

## **An Analysis of Urban Local Self Government in the Sixth Schedule Area of Mizoram**

Jangkhongam Doungel

The paper attempts to trace the genesis of Urban Local Self Government with in-depth analysis of the Urban Local Self Government functioning in the Sixth Schedule Area of Mizoram. Though the provision for establishment of Town Committee has been incorporated in the original Sixth Schedule to the constitution of India, it is not yet fully enforced in the Autonomous District Councils of Mizoram till now. Therefore, the paper attempts to analyse the steps, taken by the Autonomous District Councils of Mizoram in Urban Local Self Government.

**Keywords:** Local Self Government, Sixth Schedule, Mizoram

### **Introduction**

The formulation of India's democratic structure lies in the grassroots' whether it be rural or urban political set-up. The reason being, grassroots' level democratic institutions are the viable political platforms where people directly exercise their democratic rights since the past many centuries in different era of the political history of India. In India, the grassroots levels of governance are known as Panchayati Raj system and Nagar Palika system. Panchayati Raj system deals with grassroots democracy in rural areas whereas Nagar Palika system deals with grassroots democracy in urban areas. The unique feature of grassroots democracy is enabling and arming people with the constitutional rights of Local Self-Government. Moreover, Local Self Government can also be termed as modern version of direct democracy because it is the political platform where people directly exercise their political rights in democratic manner. Therefore, Lord Bryce said, "The best school of democracy and the best guarantee for its success is the practice of local self-government."<sup>1</sup> Indeed, urban local self-government is traditionally linked with Indian administration since ancient time starting from the Mauryan era. There were mention of urban representative body in Manu-smrite and Indica of Magesthanese. Likewise, there was also practice of urban local body during Mughal period which practice was inherited even during the British rule.

The Seventy-fourth Amendment Act, 1992, which is also popularly known as the Nagar Palika Act of 1992, provides for greater democratization of urban local bodies. It

---

Dr. Jangkhongam Doungel is Associate Professor and Head, Department of Political Science, Mizoram University, Aizawl, India.

is estimated that by the year 2020, half the population of India would be in urban settlement and 150 million residents are expected to inhabit big cities by that time. Taking all these considerations into account, the bill provides for three categories of municipalities. The first category comprises the Nagar Panchayat for a population between 10,000 and 20,000. These settlements represent a transitional phase between a village and town. The second category covers a municipality conceived as Municipal Council for a population between 20,000 and 3 lakhs. The third category is a municipality conceived as Municipal Corporation for population of above 3 lakhs.<sup>2</sup> It is evident that urban Local Self Government is not a new practice for India; therefore, urban local bodies of various structures and functions have been established in different phases of history. As such, utmost importance is accorded to municipality and it is accordingly incorporated in the constitution through amendment. The paper specifically deals with urban Local Self Government in the Sixth Schedule area of Mizoram in general and the Lai Autonomous District Council (LADC) in particular; whether, municipality is enforced or is it still remaining a dead letter. It is hypothesized that urban Local Self Government as enshrined in the Sixth Schedule to the constitution of India is not fully enforced till now in the three Autonomous District Councils of Mizoram. Therefore, appropriate and corrective measures are required to be taken up for facilitating people of the District Council area with the benefit of urban Local Self Government.

### **Provision of Urban Local Self Government in the Sixth schedule to the Constitution of India**

The provision urban Local Self Government is accorded utmost importance even in the Sixth Schedule to the constitution of India. It is to be recollected that urban Local Self Government in the form of Town Committee has already been incorporated in the original Sixth Schedule to the constitution of India four decades prior to the enactment of Seventy-Forth Amendment or Nagar Palika Act in 1992. The provision for establishment of Town Committee is incorporated in Paragraph 3, Sub-paragraph (1) e of the Sixth Schedule to the constitution of India. Likewise, any other matter relating to town administration including town police and public health and sanitation is also incorporated in Paragraph 3, Sub-paragraph (1) f of the Sixth Schedule to the constitution of India. However, it is clearly indicated in paragraph 3 sub-paragraph (3) of the Sixth Schedule to the constitution of India that all laws which area made by the District Council in connection with the establishment of the Town Committee and any other matters relating to Town Committee shall be submitted forthwith to the Governor, and until assented to by him, shall have no effect. Thus, the applicability and enforcement of the Town Committee depends upon the enactment of laws by the District Council in this regard. Moreover, the urban Local Self Government, accorded to the District Council in paragraph 3, Sub-paragraph (1) e and f of the Sixth Schedule to the constitution of India, categorized as Town Committee can be assumed as the replica of Nagar Panchayat of the Seventy-fourth amendment Act of the constitution of India.<sup>3</sup> However, the Bodoland Territorial Council, newly included in the sixth schedule provision as a result of the Sixth Schedule to the constitution (Amendment) Act, 2003, has been accorded with the power to make laws on the establishment of Municipal Corporation, District Board and

other local Bodies in paragraph 3 B of the Sixth Schedule to the constitution of India.<sup>4</sup> The provision, accorded for the establishment of Municipal Corporation is not facilitated to any other District Council even to the Dima Hasao Autonomous Council (North Cachar Autonomous Council) and Karbi Anglong Autonomous Council. And, a law enacted by the District Council will be enforced from the date of its publication in the gazette of the concerned State even after it is assent to by the Governor.

It should be noted that urban Local Self Government found its place in the Sixth Schedule even in the original constitution of India, enforced on 26<sup>th</sup> January 1950. As such, urban Local Self Government is not a new theory or new law for the District Councils under the Sixth schedule provision; however, it still remains as a dead letter in many District Councils of the whole North East India. The reason being, the District Councils are not taking appropriate steps in law making. In fact, the powers accorded to the District Council in Paragraph 3, Paragraph 6, Paragraph 8 and Paragraph 10 of the Sixth Schedule to the constitution of India can not be enforced if laws in this regard are not enacted by the District Council. Therefore, the Sixth Schedule provision cannot be fully utilized if appropriate and effective laws are not enacted in the concerned subjects.

### **Status of Urban Local Self Government in District Councils of Mizoram**

As highlighted in Paragraph 3, sub-paragraph (1) e and f of the Sixth Schedule to the constitution of India, Town Committee can be established in District Council area on the basis of law, enacted by the concerned District Council. As the utilization and enforcement of the Sixth Schedule depends upon the enactment of law by the District Council, the applicability and establishment of Town Committee also depends upon the updated action of the District Council in law making. It should be recollected that the erstwhile Mizo District Council had enacted the Mizo District (Administration of Town Committee) Act, 1955, which happened to be the first Town Committee Act, passed by the District Council within the geographical area of Mizoram. The Act received the assent of the Governor of Assam on the 10<sup>th</sup> January, 1955 and it was published in the Assam Gazette on 26<sup>th</sup> January 1955.<sup>5</sup> On the other hand, the erstwhile Pawi-Lakher Regional Council did not pass any act concerning the establishment of Town Committee during its 20 years of existence. Therefore, the erstwhile PLRC had no connection with urban administration as Town Committee in any form. With the upgradation of Lushai Hills or Mizo District Council to the status of Union Territory of Mizoram, Mizo District Council was abolished and the PLRC was trifurcated into three Regional Councils. The three regional Councils namely, Pawi Regional Council (PRC), Lakher Regional Council (LRC) and Chakma Regional Council (CRC) were formed by trifurcating the erstwhile PLRC on 2<sup>nd</sup> April 1972, and the three Regional Councils were upgraded to the status of full-fledged Autonomous District Council on 29<sup>th</sup> April 1972.

The three Autonomous District Councils, namely Pawi Autonomous District Council (PADC), Lakher Autonomous District Council (LADC) and Chakma Autonomous District Council (CADC) exist after the creation of the Union Territory of Mizoram. In the meantime, the Lais (Pawis) and the Maras (Lakher) were not satisfied at all with the naming of their District council with imposed names, such as, Pawi and Lakher respectively. As such, they vigorously demanded for change of their District Council names

after their ethnic original names. Subsequently, under the Sixth Schedule to the Constitution (Amendment) Act, 1988 of Indian Parliament, (No. 67 of 1988 and by Notification No. DCA/7/154/81/40) the Pawi Autonomous District Council was changed into Lai Autonomous District Council (LADC) and Lakher Autonomous District Council was changed into Mara Autonomous District Council (MADC). Since then, Lai and Mara are included in Part III, Paragraph 20 of the Sixth Schedule to the constitution of India in place of Pawi and Lakher.<sup>6</sup> On the other hand, the Chakma Autonomous District Council (CADC) bears its original name till now. At present, LADC, MADC and CADC are the three Autonomous District Councils of Mizoram. However, the role of the three Autonomous District Councils with regard to enforcement of urban Local Self Government is not up to the mark and it is worth-mentioning that, the three Autonomous District Councils are not paying serious attention to enactment of laws for enforcement of Town Committee. Some steps are taken up by them (District Councils) but the steps, taken up, so far are not adequate for implementation of the Local Self Government in the urban areas of the District Councils.

### **Role and status of Urban Local Self Government in Mara Autonomous District Council (MADC)**

The Mara autonomous District Council (M.A.D.C.) has a geographical area of 1399 sq. km and its Headquarters is located at Saiha (Siaha). Tuipang is the Sub-Headquarters of the M.A.D.C. There are 72 Village Councils<sup>7</sup> and 56,845 populations as on April 2008 in the M.A.D.C. administered area. The M.A.D.C. is also broadly categorized into three structural organs on the pattern of separation of powers, such as, legislative, executive and judiciary. It has 23 departments and some minor departments. At present, the M.A.D.C. has staff strength of 1739 employees.<sup>8</sup>

Adequate steps have not yet been taken up for enforcement of the urban Local Self Government in the Mara Autonomous District Council (MADC). The MADC has enacted the Mara Autonomous District Council (Town Committee) Act, 2008 but it is not yet assented by the Governor of Mizoram. In fact, it is not an Act yet because it is not yet assented by the Governor and it is not yet fit to be implemented as it is not an act in the strict sense of the term. The Mara Autonomous District Council (Town Committee) Act, 2008 provided for constitution of Town Committee and it vests the responsibility of establishing a Town Committee on the Executive Committee. It is also laid down that the Executive Committee of the MADC shall determine the number of seats for a particular Town Committee and the Executive Committee of the MADC shall also nominate one-third of the members. Where as, the residents of the locality shall elect rest of the members through adult suffrage. Moreover, the Executive Committee is entrusted to delimitate the electoral constituency for a Town Committee and each of such constituency shall be called "Ward". It is also provided that every Town Committee shall have a Chairman and a Treasurer who shall be elected by members of the Committee from amongst themselves by a majority vote. Further, the Executive Committee is also required to appoint a Secretary for each Town Committee from amongst the elected members of the Town Committee concerned. However, there is no clear-cut mention of the composition of the Town Committee with regard to the number of membership. The proposed Act seems to

be touching the necessary requirement for successful implementation of Local Self Government in urban areas of MADC. But, the practical implementation is yet to be initiated only.<sup>9</sup> Had the Town Committee Act been adopted and effectively enforced, Town Committees can now be set up in Saiha and Tuipang within the geographical area of the MADC.

### **Role and status of Urban Local Self Government in Chakma Autonomous District Council (CADC)**

The C.A.D.C. is the smallest in geographical area among the Autonomous District Councils of Mizoram and its geographical area is 686.35 sq. km. The Headquarters of the C.A.D.C. is located at Kamalanagar (Chawngte 'C'), where as, sub-Headquarters are located at Borapansury, Longpuighat, Kukurduleya and Parva. The C.A.D.C. has 39,517 populations and there are 69 Village Councils in the C.A.D.C. administered area. The structural set-up of the C.A.D.C. is also categorized into three broad organs on the pattern of separation of powers, such as, legislative, executive and judiciary. The C.A.D.C. has 23 functioning department and some other minor departments and it has now staff strength of more than 1000 employees.<sup>10</sup>

The CADC has not passed any resolution, bill and rules for the creation of Town Committee. Therefore, the role of the CADC with regard to municipality and Town Committee seems to be nil so far as legislation of the subject is concerned. However, might be due to political pressure and political compulsion, Town Committee has been constituted through an Executive power in the CADC. The Executive Committee of the CADC had resolved to establish Town Committee in Executive Committee meeting on 6<sup>th</sup> December 2006 and the matter was pursued on 14<sup>th</sup> December, 2006 in the Executive Committee meeting again. Thus, the Executive Committee decided in its meeting on 14<sup>th</sup> December, 2006 that Town Committee shall be constituted as a measure for fulfillment of Local Self-Government in urban administration. As such, Town Committee with a Chairman and five other members were constituted. Indeed, Town Committee was established not for consideration of enabling people of urban area with Local Self Government but it was pursued in haste for political advantage of the then ruling party. The reason being, the notification for appointment of Chairman and members of the Town Committee was issued by the Chief Executive Member (CEM) himself, through notification No. A. 12032/68/2004-2005/GAD (CADC) but not by the bureaucrat concerned i.e. Executive Secretary or Legislative Secretary of the CADC. It is laid down in the notification that the status of the Chairman will be equivalent to Executive Member of the CADC. However, powers, functions, jurisdiction and responsibilities of the Town Committee are not clearly laid down in the notification.<sup>11</sup> Had Town Committee Act been properly adopted and accordingly implemented, there are prospects of establishing Town Committees in Kamalanagar and Borapansury within the administered area of the CADC.

### **Role and status of Urban Local Self Government in the Lai Autonomous District Council (LADC)**

The LADC is the largest in geographical area among the three Autonomous District

Councils of Mizoram and its area is 1870.75 sq. km. The Headquarters of the LADC is located at Lawngtlai, Sub-Headquarters at Bualpui 'Ng' and Divisional Headquarters are located at Sangau, Lungtian, Chawngte 'P', Diltlang, Bungtlang and Vathuampui. The population of the LADC is 73,820 as per the 2008 statistical and population report of the Local Administration Department (LAD) of the LADC.<sup>12</sup> The LADC also has good prospect for enforcement of urban Local Self Government but the steps, taken up so far are not satisfactory. The role and status of urban Local Self Government in the LADC shall be analyzed as highlighted below.

### **The Pawi Autonomous District Council (Town Committee) Act, 1974**

The Pawi Autonomous District Council (Town Committee) Act, 1974 was passed by the LADC (erstwhile PAD) under Paragraph 3, sub-paragraph (1) e of the Sixth Schedule to the constitution of India and it was assented to by the Administrator of Mizoram. The Act provided for the establishment of urban Local Self Government in the form of Town Committee in urban areas of LADC. As per the Act, the Executive Committee of the LADC shall determine the number of members of the Town Committee. One-third of members of the Town Committee are to be nominated by the Executive Committee of the LADC and the rest are to be elected through adult suffrage by the residents of the town. And, the term of the Town Committee is for three years. It is also laid down that, the Executive Committee of the LADC shall have the power to dismiss the Town Committee if it cannot carry its normal functions as laid down in the rules<sup>13</sup> The Act also empowered the Town Committee to levy and collect the following taxes, namely, water tax, lighting tax, latrine tax, drainage and sanitation tax, tax on private market, license fees on carriages and animals used for riding, driving or burden; fees on maintenance of public parks and general tax etc.<sup>14</sup> However, any Town Committee or urban Local Self Government as highlighted in the Pawi Autonomous District Council (Town Committee) Act, 1974 has not yet been effectively enforced in the LADC till now.

### **Proposed Rules and Acts of the LADC concerning Town Committee**

The Lai Autonomous District Council (LADC) has proposed some new legislation in the form of rules for effective implementation and suitable modification of the Pawi Autonomous District Council (Town Committee) Act, 1974 but none of the proposed legislations materialized into acts or rules. A bill for an improvement of the Town Committee structure known as the Lai Autonomous District Council (Town Committee) Rules, 2000 was presented in the LADC session in 2000 but it could not be adopted because there are certain loopholes in the bill. The Lai Autonomous District Council (Town Committee) Rules, 2000 laid down that the Town Committee shall comprise of 12 members and the town area shall be geographically divided into wards. The Rules also lay down guidelines for conduct of business of the Town Committee such as, meeting, quorum of meeting and procedure of meeting. The quorum has been fixed at three if the total numbers of members are not less than eight and five if the total numbers of members are more than ten. The Rules also laid down appointment of Town Administrative Officer on deputation basis from Gazetted Group A officer of the LADC. The term of the Town Committee is proposed to be five years and the Chairman shall be appointed by the Governor on the

advice of the Executive Committee of the LADC from amongst the members of the town Committee. And, a Vice Chairman shall be elected from amongst the members of the Town Committee. There shall also be a Secretary who shall be appointed by the Executive Committee of the LADC on the advice of the Chairman from amongst the elected members of the Town Committee.<sup>15</sup>

In exercise of the power conferred under Section 7 of the Pawi Autonomous District Council (Town Committee) Act, 1974, the LADC has proposed to introduce the Lai Autonomous District Council (Town Committee) Rules, 2005 for enactment but it was not introduced due to certain limitation in the proposed Rules. The Rules proposed the strength of the Town Committee members to be not more than 13. Out of which, one-third of the members shall be nominated by the Executive Committee of the LADC on the advice of the Chairman of the Town Committee and the rest shall be elected on the basis of adult suffrage. The term of the Town Committee was proposed for three years and the elected members shall hold office till completion of the term of the town Committee, where as, the nominated members shall hold office at the pleasure of the Executive Committee of the LADC. The Rules also provided for election of the Chairman from amongst the members of the Town Committee. There shall also be a Secretary, appointed by the Chairman from amongst the members of the Town Committee. Powers and functions of the Town Committee as well as taxes to be levied are similar to the proposed Town Committee Rules of 2000.<sup>16</sup>

In the same manner how the previous rules of Town Committee were prepared, the Lai Autonomous District (Town Committee) Rules, 2006 and the Lai Autonomous District (Town Committee) Rules, 2007 were prepared in exercise of the powers conferred under Section 7 of the Pawi Autonomous District Council (Town Committee) Act, 1974. The provisions and guidelines laid down in the said two rules are more or less the same to those of the previous rules. Thus, only some new guidelines, provided by the new rules should be briefly highlighted. The Lai Autonomous District (Town Committee) Rules, 2006 provided for composition of the Town Committee to be not more than 13, out of which, two members shall be nominated by the Executive Committee of the LADC on the advice of the Chairman of the town Committee. It is also laid down in the Rules that the Executive committee may at any time appoint a commission to enquire into the working of the town Committee. And, the Chairman or such other persons authorized by the Executive Committee of the LADC on his behalf shall call a meeting of the Town Committee every two months. Like the earlier rules, it also provided for the provision of electing Chairman, Secretary and Treasurer from amongst the members of the Town Committee. Further, meeting proceedings of the Town Committee shall be sent to the Executive Committee through the Executive secretary, the Chief Executive Member of the LADC and members of the Town Committee. The Lai Autonomous District (Town committee) Rules, 2007 laid down that the quorum for meeting of the Town Committee should be one-third of the total members including the Chairman and Treasurer of the Town Committee. And, all legislations including resolution, agenda, bill and questions etc shall be determined by a majority vote of the members present and voting other than the Chairman or person acting as such. The Rules also provided for formation of the Executive Body of the Town Committee consisting of the Chairman, the Treasurer, the

Secretary and the Town Administrative Officer. It is also laid down in the Rules that, the Secretary of the Town Committee shall be appointed by the Executive Committee from amongst the elected members of the Town Committee; where as, the election of the Chairman shall be conducted by a person appointed by the Executive Committee of the LADC after the date is fixed by the Executive Committee and notification is issued by the Secretary to each member of the town committee. And, the election of the Treasurer is to be conducted by the Chairman of the town committee. It is also laid down in the Rules that, the Town Committee shall have powers to deal with all matters specified in Paragraph 3, Sub-paragraph (1) f of the Sixth Schedule to the Constitution of India and it also provided for the formation of “Town Committee Fund”, in which, all funds of the Town Committee shall be credited. Further, the Rules also provided for conduct of periodical election to Town Committee, in which, there shall be electoral roll for every ward of the Town Committee and the electoral roll shall be prepared by the Electoral Registration Officer and Assistant Electoral Registration Officer who shall be appointed by the Executive Committee of the LADC. So far as collection of revenue is concerned, the Lai Autonomous District (Town Committee) Rules, 2006 and the Lai autonomous District (Town Committee) Rules, 2007 adopt the proposals of the earlier rules such as taxation, sanitation, water supply and collection of certain taxes etc.<sup>17</sup>

### **Establishment of Adhoc Town Committee**

The Pawi Autonomous District Council (Town Committee) Act, 1974 is the only act concerning urban Local Self Government passed by the LADC till now. Further, it is the only act, passed by the Autonomous District Councils of Mizoram for establishment of the Town Committee. After that, many rules were proposed to ameliorate the Act as well as to standardize the status of urban Local Self Government but none of them were passed and some rules were not even introduced in the House i.e. the legislature of the LADC. It is an essential feature to note that even the only enacted act concerning the urban Local Self Government remains unfulfilled and unimplemented till today. So, Town committee as highlighted in the Pawi Autonomous District Council (Town Committee) Act, 1974 is not yet enforced till now in the LADC. Therefore, the provision of Town Committee incorporated in Paragraph 3, Sub-paragraph (1) e and f of the Sixth Schedule to the constitution of India remains unfulfilled.

Town Committee as enshrined in the Act could not be established till now but Town Committee in namesake with out power came to be established in LADC since 2001 due to political compulsion and political pressure. Infact, it is not a bonafied Town Committee as incorporated in the Act of 1974, but it was created in haste to serve a calculated political purpose, as such, it can unequivocally be termed as adhoc Town Committee. The immediate creation of the Town Committee with out proper norms in 2001 was purely a political game for accommodating some political heavy weights who could not be accommodated in the cabinet of the LADC i.e. the Executive Committee as Executive Member. As a matter of fact, B. Lianhranga who could not be accommodated in the Jumbo-size cabinet of U. Zathang led government in 2001 was shrewdly accommodated in the rank of Executive Member (E.M) as Chairman of Town Committee. The notification for appointment of the Chairman, Town Committee was issued after it was approved

by the Governor of Mizoram. Other than the Chairman, the Executive Committee also appointed three other members in that term. Subsequently, B.Lianhranga happened to be the first Chairman of Town Committee in LADC. It is a notable feature that, prior to the establishment of Town committee as per the Pawi Autonomous district Council (Town Committee) Act, 1974, the post of Chairman was created. Indeed, the notification for appointment of Chairman was issued as per Section 3 (b) of the Pawi Autonomous District Council (Town Committee) Act, 1974 but the Act was not effectively enforced. Moreover, powers, functions, responsibilities and geographically administered area of the Town Committee were nowhere mentioned clearly in the notification for the appointment of Chairman. Indeed, it was a situation of putting the cart before the horse. Therefore, it is unequivocally a purely political arrangement for survival of the then Executive Committee or government of the LADC. Since then, the post of Chairman, Town Committee has been continued in every term with out budget and it has no powers and functions at all. At present, the Town Committee of LADC comprises of Chairman, Vice Chairman and five other members. The Assistant Local Administrative Officer (ALAO) of LADC acts as the Secretary of the Town Committee.<sup>18</sup> However, it is not exactly performing the function and work of the Town Committee as enshrined in the Act of 1974, because the Act of 1974 is not yet enforced properly. Therefore, the composition, election, powers and functions of the Town Committee as laid down in the Pawi Autonomous District Council (Town Committee) Act, 1974 remain unfulfilled till now. So, Town Committee in the strict sense of the term is not yet implemented in LADC. It is evident that, other than the effective establishment of Town Committee with full powers and functions for enforcement of urban Local Self Government as per the Act of 1974, the present adhoc Town Committee of the LADC is concerned more with the rank, privileges and facilities of the Chairman, Town Committee in equal status with the Executive Member of the LADC.

### **Prospect of Urban Local Self Government in LADC**

The Lai Autonomous District Council (LADC) has good prospect for effective implementation of urban Local Self Government within its administrative jurisdiction. It is an undeniable fact to state that urban Local Self Government is still a non-starter in the urban area of the LADC. In the like manner, how, Aizawl and Lunglei are clusters of villages, Lawngtlai, the Headquarters of both Lawngtlai District and the LADC is also a cluster of villages. The reason being, 12 Village Councils are still functioning in Lawngtlai in the same manner how many Village Councils are still functioning in Lunglei and Aizawl. Therefore, people of urban area of the LADC are still deprived of the benefit of urban Local Self Government like their fellow urbanites in other parts of Mizoram. As such, corrective measures are required to be taken up for effective implementation of urban Local Self Government at the earliest. Had the Pawi Autonomous District Council (Town Committee) Act, 1974 been properly implemented and appropriate Rules been enacted in line with the Act, the LADC has a good prospect for formation of Town Committee in Lawngtlai, Bualpui 'Ng', Sangau and Bungtlang. As per the Statistical Report of the Local Administration Department of the LADC, 2008, Lawngtlai has now 3600 houses and a population of 17,600. Moreover, extension of Lawngtlai urban area is

continuing with influx of people for better facilities from rural area of LADC and other districts of Mizoram. Over and above that, the proposed Kolodyne multi-hydel project and Asian Highway that should connect Mizoram with South East Asian countries through Lawngtlai District also automatically places Lawngtlai as a productive urban settlement. So, Lawngtlai has a good prospect for establishment of Town Committee for benefit of people of the locality. Had Town Committee been effectively functioning in Lawngtlai, the burden of the LADC Executive Committee and the LADC bureaucracy will be lessened because the Town Committee may deal with all petty issues, which are required for development of the locality.<sup>19</sup>

Other than Lawngtlai, big villages, such as, Bualpui 'Ng', Sangau and Bungtlang also have good prospects for transformation of the rural settlement into urban settlement. Bualpui 'Ng' is the Sub-Headquarters of the LADC and Revenue Officer of the LADC is also posted there. Besides these, some departments of State Government and a Rural Bank are also functioning there in Bualpui 'Ng'. Bualpui 'Ng' also keeps on expanding and it is transforming itself into urban settlement from rural mode of life. At present, there are 390 houses and 2400 population in Bualpui 'Ng'. Sangau is the Divisional Headquarters of the LADC and Revenue Officer of the LADC is also posted there. The Sub-Divisional Officer (Civil) and Block Development Officer (BDO) offices are also located in Sangau. Besides these, Public Health Center is also functioning properly there in Sangau. Sangau is also located in international border and it is a fast growing small town with 730 houses and above 4500 population. Bungtlang is located at the western part of the LADC area and BDO office is located there in Bungtlang. Bungtlang is also the Divisional Headquarters of LADC and Revenue Officer of the LADC is also posted in Bungtlang. There are 400 houses and over 3000 population in Bungtlang. Further, Bungtlang is also in the transformation stage of being in the urban set-up from rural life style. Therefore, Bualpui 'Ng', Sangau and Bungtlang have good prospect for establishment of Town Committee or Small Town Committee for effective implementation of urban Local Self Government.<sup>20</sup> It may appear as if the above mentioned settlements are not yet fit for urban administration due to lack of household and population, but, preparation for urban administration is required now because transformation of urbanization is going on now in the above mentioned places. If corrective measures are not taken up adequately now, the same problem that are now found in the urban settlement of Aizawl and Lunglei may also be repeated in these growing towns.

## **Conclusion**

The framers of the constitution of India were quite concerned about the establishment of Municipality in the District Council area as well as to facilitate tribals of the Sixth Schedule area with the benefits of Local Self Government in urban area. As such, the provision for establishment of Town Committee and Town Administration is incorporated in paragraph 3, sub-paragraph (1) e and f of the Sixth Schedule to the Constitution of India. However, the provision provided in Paragraph 3, sub-paragraph (1) e and f of the Sixth Schedule to the Constitution of India can only be effectively implemented if appropriate laws in this regard are made by the District Council. So long as law is not enacted by the District Council as provided in paragraph 3, sub-paragraph (3) of the Sixth Schedule to

the constitution of India, effective and workable Town Committee will remain unfulfilled in the District Council area.<sup>21</sup> Despite the farsighted vision of the Bordoloi Committee and framers of the constitution of India for establishment of Town Committee in District Council area, steps, taken by District Councils in this regard is not satisfactory. It is evident that the steps taken by all the District Councils of the whole North East India with regard to municipal administration is not up to the mark. In fact, the root cause for the weakness of the District Council in this regard is due to lack of exercising law-making power. The three Autonomous District Councils of Mizoram are not seriously initiating any step for implementation of Municipality in the District Council area. It is essential to note that, District Council as a miniature Government is accorded with the three organs of Government such as legislative, executive and judiciary. As such, the constitution of India has entitled the District Council with the power to establish Town Committee through its law making power in the District Council administered area. However, failure to make law on the part of District Council deprives them of the powers and facilities, which they are entitled. Even the present set up of Town Committees in the three Autonomous District Councils of Mizoram is initiated on purely political ground and for political advantage of the party in power. In fact, the set up of the present Town Committee in the District Council area is like a child-play, imitating certain model only. So, objectively speaking, municipality in the District Council area is still a non-starter. Grassroots democracy, as the base for successful implementation of democratic value has been proved with the enactment of Seventy-third Amendment Act, 1992. The seventy-fourth Amendment Act, 1992, also known as the Nagar Palika Act deals with the establishment of Municipalities or Urban Local Self Government in urban area. However, four decades prior to the enactment of Nagar Palika Bill, the provision of Town Committee has been already incorporated in the original Sixth Schedule to the constitution of India in paragraph 3, sub-paragraph (1) e and f. As the establishment of Town Committee depends upon the enactment of laws by the District Council, many District Councils in general and the District Councils of Mizoram in particular cannot effectively utilize it till now. The erstwhile Mizo District Council had enacted one legislation concerning the formation of Town Committee, but the erstwhile Pawi-Lakher Regional Council did not pass any legislation with regard to Town Committee. So far as the District Councils of Mizoram at present are concerned, the MADC had proposed the Mara Autonomous District Council (Town Committee) Act, 2008 but it is not yet adopted. And, the CADC has not proposed or passed any legislation concerning the Town Committee till now. On the other hand, the LADC had already enacted an act concerning Town Committee way back in 1974 but it is not yet implemented properly. Further, the LADC also has the prospect of establishing Town Committee in Sangau, Bualpui 'Ng' and Bungtlang other than Lawngtlai. Therefore, appropriate steps are required to be taken up by the District Councils and State Government in the Sixth Schedule area of the state. Infact, the creation of the post of Chairman, Town Committee in LADC and other District Councils is not for extension of urban Local Self Government but to lull certain political heavy weights with dignified post. Thus, the introduction of urban Local Self Government is not the ultimate aim in the set-up of the present Town Committee. It is also worth noting to examine whether the District Councils or District Council Affairs

(DCA) department of the state are responsible for the weakness of the District Councils in legislating laws with regard to Town Committee and other subjects. If the District Councils are weak? Why proper guidelines or instructions are not issued by the DCA or Law Department of the State Government in this regard. As such, adequate steps are required to be taken up both by the State Government and District Councils for effective implementation of urban Local Self Government in the Sixth Schedule area of the state. It should also be noted that a viable Town Committee would never be formed in the absence of authentic and assented laws. As a matter of fact, Town Committee as enshrined in the Sixth Schedule provision to the constitution of India remains unfulfilled till now in the District Council are of Mizoram. Therefore, District Councils should take new initiatives in law making for effective implementation of Town Committee as enshrined in the Sixth Schedule provision to the constitution of India.

### **Note and References**

1. Khan, Rasheeduddin, *Democracy in India*, National Council of Educational Research and Training, New Delhi; January 2002, PP 102 & 111.
2. (a) *Ibid*, P.115.  
(b) Bakshi, P.M., *The Constitution of India*, Universal Law Publishing Co. Pvt. Ltd, Delhi, 2006, pp. 210 - 211.
3. Government of India, *The Constitution of India (As on the 1<sup>st</sup> June, 1996)*, Department of Publication, New Delhi, 1996, pp.72 & 153 – 154.
4. Bakshi, P.M., *Op.Cit*, p. 346
5. Government of Mizoram, *The collection of Mizo District Council Acts, Regulations & Rules*, Assembly Secretariat, Aizawl, 2005, pp. 55 – 57
6. Chakraborty, P., *The Fifth and Sixth Schedules to the Constitution of India*, updated and annotated, Capital Publishing House, Delhi, 2005, p. 285.
7. Government of Mizoram, *Statistical Handbook of Mizoram*, Directorate of Economics & Statistics, Aizawl, 2008, pp. 65 & 68.
8. Mara Autonomous District Council (Revenue Department.), *Records and Documents*, Saiha, 26<sup>th</sup> April, 2010.
9. Draft bill of the Mara Autonomous District Council (Town Committee) Act, 2008.
10. Chakma Autonomous District Council (G.A.D.), *Records and Documents*, Kamalanagar, 23<sup>rd</sup> November, 2009.
11. Chakma Autonomous District Council, (GAD), No. A. 12032/68/2004-2005/GAD (CADC)/6111, Kamalanagar, 2006.
12. Lai Autonomous District Council (Local Administrative Department), *Records and Documents*, Lawngtlai, 23<sup>rd</sup> March 2009.
13. Doungel, Jangkhongam, *The Role and Working of the Lai Autonomous District Council*, Mizoram, Ph.D Thesis, Manipur University, 2003, unpublished, P. 170.
14. Hnialum, R.T., *The Collection of Pawi District Council Acts, Regulations and Rules*, Volume I, Pawi District Council, Lawngtlai, 1979, pp. 3-4.
5. Lai Autonomous District Council (GAD), *Records and Documents*, Lawngtlai, 7<sup>th</sup> October, 2008.

16. Lai Autonomous District Council (Legislative Department), Records and Documents, Lawngtlai, 17<sup>th</sup> April 2009.
17. Ibid.
18. Lai Autonomous District Council (GAD), Records and Documents, Lawngtlai, 20<sup>th</sup> April, 2009.
19. Ibid.
20. Ibid.
21. Bakshi, P.M., Op. Cit, p. 344.