court in India for an offence and sentenced to imprisonment for not less than two years unless a period of five years or such less period as a State Government may allow in any particular case, has elapsed since his release ; or
if having held an Office under any Council he has been found guilty of corruption, disloyalty or breach of such Council laws ; unless a period of five years or such less period as the State Government may determine in any particular case has elapsed since his becoming so disqualified ; or
if he is an undercharged insolvent ; or
if he is a salaried Government servant or employee of an area Council ; or
if he abstains himself from the majority of the meeting in a year and is unable to explain such absence to the satisfaction of the Council ; or
if he is a member of any other Village Council ; or
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 date of dismissal.
if any question arises as to whether a member of 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.
A seat shall become vacant (1) When a member dies ; or (2) When a member resigns his seat in writing under his own hand ; or (3) When a member is removed by the State Government on becoming disqualified.

Filling of Casual Vacancy

When a seat becomes vacant, the Chairman shall call upon the Village concerned to choose a member.
When 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.
Every Village Council shall be a body, corporate, 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 sued through its Chairman, with power to acquire hold and dispose of property, both movable and to contract and do all other things necessary for the purposes of this Act.

Control of Village Council

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, Extra Assistant Commissioner or Circle Officer shall have control over all village Councils within its jurisdiction.

CHAPTER – II AREA COUNCIL

There shall be an Area Council for each Area to be notified by the State Government in the Gazette,

Composition

24. (1). The Area Council shall consists of members elected by the Village Council in
Provided that a recognized Village with population of less than 500 but having at least 250 shall be represented by one member:

Provided further that a group of contiguous small recognized Village may together elect a member to the Area Council having the same territorial jurisdiction on the basis of 250 populations.

In the event of an Area Council Member to be elected by more than one Village, the members of the Village Councils shall be determined in proportion to the population of Villages.

(2) In the smaller Towns where there is no recognized Towns Committees an Area Council member can be elected in proportion of one member for every 500 people and part thereof not below 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 Officer,

(3) There shall also be two persons nominated by the State Government as members one of whom shall be a woman ordinarily resident of the area.

Qualification for membership

25. A person shall not be qualified to be elected as a member of an Area Council unless he:
(1) is a citizen of India ;
(2) has attained the age of 25 years ; and
(3) is a member of a Village Council.

Chairman

26. (1) There shall be a Chairman elected from among 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 acts as Chairman.