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EDITORIAL

Ramhnuaia khawsa thin ramsate leh kan ranvulh thinte ngei pawh hian khawsak dan phung fel tak an lo nei diam ve bawh tih hi nungcha nundan zirmitte zirchhuah a ni a. Keini mihringte phei chu Siamtuin a thilsiam dang zawng zawng chungah thu pawh nei tura a siam chungnung ber kan ni tih kan chiang tawh awm e. Ni khata darkar 24 kan hmanah hian khuarelin kan nundan phung tura a lo duan bakah, zahawm leh him taka kan vaia that tlanna tura khawsak ho tul kan ni tih pawh kan chiang awm e. Chuti anga khawsak chu kan thatpui ber tur niin, chuti ang kalha khawsak palh thu-a min vawngtu tur leh min vengtu turin ramchhungah DAN fel tak kan neih a ngai a. Khawvel pum huap anga inlungual tlanna fel tak kan neih pawh a ngai bawh. Chumi awmzia chu, mi tute emaw tan bika DAN hi siam a ni lova, keimahni tan theuhva siam a ni a; lo hriat ve chu kan tih tur a ni a, chumai bakah lo zah leh zawm hi mitin bat a ni bawh.

DAN tha tak tak kan neih ten hriat leh zawm an hlawhlo fo hi a huhova khawsa thin mihringte nun chawkbuaite a ni a. Chumi atan chuan sorkar hmalakna in he chanchinbu 'DAN LEH HRAI' pawh hi tihchhuah hram hram a ni.

DAN hrim hrim hi mimal tu emaw hriat tur chauh a ngaih pawh a dik lovang. Kan hriat tlan poh leh zawm leh ngaihshan a hlawh ang a, kan mimal zahawmna leh hlutna pawh zahin a awm ang. He chanchinbu ngei pawh hi kan chhiar zo a nih pawhin midang chhiartir ve zel thin hi thil finthlak tak a ni dawn tihna a ni.

Advertisement

ENGAH NGE I LUNGNIAH ANG?

I duh vang reng nilo pawhin thubuai-hlabuai i nei thei a; a nih loh vek pawhin i dikna leh chanvo chu rahbehsakin i awm pawh a ni mai thei. Chutiang hunah chuan Court i kal a ngai dawn a ni.

Mahni sum senga Ukil ruai thei lo i nih chuan Mizoram State Legal Services Authority-ah Ukil (Legal Aid Counsel) rawihsak tur chein dil theih a ni; i aiawha ding tur Ukil chu i sum sen ngai lovin sawrkarin a lo rawihsak thei che.

Mizoram State Legal Services Authority chuan kan thubuai chi hrang hrang- In hmun leh Ram, Pawisa inpuktir, Bungraw thawn, Postal, Telephone, Supply of Electricity, Supply of Water, Sanitation, Damdawiin leh Insurance chungchanga kan harsatnate Court-ah Ukil ruaia inkhin ngailo tur leh, mahni ngeiin kan sawi a, awlsawm zawka chinfel a nih theih nan Lok Adalat (mipui Court) a la buatsaih ta cheu mai. Hetah hian Conciliator

fel tak takte nen in thubuai chungchang sawi hovin inremna kawng an lo zawnpui ang che u.

Chu mai chu a tawpna a ni lo. Mipuite, Dan leh Hrai min hriha min zirtir hi Legal Services Authority thil tum a ni bawk. Seminar leh Workshop te dan inzirtirna turin neih thin a ni a. Tin, booklet leh pamphlets te sem thin a ni bawk.

I hrechiang duh a nih chuan – Mizoram State Legal Services Authority, Junior Judges’ Quarter, New Secretariat Complex, Khatla, Aizawl-796001, emaw Phone: 0389-2336621/2317811 emaw, Fax: 0389-2336619-ah emaw zawh chian theih a ni e.

Mi rethei leh harsatna tawkte tanpuitu Legal Services Authority a awm tih i hria ang u.

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BANK LEM CHUNGTHU LEH PUNG AWMA PAWISA PUK

Dr. H.T.C. Lalrinchhana
M.A., LL.B., Ph. D

Thuhma:

Kan hriat angin pawisa kan tih angte hman a nih hma chuan miin an thilneih bungrua an inthleng tawn mai a, chu chu *'Barter System'* an tih kha a ni a. Mitin hi kan inmamawh vek a; mihringte hi mahni chauhva khawsa leh damkhawchhuak thei kan nih loh avangin kan inmamawhna leh chumi atana awlsamna pawchhuak turin hmanrua tho entirna'n *'Pawisa'* kan tih angte hi siamchhuah alo nita a. Pawisa chhiarsenloh atam nei ta la, nangmah chauh in he *'Planet'* hi luah ta la, hlutna a nei hauh lovang. Chu chuan a entir chu *'Pawisa'* hi hmanrua mai a ni a, a pawimawh ber leh ngaihhlut tur chu Siamtuin duh taka a siam kan mihringpuite hi an ni. Miin pawisa a pathian hle chuan khawvel nundan turah hriatthelh a nei tawh tihna pawh a ni. Han chik zui ngat la, engtik hunah emaw chuan inchhir vawng vawngin hun a hmang nge nge thin.

'Bank' kalphung leh hnathawh dan:

Chutia pawisa an lo hmuhchhuah takah chuan, kan thilneih hlutzawng leh hmanraw engkim hi pawisa hmanga tehkhawng leh inthlengtawn kan lo ni ta a. Pawisa chu a hlu ta em reng a nih hi. Chutiang pawisa hmang chuan kan nitin mamawh leh nawmchenna lam thil chenin kan leichhuak thei ta chauh angin, nun kan hmang ta a. Sorkarpui inrelbawlna leh a behbawm zawng

zawngte pawh pawisa chhiarkawp hmanga din leh relbaw an lo ni zo ta. Chuti angin mimal leh sorkar ang pawhin kan pawisa hmang chuan hna kan thawkin, chutiang pawisa vek hmang baw chuan pawisa dang neihpun dan kawng kan lo dap ta zel a. Dan fel leh him tak hmanga khuahkhirh leh venpui a lo ngai ta. India rama pawisa dahna leh dah dan hi awmze nei taka dan anga kalpui a ni a. Chutiang dante chu a tam hle a, thenkhat pawimawh zualte hming chauh tarlang ila: ‘Bank’ kan tih mai te pawh dan hrang hrangte hian anmahni hawizawngin an hrilhiah theuh mai a, ‘Bank’ tih pawh hian a hnuaia dan hnuaia sum puk leh dahna remchangte hi a huam vek dawn tihna a ni-

- The Reserve Bank of India Act, 1934
- The Reserve Bank (Transfer to Public Ownership) Act, 1948 (62 of 1948)
- Banking Regulation Act, 1949
- The State Bank of India Act, 1955
- State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959)
- Deposit Insurance Corporation Act, 1961 (47 of 1961)
- Industrial Development Bank of India Act, 1964 (18 of 1964)
- Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970)
- Regional Rural Banks Act, 1976 (21 of 1976)
- Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980)
- Export-Import Bank of India Act, 1981 (28 of 1981)
- National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981)

- Industrial Reconstruction Bank of India Act, 1984 (62 of 1984)
- National Housing Bank Act, 1987
- Small Industries Development Bank of India Act, 1989
- Reserve Bank of India (Board for Financial Supervision) Regulations, 1994 adt.

Tin, a hnuaia mite pawh hi hriat a pawimawh bawk, chungte chu-

- The India and Burma (Burma Monetary Arrangements) Order, 1937
- The Banking Facilities for N.R.I. for Opening Accounts and Making Investments in India
- The Banking Companies (Nomination) Rules, 1985
- Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1980
- Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970

‘Bank’ chi hrang hrang kan tiha pawisa rul thalote khinna tur dan pawh a hnuaia mi ang hian siam leh a ni-

- The Recovery of Debts Due to Banks and Financial Institutions Act, 1993
- Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 adt.

Pawisa lengvak himlo khuahkhirhna dan pawh kan nei tawh a; chu chu *‘The Prevention of Money-laundering Act, 2002’* tih a ni.

Pawisa pung uchuaka bitukna khuahkhirhna dan *‘Usurious Loans Act, 1918’* pawh a chung a dan hrang hrang bakah khian kan nei bawh.

Lukhawng neia pawisa dahna (Insurance) chungthuah pawh a hnuaia dante hi kan chian fo a tul-

- The Insurance Act, 1938
- The Insurance Act, 1939
- The Life Insurance Corporation Act, 1956
- The Deposit Insurance & Credit Guarantee Corporation Act, 1961
- The General Insurance Business (Nationalisation) Act, 1972
- The Insurance Regulatory & Development Authority Act, 1999
- The Insurance Regulatory & Development Authority Regulations, 2000 adt.

‘Insurance’ lam mi leh sate i hnenah an lo kal a, pawisa dah pun hlawk dan chi hrang hrang an rawn hrilh thin ang che a. Mahse, a that tawkhlohna an hrilh tel hmaih maithei che; fimkhur leh thuhnu dawn taka ngaihtuahna sen a tul ang.

‘Bank’ lem leh tak chu engnge a danglamna:

‘Bank’ lem leh tak nia hriatte thlirhranna ber tura lang chu *‘The Reserve Bank of India Act, 1934’* hnuaia

‘*Second Schedule*’ hnuaiia ‘*Scheduled Banks*’ tarlan te hi ‘*Reserve Bank of India*’ hriatpui leh pawmpui an ni a. Heta langlote chu ‘*Reserve Bank of India*’ hriatpui loh leh ‘*Bank*’ tak ni chiah lova kan ngaihte chu ni awm tak a ni, chuta ‘*Scheduled Banks*’ tarlante chu-

1. A B Bank Ltd.
2. Abhyudaya Co-operative Bank Ltd.
3. ABN Amro Bank N.V.
4. Abu Dhabi Commercial Bank Ltd.
5. Ahmedabad Mercantile Co-Op Bank Ltd.
6. Akola Gramin Bank, Akola (Maharashtra)
7. The Akola Janata Commercial Co-operative Bank Ltd., Akola.
8. The Akola Urban Co-operative Bank Ltd., Akola.
9. Allahabad Bank
10. Allahabad Kshetriya Gramin Bank, Allahabad (Uttar Pradesh)
11. Amanath Co-operative Bank Ltd. Bangalore
12. American Express Banking Corporation
13. Andhra Bank
14. Andhra Pradesh Grameena Vikas Bank, Warangal (Andhra Pradesh)
15. Andhra Pradesh Mahesh Co-Op Urban Bank Ltd.
16. Andhra Pradesh State Co-operative Bank Ltd., Hyderabad
17. Andhra Pragathi Grameena Bank, Kapada (Andhara Pradesh)
18. Antwerp Diamond Bank N.V.
19. Aravali Kshetriya Gramin Bank, Sawai Madhopur (Rajasthan)
20. Arunachal Pradesh Rural Bank, Pasighat (Arunachal Pradesh)

21. Aryavart Gramin Bank, Lucknow (Uttar Pradesh)
22. Aurangabad Jalna Kshetriya Gramin Bank, Aurangabad (Maharashtra)
23. Axis Bank Ltd.
24. Baitarani Gramya Bank, Baripada (Orissa)
25. Balasore Gramya Bank, Balasore (Orissa)
26. Ballia Kshetriya Gramin Bank, Ballia (Uttar Pradesh)
27. Bank Internasional Indonesia
28. Bank of America N.A.
29. Bank of Bahrain & Kuwait B.S.C.
30. Bank of Baroda
31. Bank of Ceylon
32. Bank of India
33. Bank of Maharashtra
34. Bank of Nova Scotia
35. The Bank of Rajasthan Ltd.
36. Bank of Tokyo - Mitsubishi UFJ Ltd.
37. Barclays Bank
38. Bardhaman Gramin Bank, Burdwan (West Bengal)
39. Bareilly Kshetriya Gramin Bank, Bareilly (Uttar Pradesh)
40. Baroda Gujarat Gramin Bank, Bharuch (Gujarat)
41. Bassein Catholic Co-operative Bank Ltd.
42. Bastar Kshetriya Gramin Bank, Jagdalpur (Chhattisgarh)
43. Basti Gramin Bank, Basti (Uttar Pradesh)
44. Begusarai Kshetriya Gramin Bank, Begusarai (Bihar)
45. Bhagalpur-Banka Kshetriya Gramin Bank, Bhagalpur (Bihar)
46. Bhandara Gramin Bank, Bhandara (Maharashtra)
47. Bharat Co-operative Bank (Mumbai) Ltd.

48. Bharati Sahakari Bank Limited.
49. Bhilwara Ajmer Kshetriya Gramin Bank, Bhilwara (Rajasthan)
50. Bihar State Co-operative Bank Ltd., Patna
51. Bikaner Kshetriya Gramin Bank, Bikaner (Rajasthan)
52. Bilaspur Raipur Kshetriya Gramin Bank, Bilaspur (Chhattisgarh)
53. BNP Paribas
54. Bolangir Anchalik Gramya Bank, Bolangir (Orissa)
55. Bombay Mercantile Co-operative Bank Limited
56. Buldhana Gramin Bank, Buldhana (Maharashtra)
57. Bundi-Chittorgarh Kshetriya Gramin Bank, Bundi (Rajasthan)
58. Cachar Gramin Bank, Silchar (Assam)
59. Calyon Bank
60. Canara Bank
61. The Catholic Syrian Bank Ltd.
62. Cauvery Kalpatharu Grameena Bank, Mysore (Karnataka)
63. Central Bank of India
64. Chaitanya Godavari Grameena Bank, Guntur (Andhra Pradesh)
65. Chambal Kshetriya Gramin Bank, Morena (Madhya Pradesh)
66. Champaran Kshetriya Gramin Bank, Motihari (Bihar)
67. Chandrapur Gadchiroli Gramin Bank, Chandrapur (Maharashtra)
68. Charminar Co-op. Urban Bank Ltd.
69. Chhindwara Seoni Kshetriya Gramin Bank, Chhindwara (M.P.)

70. Chikmagalur-Kodagu Grameena Bank,
Chikmagalur (Karnataka)
71. China Trust Commercial Bank
72. Citi Bank N.A.
73. Citizen Credit Co-operative Bank Ltd., Dadar.]
74. City Union Bank Ltd.
75. Corporation Bank
76. Cosmos Co-operative Urban Bank Ltd.
77. Cuttack Gramya Bank, Cuttack (Orissa)
78. DBS Bank Ltd.
79. Deccan Grameena Bank, Rangareddy (Andhra Pradesh)
80. Dena Bank
81. Dena Gujarat Gramin Bank, Gandhinagar (Gujarat)
82. Deutsche Bank A.G.
83. Development Credit Bank Ltd.
84. Devipatan Kshetriya Gramin Bank, Gonda (Uttar Pradesh)
85. The Dhanalakshmi Bank Ltd.
86. Dhenkanal Gramya Bank, Dhenkanal (Orissa)
87. Dombivli Nagari Sahakari Bank Ltd.
88. Dungarpur-Banswara Kshetriya Gramin Bank, Dungarpur (Rajasthan)
89. Durg-Rajanandgaon Gramin Bank, Rajanandgaon (Chhatisgarh)
90. Ellaquai Dehati Bank, Srinagar (Jammu & Kashmir)
91. Etawah Kshetriya Gramin Bank, Etawah (Uttar Pradesh)
92. Faizabad Kshetriya Gramin Bank, Faizabad (Uttar Pradesh)
93. Fatehpur Kshetriya Gramin Bank, Fatehpur (Uttar Pradesh)
94. The Federal Bank Ltd.

95. Gaur Gramin Bank, Malda (West Bengal)
96. Giridih Kshetriya Gramin Bank, Giridih (Jharkhand)
97. Goa State Co-operative Bank Ltd., Panaji
98. Goa Urban Co-operative Bank Limited.
99. Gopalganj Kshetriya Gramin Bank, Gopalganj (Bihar)
100. Gorakhpur Kshetriya Gramin Bank, Gorakhpur (Uttar Pradesh)
101. Greater Bombay Co-operative Bank Limited
102. Gujarat State Co-operative Bank Ltd., Ahmedabad
103. Gurgaon Gramin Bank, Gurgaon (Haryana)
104. Gwalior Datia Kshetriya Gramin Bank, Datia (Madhya Pradesh)
105. Hadoti Kshetriya Gramin Bank, Kota (Rajasthan)
106. Haryana Gramin Bank, Rohtak (Haryana)
107. Haryana State Co-operative Bank Ltd., Chandigarh
108. Hazaribagh Kshetriya Gramin Bank, Hazaribagh (Jharkhand)
109. HDFC Bank Ltd.
110. Himachal Gramin Bank, Mandi (Himachal Pradesh)
111. Hindon Gramin Bank, Ghaziabad (Uttar Pradesh)
112. The Hongkong and Shanghai Banking Corpn. Ltd.
113. Howrah Gramin Bank, Howrah (West Bengal)
114. ICICI Bank Ltd.
115. IDBI Bank Ltd.
116. Indian Bank

117. Indian Mercantile Co-operative Bank Ltd., Lucknow
118. Indian Overseas Bank
119. IndusInd Bank Ltd.
120. ING Vysya Bank Ltd.
121. J.P.Morgan Chase Bank
122. Jaipur Thar Gramin Bank, Jaipur (Rajasthan)
123. Jalgaon Janata Sahakari Bank Ltd.
124. The Jammu & Kashmir Bank Ltd.
125. Jammu Rural Bank, Jammu (Jammu & Kashmir)
126. Janakalyan Sahakari Bank Ltd., Bombay
127. Janalaxmi Co-operative Bank Ltd.
128. Janata Sahakari Bank Ltd., Pune.
129. Jhabua-Dhar Kshetriya Gramin Bank, Jhabua (Madhya Pradesh)
130. JSC VTB Bank
131. Kalahandi Anchalika Gramya Bank, Bhawanipatna, (Orissa)
132. Kallappaanna Awade Ichalkaranji Janata Sahakari Bank Ltd., Ichalkaranji
133. Kalapur Commercial Co-op. Bank Ltd.
134. Kalyan Janata Sahakari Bank Ltd., Kalyan
135. Kamraz Rural Bank, Sopore (Jammu & Kashmir)
136. Kanpur Kshetriya Gramin Bank, Kanpur (Uttar Pradesh)
137. Kapole Co-operative Bank Ltd., Bombay
138. Karad Urban Co-operative Bank Ltd.
139. The Karnataka Bank Ltd.
140. Karnataka State Co-operative Bank Ltd., Bangalore

141. Karnataka Vikas Grameena Bank, Dharwad
(Karnataka)
142. The Karur Vysya Bank Ltd.
143. Kashi Gomti Samyut Gramin Bank, Varanasi
(Uttar Pradesh)
144. Kerala State Co-operative Bank Ltd.,
Thiruvananthapuram
145. The Khamgaon Urban Co-operative Bank
Ltd., Khamgaon.
146. Kisan Gramin Bank, Budaun (Uttar Pradesh)
147. Koraput Panchabati Gramya Bank, Jeypore
(Orissa)
148. Kosi Kshetriya Gramin Bank, Pumea (Bhiar)
149. Kotak Mahindra Bank Ltd.
150. Krishna Grameena Bank, Gulbarga
(Karnataka)
151. Krung Thai Bank Public Company Ltd.
152. Kshetriya Gamin Bank, Hoshangabad
(Madhya Pradesh)
153. Kshetriya Kisan Gramin Bank, Mainpuri
(Uttar Pradesh)
154. Lakhimi Gaonlia Bank, Golaghat (Assam)
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252. Solapur Janata Sahakari Bank Ltd.
253. Sonali Bank Ltd.
254. The South Indian Bank Ltd.
255. South Malabar Gramin Bank, Malappuram
(Kerala)
256. Sriganganagar Kshetriya Gramin Bank,
Sriganganagar (Rajasthan)
257. Standard Chartered Bank
258. State Bank of Bikaner & Jaipur
259. State Bank of Hyderabad
260. State Bank of India
261. State Bank of Indore
262. State Bank of Mauritius Ltd.
263. State Bank of Mysore
264. State Bank of Patiala
265. State Bank of Travancore
266. Subansiri Gaonlia Bank, North Lakhimpur
(Assam)
267. Sultanpur Kshetriya Gramin Bank,
Sultanpur (Uttar Pradesh)
268. Surat Peoples Co-op Bank Ltd.
269. Surguja Kshetriya Gramin Bank, Ambikapur
(Chhattisgarh)
270. Sutluj Gramin Bank, Bhatinda (Punjab)

271. Syndicate Bank
272. Tamil Nadu State Apex Co-operative Bank Ltd., Chennai
273. Tamilnad Mercantile Bank Ltd.
274. Thane Bharat Sahakari Bank Ltd.
275. Thane Gramin Bank, Thane (Maharashtra)
276. Thane Janata Sahakari Bank Ltd.
277. Tripura Gramin Bank, Agartala (Tripura)
278. Triveni Kshetriya Gramin Bank, Orai (Uttar Pradesh)
279. UBS AG
280. UCO Bank
281. Union Bank of India
282. United Bank of India
283. Uttar Banga Kshetriya Gramin Bank, Cooch Behar (West Bengal)
284. Uttar Pradesh State Co-operative Bank Ltd., Lucknow 100
285. Uttaranchal Gramin Bank, Dehradun (Uttaranchal)
286. Vaishali Kshetriya Gramin Bank, Muzaffarpur (Bihar)
287. Vasavi Coop Urban Bank Limited.
288. Vidisha-Bhopal Kshetriya Gramin Bank, Vidisha (Madhya Pradesh)
289. Vidur Gramin Bank, Bijnor (Uttar Pradesh)
290. Vijaya Bank
291. Visveshwaraya Grameena Bank, Mandya (Karnataka)
292. West Bengal State Co-operative Bank Ltd., Kolkata
293. Yavatmal Gramin Bank, Yavatmal (Maharashtra)

294. Yes Bank Ltd.
295. Zoroastrian Co-operative Bank Ltd., Bombay

Mizoram-a kan 'Bank' hman pui te:

State Bank of India hi 'The State Bank of India Act, 1955' anga din leh inrelbawl a ni a; Mizoram Rural Bank hi 'Regional Rural Banks Act, 1976' anga din leh inrelbawl a ni thung. Mizoram Cooperative Apex Bank te ang hi 'Banking Regulation Act, 1949' in a khuahkhirh a ni.

Mizoram in alo hmachhawn dan:

Mizoram-ah pawh hian 'Bank' hmanga inrelbawlna, sum puk leh dehvel leh a kaihnawih buaina hmachhawn turin thuneituten hma an lo la nasa hle. Dan hmanga hma an lo laknate en thuak ila-

1. The Lushai Hills District (Money Lending by Non-Tribal) Regulation, 1953 (Regulation No. III of 1953):

He dan hnuaiah hian Mizo nilo 'Non-tribal' ten sorkar atanga phalna nei hmasa lo chuan pung awmin pawisa an puktir thei lo a [S. 3], sorkar phalna nei an nih pawhin 'Secured loan' (Dahkham awma pawisa puk) ah kum khata a pung chu za zela 6 ¼ aia sang a ni tur a ni lo. Tin, 'Unsecured loan' (Dahkham awmlo a pawisa puk) ah pawh kum khata a pung chu za zela 12 ½ aia sang a ni tur a ni lo. Chumai bakah a pung chu pawisa puktir let thawk aia tam a ni thiango bawkw [S. 4]. He dan bawhchhiate chu cheng sangkhat thleng chawitira hremtheih an ni [S. 8].

2. The Mizoram Public Demands Recovery Act, 2001 (Act No. 11 of 2001)

He dan hnuaiah hian ‘*Mizoram Public Demands Recovery Rules, 2004*’ siam a ni a.

He dan hnuaiah hian pawisa sorkar-ah emaw, *Bank-ah* emaw, pawisa dehvelna dang (Financial institution) miin a bat thinnate a huam a. [S. 3], *Deputy Commissioner* in a hnuaia mite ‘*Certificate Officer*’ turin sorkar phalna la hmasain a ruat ang a [S. 2 (d)], chumi hmaah chuan inlanin ‘*Certificate Officer*’ chuan thubuui chu he dan angin a chingfel tur a ni [S. 10].

3. The Mizoram Protection of Interests of Depositors (In Financial Establishment) Act, 2002 (Act No. 14 of 2002)

He dan hi 26th August, 2004 atanga hman tan tura tih a ni [Notification No. B. 14015/8/2008- F. Est. the 17th Nov., 2008].

He dan hnuaiah hian *Mizoram Protection of Interests of Depositors (In Financial Establishment) Rules, 2003* pawh kan nei tawh bawk. Tin, he dan hi *The Mizoram Protection of Interests of Depositors (In Financial Establishment) (Amendment) Act, 2011 (Act No. 11 of 2011)* anga siamthat leh a ni bawk [Notification No. H. 12018/115/2002- LJD, the 18th July, 2011 Vide, the Mizoram Gazette, Ext. Ordinary; Vol. XL, 20.7.2011, Issue No. 303].

He dan hnuai hmalatu tur thuneitu (Competent Authority) atan District tina *Deputy Commissioner* te ruat an ni [Notification No. B. 14015/8/89- F. Est/Pt. the 26th Sept., 2006].

He dan hi mimal emaw, pawl (firm) emaw, a huho emaw *Companies Act, 1956* hnuai inziak lut '*Company*' te hnenah miin pawisa emaw, thilhu dang hunbi nei atana an dahluh leh sumdawna atana an lo hman engemaw '*Scheme*' emaw, kawngdang hmingchawia an lo lak chungthua thubuai rel dan tur a ni a, *Non-Banking Financial Company* te pawh a huam a ni. Amaherawhchu, *State* sorkar emaw, sorkar laipuiin a enkawl *Corporation* emaw *Cooperative Society* te leh *Banking Regulation Act, 1949* in '*Banking Company*' a tihte erawh chu a huam lo thung. [S. 2 (c)].

Pawisa a pung awma lakhawmtu pawl (Financial Establishment) reng rengte chu an awmna bial *Deputy Commissioner* hnenah an hnathawh dan phung an hrih ngei tur a ni a [S. 3 (1) (i)]. *Reserve Bank of India (RBI)* in a khuahkhirhna bakah pawh Dan-in a phut angin hun bithliah karah *Deputy Commissioner* bialtu hnenah an hnathawh dan bi (Periodical Statement) an thehlut thin tur a ni. [S. 3 (1) (ii)]. *Deputy Commissioner* tinte hian an bial chhunga hetiang *Financial Establishment* awmte hi an hnathawh dan phunga tul hriat tur thehlut turin a tul a tih hunah thupek a pe thei a ni [S. 3 (1) (iii)]. Hetiang bawhchhia an awm chuan thlaruk thleng lungin tan emaw, cheng singhnih thleng chawitir emaw, a pahnih pawha hremna pek kawp theih a ni [S. 3 (1) (iv)].

Miin pawisa an lo dawn pek let/rulh theih loh emaw a awmin, Sorkar emaw, *District Magistrate* emaw, *Superintendent of Police, Economic Offence Wing* a mite emaw hian thubuui lo dawnsawn emaw. anmahni thu-a thubuui lo siam emawin hma an la thei a. Pawisa dahluttu hnenah pekchhuah hun tur bituka a pekchhuah theihloh emaw, a pung tur a pek lohvin emaw, pawisa dahluttu tana harsatna siam zawnga *Financial Establishment* kan tihte an awm a nih chuan, an pawisa emaw, bungraw rosum leh hmun lo-ram an lo lei/neihte pawh thubuui relfel hma atan sorkarin hian a man/hren sak thei a ni. Chutiang hlutna chuan pawisa pekchhuah tur chu a hen zo dawn lo a nih chuan chu *Financial Establishment* hminga awm emaw, a enkawltute bungrua pawh a lak/man belh thei a ni [S. 3 (2)].

Hetiang thubuui reltheitu 'Court' pawh *District & Sessions Judge* emaw, sorkarin '*Special Court*' a ruat bikte an ni [S. 6]. Hetiang thubuui buaipuitu tur '*Special Public Prosecutor*' pawh sorkarin a ruat tur a ni [S. 12].

Note: He dan hi 'Chiahpuam' kan tih te, 'Bank' lem emaw, pawisa pung uma mumal lo taka pawisa dah luh thubuui lam kalpuina tur a ni ang.

4. The Mizoram Money Lenders and Accredited Loan Providers (Regulation) Act, 2010 (Act No. 12 of 2010):

He dan hnuaiah hian *Mizoram Money Lenders and Accredited Loan Providers (Regulation) Rules, 2010* pawh kan nei tawh bawk. He dan ang chuan Sorkarin '*Registering Authority*' atana a ruat hnena inziaklut-a,

phalna neite chauhin pung awmin pawisa mi an puktir thei dawn a ni [Ss. 3-5]. Hetiang thubuai reltu tur hian sorkarin High Court a biakrawn angin '*Fast Tract Court District* tinah a din ang a [S. 10 (1)], chu 'Court' ah chuan leiba pawh a hun taka pek a nih loh chuan inthin tur a ni [S.11]. Sorkarin a tul ang zelin pawisa pung thei tur zah pawh a bituk ang a; chumi aia sanga inpuktir chu phal a ni lo [S. 17]. Pawisa punna tur zah pawh bituk thlap a ni [Rule 10]. Tin, he dan hnuaiia thubuaite hi '*Legal Services Authorities Act, 1987*' anga rel theih pawh a ni [S. 15]. Phalna nei lova pawisa lo puktir tute pawh kum khat aia tlem lo atanga kum nga thleng tan leh cheng sangnga aia tlemlo chawitira hrem theih an ni [S. 22]. Phalna neite dan bawhchhiatna leh kawng danga felhlele hremna pawh a chuang bawk [Ss. 19, 20, 21, 23 leh 24].

Mizorama hmalakna dangte:

The Prevention of Money-laundering Act, 2002 hnuaiia thubuai rel tur tur 'Court' pawh sorkar hian Aizawl Judicial District atan '*First Additional District & Sessions Judge*', Aizawl chu a ruat tawh a. Lunglei Judicial District huam chhung atan pawh '*Additional District & Sessions Judge*', Lunglei chu a ruat fel tawh bawk [Notification No. A. 45011/1/2008-LJE, the 9th November, 2009 Vide, the Mizoram Gazette, Extra Ordinary, Vol. XXXVIII 13.11.2009, Issue No. 516]. He dan hi *Insurance Company* hnuaiia hnathawkte emaw, chutiang *Company*-in dikhlel taka sum an deh velnate leh kawng dang pawha dan ang ni lo, dan anga ti niawm tak si a pawisa dehvelna khuahkhirhna leh chutiang mite hremna dan a ni.

Mizoram sorkar hian *Reserve Bank of India Act, 1934* angin he dan bawhchhiat thu-ah ‘*Search Warrant*’ pe theitu atan *SDPO* zawng zawngte, *SDO (Civil/Sadar)* zawng zawngte, *SP* zawng zawng te, *DC* leh *Addl. DC* zawng zawngte leh *SP, Economic Offence Wing* te an bial huamchhung theuh atan a ruat tawh bawk. Tin, hetiang thuneitute bawk hi ziaka thubuui (*Complaint*) thehlut theitu atan a ruat bawk. Hetiang *Officer*-te hian an hnena ‘*Complaint*’ a luhin emaw, a luh kher loh pawhin anmahni thuin hma an la thei a ni. [Notification No. B. 14015/30/2007- F-IF & SL, the 8th October, 2010 Vide, the Mizoram Gazette, Vol. XXIX, 15.10.2010, Issue No. 42; Part- II (A) pp. 7 & 8]

The Recovery of Debts Due to Banks and Financial Institutions Act, 1993 leh *the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002* angin dan hnuaiiah ‘*Bank*’-a pawisa ba rul thalote thinna “*Debts Recovery Tribunal*’ hi Mizoram-ah a hranpa kan la nei ve lova; Guwahati, Assam kan la ring thung.

Tlangkawmna:

Pawisa inpuuk thu kan sawi lai hian, thil pawimawh tak pakhat chu i *Land Settlement Certificate (LSC)* kha a him em tih i chian reng hi a ni. Mi LSC lo inruk chhuahsak a, lo indakhamsak thubuui pawh a tam ta hle. Tin, thil inhawh azawngah LSC inhawh hi tih loh tawp atan a tha ber. Miin an harsatnate chhuanlamin, an pawisa puk an rulh theih loh dahkham atan LSC an hman

kha chhuhsak emaw, lilam theih a ni a. Cheng engemaw zah lawmman atan i dawng a ni mai thei e; mahse, i in leh lo leh ram hlutzawng nena khaikhinin, i hmun lo-ram chhuhsak i nih hunah sawi tur dang a vang hle ang.

Adama leh Evi-ten Eden huan dan an bawhchhiat hnu khan thlansa phulkaia kan eitur hlawhchhuak tura duan kan ni miauva; khawimaw laiah hian hlawk danglam tak emaw, mak tak-a hausak thutna awm tlata rinna leh hriatna hian kan rinna leh mihring nun a tibuai fo thin. Chutiang chu a lo awm palh a nih pawhin, reiloteah dan himlo tak a lo ni thin tih kan chian tawk tawh hi. Hetiang laka kan la tuihal zel a nih chuan mahni intihlum duh hial khawpa tlakchhiatna hial pawh a la thleng hlel lo ang. Chutiang laka invenna atan chuan a chung a dan kan tarlan takte bih uluk tak chung a, thlan tlak huam Mizo, teirei peih Mizo kan nih a ngai dawn a ni.

CIVIL THUBUAI RELDAN PHUNG

[CIVIL COURT PROCEDURE]

By C. Lalramzauva

Sr. Advocate

1. **‘Civil Court Procedures’** tih hi *Civil Court in ‘civil case’* chi hrang hrang a lo ngaihtuah dan tur leh kalphung, tiin a sawi fiah theih mai awm e. Mahse, engnge ‘civil case’ chu? Chhanna mawl leh fel tak chu ‘criminal case’ ni lo reng reng chu ‘civil case’ a ni kan ti thei mai awm e. Mahse heti teh tawp piah lamah hian ‘criminal case’ anga kalpui theih, ‘civil case’ ni thei tho bawk si a la awm a. Chungho chu ‘Torts’ tia vuah a ni ve leh bawk. Heng thil hrang hrangte hi kan hriat chian theih nan a hnuaiah hian tawite te-in sawifiah kan tum ang.

2. Thubuai (‘case’ tiin kan sawi zui zel tawh mai ang) reng reng hi ‘criminal case’ nge a nih ‘civil case’ tih hriat theihna hmasa ber chu Criminal Court-in nge ngaihtuah Civil Court-in tih hi a ni. Mahse, kan Court-te hian Civil Court nih leh Criminal Court nih an la kawp thei zel a; e.g the Court of District and Session Judge, Senior Civil Judge/ Judicial Magistrate of the First Class or Chief Judicial Magistrate etc. Tin, Criminal Case leh Civil case chi a register a nih dan atangin a thliar hran theih bawk. Civil case-ah chuan mimal-in mimal dang a khinna a nih chuan ‘Mr Liana....Plaintiff –vs- Mr Thanga.... Defendant’, tih emaw, mimalin Sorkar a khinna a nih chuan Mr. Liana...Plaintiff –vs- The State of Mizoram & Others..... Defendants’ tih ang tein ziah luh a ni ang. An chungchang thurel nan chuan “Civil Procedure Code’ chu a nih ang diak diak a (in letters) hman a nih loh pawhin a kalphung (principles/spirit) zulzuiin an chungchang chu a

lo rel tur a ni ang. Mizoram-ah chuan British hun laia min lo siamsak. *The Rule for the Regulation of the Procedure of Officers Appointed to Administer Justice in the Lushai Hills, 1937* leh District Council kan neih hnulawk a kan hman zui tak. *The Mizo District (Administration of Justice) Rules, 1953*-te hmangin, Civil case ngaihtuah nan chuan CPC chu ‘spirit’ chauhva hmangin, ‘law, justice and good conscience’ tih chu Court thuremna atana an rilru kaihrwaitu tur a ni. Criminal case-ah erawh chuan, ‘The State of Mizoram... Complainant -vs- Thanga... Accused’ ti a ziah luh a ni ang a; FIR thehluttu kha tupawh nise, a thehluttu kha case neitu ni lovin State Sorkarin Police/ Excise kal tlangin investigation a kalpui hnuah thil tisualtu ni ngeia a hriat/rin kha a thilsual tih avanga hrem a nih ngei theih nan Criminal Court-ah a ‘prosecute’ nghal bawk ang. A dang lehah chuan, Criminal case chuan a tum ber chu misual hrem a nih lain, Civil case chuan lungawilova court rawn beltute ‘right’ lo humhim sak leh, a dinhmun pangngai luah leh tura anmahni tanpui kha a ni. Chumi atan chuan ‘compensation’ pek emaw, a dinhmun pangngai luah leh tura hma a lo laksak ‘restore’ emaw kha Court-in a tih tur chu a ni ta a ni.

3. Kan thupuia kan luh hmain a chungga kan sawi lan thuak tawh, ‘Tort’ chungchang tlemin han sawi leh lawk ila. ‘Tort’ chu tihdan tlangpuiah chuan ‘civil wrong’ chi khat a nih avangin Civil case anga kalpuiin Plaintiff khan Defendant lak atangin damages (compensation) a beisei chu Civil Court kal tlangin a dil a; hetih rual hian kha thil avang tho khan Criminal Court-ah amah hremna turin case a file theih tho bawk a ni. E.g defamation case hi civil case leh criminal case, Criminal Court-ah a kal kawp thei a. A hnukung zawkah hian chuan compensation beisei tur a ni lova; fimkhur leh inthlahdah taka motor khalh

avanga midang pawl a khawih avang khan chu motor driver chu MV Act/ IPC hnuaiyah hremna pek a ni thung dawn a ni. Tin, tort' hnuaiyah civil case kalpui a nih a compensation pek tur a nih chuan a Driver (agent) tihsual avang khan a Motor neitu (master) khan mawh a phur ang. Tin, chu motor neitu chuan a motor a lo 'insure' a nih chuan Insurance Company kha mawh phurhna pek theih a ni nghal bawk. Hei hi Dan tawngkamah chuan 'vicarious liability' tih a ni. Criminal case anga kalpui a nih erawh chuan chu motor Driver fimkhur loh avanga midang pawl khawihthu hremna kha a motor neitu chungah lek theih a ni lo.

4. Tunah kan thupui "Civil Court Procedures" lam hawi tawh ila. Mizoram-ah hian Court rorelna kan hmelhriatna chin hi reive hle tawh angin a sawi theih awm e. Mizo lalten an khawnbawl upate nena an khua leh tuite inkara thubuai rem ngai an lo rem tawh thin chhonzawm dante leh chumi hnua Mizoram chhunga Court rorelna kan kal chhohpui zel dan te chipchiara chhui dawn chuan hunin min daih dawn lova. Chuvangin. Tawi te tein han sawi zawk ila. Mizo lalte khan Civil leh Criminal case eng ang pawh relin, anmahni khua leh tuite chungah chuan rorelna hniam ber leh sang ber an ni nghal a. Khawiah mah zualko lehna tur Court dang a awm lo. British min awpna hnuai-ah kan awm tak hnu kha chuan tualthah thubuai leh thubui dangte kha chu Superintendent kutah awmin, Civil case -ah erawh chuan an tih dan phung pangngaiin an kal chho a. Kum 1937 a dan min rawn siam sak, *'The Rules for the Regulation of the Procedure of Officers Appointed to Administer Justice in the Lushai Hills, 1937'* a lo pian tak atang kha chuan kalphung mumal deuh tak kan lo nei chho ve ta a. Criminal Justice leh Civil Justice kengkawh turin Deputy

Commissioner leh a thawhpuite (Assistants) chu ruat an ni. Deputy Commissioner Court rorela lungawilote chuan High Court-ah an appeal thei ang, tih a ni bawk. Chu Dan hnuaiyah chuan thubuai rel dan tur, 'procedure' chu mawl thei ang bera duan a ni a, Code of Civil Procedure pawh a 'spirit' chauha hman tur a ni. Tin, *Indian Limitation Act, 1908* pawh hman loh tura tih a ni. Amaherawhchu, Tribal nilote inkar thubuai ngaihtuahnan chuan he *Limitaiton Act* kalphung hi hnaih taka 'zui ve tura tih a ni thung. He mi hnu District Council kan neih hnu khan 'Mizo District (Administration of Justice) Rules 1953' chu siam a lo ni leh a. He dan hnuaiyah hian Village Court chu Village Council kut-ah dahin, chumi atanga 'appeal' na atan chuan Sub District Council Court siam a ni. Tin, Sub-District Council Court/ Addl Sub-District Council Court thuremna atanga 'appeal' lehna turin District Council Court din a ni nghal bawk. District Council Court thuremna a lungawilo ten High Court ah 'appeal' an thehlut leh thei. He 1953 Dan hnuaiyah Court ho reng reng-ah hian Tribal leh Tribal-te inkar thubuai chauh sawi leh rel theih a ni a. 1973 Dan hnuaiyah kha chuan Tribal leh Non -Tribal-te zawng zawng chungchang thubuai a ngaihtuah thei thung a ni. Kum 1953 atang erawh kha chuan Mizo Tribal-te inkar thubuai reng reng chu Deputy Commissioner leh a Assistants hote rel theih loh turin tih a ni ta bawk.

5. A chung a Dan chi 2 (hnih) tarlan "The Rules for the Regulation of the Procedure of Officers Appointed to Administer Justice in the Lushai Hills, 1937' leh 'Mizo District (Administration of Justice) Rules 1953' te hmang hian Mizo District Council huam chhunga thubuai chi hrang hrangte chu ngaihtuah a, chinfel a lo ni tawh thin. Amaherawhchu, tunhnai mai khan 'The Mizoram Civil

Courts Act, 2005' chu siam a lo ni ta a. He Dan hi 26th April 2006 atanga hman tan tura tih a ni ta bawk. He Dan hman tan a nih atang chuan Mizoram-ah pawh Judiciary hi Executice thuhnuai atanga lak hran a lo ni nghal ta bawk a ni. He Dan hnuaiah hian Civil Court chi hrang hrangte siam a ni a, chungte chu a chung lam atangin-

- a) **Courts of District Judges:** Heng Court-te hi District tinah High Court in State Govt. nena inrawnin a din tur a ni, tih a ni (Tunah chuan Aizawl-ah District Judge 1 leh Addl. District Judge 3, leh Lunglei -ah District Judge Post ruak 1 leh Addl District Judge 1 kan nei rih a,. He District Judge Post entry grade -ah hian direct-a lak turin post 3 atan recruitment process a kal mek)
- b) **Court of Senior Civil Judges:** Heng Court-te hi District tinah awm tur a tih a ni a. High Court in State Govt. nena inrawn a notification siamin, a din tur a ni. District khatah pawh a tul anga pakhat aia tam pawh dah theih a ni (Tun dinhmunah chuan Aizawl-ah 3, Lunglei, Champhai, Kolasib, Saiha leh Lawngtlai District-ahte pakhat (1) theuh, Serchhip leh Mamit District-ahte la dah loh)
- c) **Courts of Civil Judges:** Heng Court-te pawh hi High Court-in State Govt. rawn chungin District tinah an hnathawhna tur area bithliah felin a tul tur awm zat apiang a dah thei a ni. (Tun dinhmunah chuan Aizawl ah -5, lungleiah 2, leh District dangah 1 theuh dah a ni rih)

Heng a chung a tarlan tak Court hrang hrangte hian mahni area (territorial jurisdiction) an neih bakah, Pecuniary Jurisdiction (Suit valuation a zira khawih theih

chin an nei leh bawk. Civil Judge Court in Rs 2 lakhs a chin hnuai lam chauh a khawih theih lain, Senior Civil Judge Court chuan Rs 2 lakhs chin chunglam chauh a khawih thei thung. District Judge Court chuan a huamchhunga civil case (original suit) reng reng chu rel theih loh a nei lova. Mahse, Senior Civil Judge Court atanga appeal kal chho chu suit value Rs 5 lakhs leh a hnuai lam chin chauh a ngaihtuah thei a; chumi chunglam chu High Court-ah direct-a appeal nghal tur a ni. Civil Judge Court atanga a appeal reng reng chu District Judge Court-ah vek a ni thung.

6. He Mizoram Civil Case Act, 2005, Sec 21(1) ah chuan “*The procedure prescribed in the Code shall, save in so far as is otherwise provided by this Act, be the procedure followed in all civil case*”, tiin a dah a ni. Chumia ‘*the Code*’ a tih chu ‘*Code of Civil Procedure*’ tihna a ni. He Dan hnuai Court dinte hian an rorel dan kaihruiatu atan ‘*Code of Civil Procedure*’ chu hmang tura tih a ni. Amaherawhchu, a hnuah he Dan hi Amend (tihdanglam) niin, Civil Procedure Code chu a nih dan ang tak (in letters) a hmang lova ‘spirit’ chauh hmang tura tih a ni leh ta rih a ni. Hemi chungchangah hian eng anga kal nge kan thatpui zawk ang tih hi hriatthiam a la har rih viau. Mipui mimir ngaihtuahna leh rilru sukthlek thlir chuan hetiang Dan khirkhiap em em mai hi hmang ve mai tur chuan kan la inpeih rih lo deuh niin a lang a; mahse, hmang ta mai ila loh theih lova kan zir chhoh a tul chuan hun reiloteah kan inzir thiam ve mai turah pawh a ngaih theih bawk. Mipui mimir chu sawi loh, Court lam leh Bar lamte pawh

hian Mizoten kan la hmanthiam loh tak mai, Limitation Act, 1963 chu a nih ang taka hman tur a ni nge nilo tih chungchangah inhnialna a kal chho mek bawk. CPC pawh a ‘spirit’ chauha kan la hman lai hi chuan he Limitation Act pawh hi a hma ang bawka la hman rih loh tura tihfel law law mai hi thil inhmeh zawk a ni ang em tih hi ngaihtuah chian ngai tak a ni.

7. Mizote hian Dan siam, hriat leh hman lamah hma kan sawn chhoh ve viau tawh lain, hmasawanna tur kan la ngah hle mai. Dan hre tur chuan ‘procedural law’ leh ‘substantive law’ te hi hriat kawp a ngai a. Tin, chu’ng pahnih tangkawp tur chu ‘Justice’ kan zawna kawng atan a pawimawh ve ve an ni. Amaherawhchu, ‘procedural law’ khirkhiap leh chipchiar tak zawm loh palh avanga miin a chanvo dik tak mai a hloh dawn ai chuan a ‘procedure’ chu ngaihpawimawh loh zawk rih mai kha tihdan tur zawk a nih chang pawh a awm ngei ang. Supreme Court of India pawhin hemi chungchangah hian ngunthluk takin ngaihtuahna a lo siam tawh a; CPC Amendment, 2002 (effective from 1/7/2002) in Written Statement ni 90 hnua thehluh theih loh anga a sawi chungchang chu a thu lo rel hmasak tawhte rawn chungin, Rani Kusum V. Kanchan Devi case, reported in (2005) 6SCC 705 ah chuan tihian a lo rel a ni:

“10 All the rules of procedure are the handmaid of Justice. The language employed by the draftsman of processual law may be liberal or stringent, but the fact remains the object of prescribing procedure is to advance the cause of justice.....”

Hetiang hi kan Ram Court sang ber pawhin a thlir dan a lo nih si chuan, keini pawhin chu chu kan thlir dan tur a lo ni a. Chutih rual chuan heng “Procedural Law’ ho reng reng hi an pawimawh ta lo ang a kan ngai mai a nih chuan kan tisual hle bawk si ang. Chuvangin, a inbuk tawka kan kalpui thiam chu thil tul tak leh Justice kan zawna kawnga kan tihmakmamwh a ni. Tin, hetih ruala kan hriat tel ngei atana tha chu Indian Constitution Art. 371G hian kan Customary law leh procedure mawl fel tak hi ngaihthah leh kalsan mai turin min ti hauh lova; Parliament-in eng Dan pawh lo siam thar sela, chu Dan leh kan Customary law leh kalphungte chu a lo inmil loh chuan chu Dan chu hman loh tur a ni.

CRIMINAL THUBUAIA INREMTHEIHNA DAN (PLEA BARGAINING)

Dr. H.T.C. Lalrinchhana

A. Thuhma:

Criminal thubuai hi kawngnihin a irhchhuak thei a. Pakhat chu mi tute emaw pawh kan sawi emaw, kan khawih hian Police hnena FIR thehlutin emaw, Criminal Court ah Complaint theh lutin thubuai kan nei thei. *Entirna’n*: mi thilruk emaw, pawngsual thuah te leh a dangte... Pahnihnaah chuan, sorkar dan hrim hrim bawhchhiat a nihin

man theih leh thubuai kalpui theih a ni. *Entirna'n*: damdawi emaw, zu khapna dan bawhchhiat angte leh a dang te... A tawi zawngin sawi ta ila, criminal thubuai reng reng hi mimal pawikhawihna satliah nilovin, sorkar (State) pawikhawihna a ni a; chuang chuan thubuai a tel ve (Party) te hmingah pawh State (of Mizoram) emaw kan ti ta thin a ni. Mi thenkhat FIR (First Information Report) thehluttu 'Complainant' te emaw tisuala puh (Accused) te pawh hian FIR ka hnukdawk dawn emaw, FIR hnukdawk leh turte emaw in kan lo invau-khan fo; hei vang hian Criminal thubuaia inremtheih dan hi hriatchian a pawimawh hle. Kan thupui-a kan luh hma in Section 320 of Criminal Procedure Code, 1973 anga inremtheihna leh a kalphung zir hmasa ila. A hnuaia Indian Penal Code Section kan tarlan angahte hian thubuai kalpuina Magistrate phalna tel kherlo pawhin a tuartu leh tisualtu a puh/tisualtute an inremthei. A awmzia chu, a hnuaia thubuai anga court a hnuhluh kan nih chuan a tuartute nen kan inremthei tihna a ni. [S. 320 (1) Cr PC] chungte chu;

29 8	32 3	33 4	34 1	34 2	35 2	35 5	35 8	42 6	42 7
44 7	44 8	49 1	49 7	49 8	50 0	50 1	50 2	50 4	50 6
50 8									

Chutihlaiin, a hnuai Indian Penal Code Section (Chang) tarlanahte hian thubuai kapuina Magistrate remtihpuina angin a tuartu leh tisualtu (a puh) an inrem thei bawk, [S. 320 (2) Cr PC] chungte chu;

32 5	33 5	33 7	33 8	34 3	34 4	34 6	35 4	35 7	37 9
38 1	40 3	40 6	40 7	40 8	41 1	41 4	41 7	41 8	41 9
42 0	42 1	42 2	42 3	42 4	42 8	42 9	43 0	45 1	48 2
48 3	48 6	49 4	50 0	50 9					

Notes:

1. S. 379 hi rukruk thubuai ani a, thilruk hlutzawng hi Rs. 2000/- aia atam chuan a inrem theihloh
2. S. 381 hi sorkar hnathawke emaw chhiahhlawh ten an pute/sorkar thil an ruk thubuai ani a, thilruk hlutzawng hi Rs. 2000/- aia atam chuan a inrem theihloh
3. S. 406 hi Mi in mawhphurhna an pek bawhchhiatna (Criminal Breach of Trust) ani a, chumi hlutzawng chu Rs. 2000/- aia atam chuan a inrem theihloh
4. S. 407 hi Mi in mawhphurhna thil phurtu emaw an hnuai hnathawkte chung a an pek bawhchhiatna (Criminal Breach of Trust) ani a, chumi hlutzawng chu Rs. 2000/- aia atam chuan a inrem theihloh
5. S. 408 hi Mi in mawhphurhna sorkar hnathawke annih ang emaw chhiahhlawh annih anga an pek bawhchhiatna (Criminal Breach

of Trust) ani a, chumi hlutzawng chu Rs. 2000/- aia atam chuan a inrem theihloh

6. *S. 411 hi hrereng chung a mi thilruk lo dawn/lei thubuai niin chumi hlutzawng chu Rs. 2000/- aia atam chuan a inrem theihloh*
7. *S. 414 hi mi thilruk lo dehral pui emaw lo thuhruk pui thubuai ani a, chumi hlutzawng chu Rs. 2000/- aia atam chuan a inrem theihloh*

B. 'Plea Bargaining' awmzia leh kalpui dan tur:

Kum 2006 kuma Act No. 2 of 2006 ang a Parliament of India in 'Code of Criminal Procedure' a siamthat (Amendment) na angin 'Plea Bargaining' hi Cr PC hnuai a Chapter- XXI-A [Ss. 265-A to 265-L] ah a belh a ni a; Dt. 5-7-2006 atanga hman tan a ni. Chuta hriattur pawimawh zualte chu;

1. Inremtheihna thubuai:

Police Station atanga thubuai kalpui emaw, mimalin 'Criminal Complaint' a thehlukah pawh thubuaia tarlan hremna kum sar i h a reilo ram dan ang a tarlanah chau h hman theih a ni. Hmeichhe chung a pawikhawihna leh naupang kum 14 hnuailam chung a pawikhawihnaahte leh khawtlang nun leh ei-bar (socio-economic condition) kaihhnawih dan-ah te erawh a hman theih loh [S. 265-A].

Sorkar laipui hian khawtlang nun leh ei-bar (socio-economic condition) kaihhnawih dante chu Dt. 11th July, 2006 ah khan dan 19 zet a tarlang nghe

nghe a. Entirna'n- (i) Immoral Traffic (Prevention) Act, 1956 (ii) Explosive Act, 1884 (iii) Protection of Women from Domestic Violence Act, 2005 adt.

Tichuan, sorkar laipui dan tarlan bakah pawh mimal pawikhawihna bik dan bawhchhiatna ni lemlo, khawtlang nun leh ei-bar (socio-economic condition) kaihhnawih dan bawhchhiatnaah te pawh hman theih loh tura ngaih a ni. Sorkar laipui dan tarlante khi a bak la awm (Inclusive) anga ngaih a ni bawk.

Notes:

- (a) *Naupang kum 18 la pumhlum lote chungthu 'Juvenile Justice (Care and Protection of Children) Act, 2000' anga relna ah hmantheih ani lo bawk [S. 265-L].*
- (b) *Thubuai neitu chuan a hmalaman athubuai neih ang chiaha 'Court' in thiamloh alo chantir tawh anih chuan a dil theilo bawk [S. 265-B (2)]*

2. Dilna thehluh dan:

Thil tisual-a puh chuan a thubuai kalpuina 'Court' ah ziakin dilna a thlen ang a, chu a dilnaah chuan ama duhthlanna ang ngei a nih thu leh a thubuai kalhmang a chian thu nemnghehna atana chhechhamna 'Affidavit' a thiltel a ngai thung. Dilnaah chuan thubuai irhchhuah dan leh dan bawhchhiat dante a tarlang bawk tur a ni. [S. 265-B (1) & (2)]

3. Dilna kalpui dan tur:

Dilna dawn a nih chuan ‘Court’ chuan Public Prosecutor emaw, mimal thubuai thehluh (Complaint) ah chuan thubuai puluttu (Complainant) te hriattirna a pe ang. ‘Court’ chuan midang awmve phal lovin (in camera) a diltu thilsual tia puh chu thu zawtin, a duhthlanna ngeia dil a nih leh nih loh a ‘exam’ ang a, thubuai puluttu (Complaint thubuaiah chuan) emaw Public Prosecutor (Police thubuai put luhah chuan) te chu hun a pe tawk bawk tur a ni. Tin, a diltu chuan a duhthlanna thiang tak anga dil lo ni-a ‘Court’ in a hriat chuan thubuai reldan pangngaiin thubuai chu a kalpui thei bawk [S. 265- B (3)&(4)]. ‘Court’ in kalpui zel tlaka a ngai a nih chuan Police thubuai a nih chuan hnuchhuitu Officer [Case i/o] te, Public Prosecutor te leh dan bawhchhiatnaa a tuartute nen an relho ang a, a tuartu hnena zangnadawmna pek dan tur emaw, pek zah tur te. Tin, dan bawhchhia-a puh (Accused) leh a tuartu (Victim) te chuan an duh a nih chuan an ‘Ukil’ chu sawihonaah chuan a tel ve tur a ni; chu sawihonaah chuan ‘Inremtheihna’ (Satisfactory Disposition) neih theih an tum ang a, court chuan an duhthlanna ngeia inremna siam an nih leh nih loh a chianpui bawk ang. [S. 265-C]

Note: ‘Public Prosecutor’ kan tih huan ‘Assistant Public Prosecutor’ te pawh a huamtel ani [S. 265-J].

Inremtheihna an neih chuan ‘Court’ a thu leh sawihona-a tel te chuan hming an ziah hnan ang a, an inrem theih loh chuan ‘Court’ in a chhante

tarlangin thubuai chu a pangngaia kalpui turin a dah leh ang [S. 265-D]

4. *Inremna hnuaia thutlukna tur:*

- (1) A tuartu hnena zangnadawmna pe tur leh hremna nat zawng turte ngaihtuah zuiin ‘thiamloh chantir hnua enthlak zuina’ (Probation of good conduct) angin emaw, zilhhauna (admonition) S. 360 Cr PC emaw, Probation of Offenders Act, 1958 hmangin thilsual tia puh chu chhuah theih a ni. Emaw -
- (2) Dan bawhchhiaa an puhah hremna hniam hei ber (minimum punishment) tarlan a nih chuan chumi chanve ang chuan a hrem theih bawk. Emaw-
- (3) A chung a tarlan anga relthluk a nih loh chuan dan bawhchhia-a an puhna anga hremna atanga chhut a hmun li a thena hmunkhat ang chauh pawhin a hrem theih. [S. 265-E]

5. *Thutlukna puandan leh thu tawp siamna:*

Hemi huanga thutlukna reng reng hi midang awm ve phalna (Open Court) ah puan tur a ni a, roreltu ‘Court’-a thu chuan hming a ziah hnan tur a ni [S. 265-F]. Tin, ram danpui hnuaia mimal dikna chanvo palzutna ang chungchangah chauh lo chuan lungawi loh thu (Appeal) hi thlen theih a ni tawh lo [S. 265- G].

Note: Thilsual ti-a puhin a dilna kalpuinaa a thu tarlan/inpuanna ang hi a thubuai dangah emaw, 'Plea Bargaining' neifna tur atan chauhilo chuan hman tangkai theih a ni lo [S. 265-K]

C. Tlangkawmna:

Ram dan bawhchhia-a mi pawisawi kan nih chuan mi thinlung na tihreh emaw, mi tuarna puhruk hi a finthlakin, khuarei daih thil zawk a ni tih hriat a tha. Chutiang bawkin, mi in kan pawian sawi a nih chuan dan bung leh chang hnuaia inremna kawng zawn hi khuarei daih thil zawk a ni tih pawh kan chian a ngai bawk.

[He thu hi District Legal Services Authority, Kolasib District in Dt. 29th July, 2010 a 'Legal Awareness Programme/Seminar' District Jail, Kolasiba a huaihawt atana buatsaih a ni]

FUNDAMENTAL DUTIES – INDIA DANPUI KAMKITU LUNG TE PAWIMAWH

Robert Thangmawia, MIS

He thu ka ziah dawn lai hian pa pakhat fiamthu an sawi ka rilruah a rawn lang zawk a. Chu mi chuan, “Ka zu in chauh in sawi a; ka bawngnhnute in in sawi leh duh si lo” a ti a ni awm e. Chutiang deuh bawk chuan India rama

zalen taka kan awm lai hian India Danpui (India Constitution) in kan dikna leh kan chanvo tura min ruatsak Fundamental Rights hi kan sawi uar hle a; chumi hrul chiaha kan Danpui vekin khua-leh-tui kan nih anga kan tih ve tur Fundamental Duties chungchang erawh kan uksak lo hle niin a lang. Chuvangin, tun tumah hian Fundamental Duties lam hi kan thlurbing dawn a ni. (Hmun a renawm avangin a lamtawiin FD tizel tawh mai ang aw).

Fundamental Duties hi Danpui Bung IV-A ah tarlan a ni a; Kum 1976-a India Danpui phuisui lehzualna atana siamthat vawi 42-na (42nd Amendment Act, 1976) ah telh a ni. A tir takah chuan Article 51-A hnuaiha hian khua-leh-tui (citizen) leh sawrkar (state) tih tur Thupek Sawm a chuang a; kum 2002-a Danpui ennawn vawi 86-naah khan pakhat dang belhchhah a ni a; a vaiin sawm-pakhat a lo ni ta a ni. Heng FD-te tihhlawhtlin leh tha taka zawm hi kan mawhphurhna atana kan ram Danpuiin min bel chawt a ni a; kan zawm diak diak loh avanga Court hmaa inbakkaihna tur erawh a ni lem lo; thinlunga kan vawn a, kan zawm makmawh ni si an ni ber mai. A tum ber chu kan thinlunga hnam hmangaihna rilru tuh leh ram pum huapa ze nghet leh mumal zawk tundinna tur a ni.

FD-te hi India ram anga mipui rorelna (democracy) ram langsar dangte hian an nei ve lo va; Japan khian tlemte an tarlang ve a, France pawhin chianglo ruai chuan an Danui-ah an sawi thawi ve bawk. Chutianga ram Danpui-a fiahfai taka tarlan a nih loh avang chuan khawvel ram danga khua-leh-tuite leh an sawrkarte chu mahni duh thuin an sapatat tihna erawh a kawh hauh lo. Mahni ram hmangaihna kawngah an rilru a sang hle a;

chutiang rilru chu zirna (education) atanga an neih a ni. Socialist ram (Entirna: China) te erawh chuan FD hi khawng khauh tak an nei vek thung a ni.

Awle, kan ram Danpui-a FD inziakte chuan eng mawhphurhna nge ni min lo burbun tehreng tih kan hriatchian lehzual theihna turin a thukente Mizo tawngin hand ah dawn tai la:

- India Danpui zawm tlat, a thuthlung ken te leh inrelbawlna ruangam a siamte zahder a, hnam hla leh hnam puanzar zahder.
- Zalenna kan soal laia kan thinlung chhem alhtu thuthlung ropuite vawn nun leh zawm.
- India ram zalenna, inpumkhatna leh inunauna kenkawh leh humhim.
- Kan ram venhim a, a tul huna ram tana thawk tura penchhuah.
- India ram mipui zawng zawngte inrem taka kan chenza theihna tura inunauna boruak chawisan a, mi tumah, engvang maha thleibik loh. Hmeichhe zahawmna tibawrhbang thei thilte mausam.
- Hnam ziarang chi hrang hrangte ngaihhlut leh vawn nun.
- Kan environment venhim leh tihchangtlun – hei hian, ramngaw te, dil te, lui te leh nungchate a huam. Thil nung tinreng chung a ngilneih.
- Ngaihtuahna vawrh san a, midangte tana malsawmna nih tum te, thil chik peih leh a tha zawka thil thlakthleng ngainat.

- Vantlang thil vawnhim leh tharum thawhna mausam.
- Mimal leh a huhova kan thiltihna kawng tinrenga theihpatawp chhuah a, kan ram hmabak a san zual zel theihna tur leh kan hlawhtlinna a zual deuh deuh theihna tura beih.

Tin, kan sawi tak ang khan kum 2002 khan FD zinga a sawmpakhatna chu hetiang deuh hian belh a ni – Khua-leh-tui zinga nu emaw, pa emaw, naupang enkawl kawnga mawhphurtu reng reng chaun an kuta kum 6-14 inkar naupang awm chu lehkha an zirtir tur a ni.

Awle, FD-te chu minimalin keimahni chungthua kan hlen tur te, environment lam hawia kan tih tur te, kan sawrkar leh kan ram chungka kan rilru puthmang turte min kawhmuhtu a ni a. Kan zawm that loh avanga Court-a zualko emaw, inbarhluih emaw a remchang lo tiin kan sawi tak nain, tunlai hunah chuan FD te hian ngaih mawh leh ngaihpawimawh a hlawh chho deuh deuh a. A zawm leh kenkawh thu-ah pawh sawrkar leh mimal zingah thilthu a chhe tial tial a; FD chungchanga Court hmaa inchapchar pawh a thleng ta fo mai. Chuvang chuan, a chungka kan tarlan tak Article 51-A hnuaia FD-te hi mawhphurhna leh tih tur intukna satliah ang ni lovin, tihmakmawh (statutory duties) anga ngaih a nih tak avangin Court pawhin min barhlui thei ta zawk a ni.

Supreme Court chuan MC Mehta v Union of India (1983 1 SCC 471) inkhinna thubuaiah chuan Article 51A (g) hi Central sawrkar tihpuitlin tur mawhphurhna a ni a; chumi tiuitling tur chuan India rama zirna in zawng

zawngah chawlhkar khatah darker khat tal environment venhim leh tihhmasawn chungchang zirtirna hi pek vek tur a ni a; environment lam zirna lehkhabu pawh zirlaite hnenah a thlawna pek tur a ni bawk. Chuvang chua ni ngei ang, tunah chuan Mizoram-ah pawh naupangten an zirlaiah Environmental Studies an beih ngawrh tak viau ni.

FD kenkawh chungchangah bawk hian Supreme Court chuan AIIMS Studnets Union v AIIMS (AIR 2001 SC 3262) thubuai a remnaah FD hi Fundamental Rights anga intihluh (enforceable) theih ni lo mah se kan tihmakmawh a nih avangin en liam theih a nih loh thu a nemnghet a. Chutiang bawk chuan Aruna Roy v Union of India (AIR 2002 SC 3176) thubuaiah pawh Supreme Court chuan FD a ngaih pawimawhzia a tarlang bawk.

Mizoram pawh hi India ram bung pakhat a ni a; a chhunga chengte pawh hi India khua-leh-tuite kan ni a; chuvang chuan FD hi kan tan a pawimawh em em tih hriat thar a tul khawp mai. FD-a inziakte hian awmze ril leh thuk zawk a nei vek a ni.

Entirman:

Kan National Flag hian kan ram leh hnam beiseina leh kan duhthusam (hopes and aspirations) a entir a; puanzar/puanthem satliah anga en chi a ni lo. He kan hnam puanzar khaisang tur hian kan hnam sipai leh pasaltha sang tam takin nunna an lo hlan tawh a ni. Chuvang chuan, a hman dan tur chungthu-ah pawh Flag Code chu kum 2002 khan chipchiar taka siam a ni nghe nghe. Chutiang bawhchhia chu hrem theih an ni a;

bawhchhe nawnte phei chu kum khat aia tlem lo jail-a khung tur an ni. The Prevention of Insults to National Honour Act, 1971 hnuaiah phei chuan hnam puanzar tibawrhbangte chu kum thum thleng tantir emaw, pawisa chawitir emaw, a pahnih emawa hrem theih kan ni. Hetih rual hian Flag Code 1950 chu 2002-a ennawn a nih tak avangin mimal tan pawh zah tak chung a hnam puanzar kan zar ve a lo thiang zau ta a. Hei hi industry neitu mihlun tak Naveen Jindal-a thawhrah a ni a. Ani hian a factory-ah India Flag a zar thin a, hlip tura an tih avangin Public Interest Petition (PIL) hmangin Court-ah a khing ta a. Kum 7 zet hnu-ah hnehna changin 2002 kumah dan thar kan nei ta a ni.

Kan thu hmawrbawkna atan chuan, America President thin Jonh F. Kennedy-an President thutiam a lak zawh hlim, January 20, 1961-a mipuite hnena a thuchah ang khan, “Ka ram hian engnge min tihsak theih tih lam zawt lovin, ka ram tan hian engnge ka tih theih” tih hi FD hian min hriatchhuahtir fo mawlh teh se.

LEGAL SERVICES AUTHORITY

I BEL CHIANG LAWK TEH ANG

**LEGAL SERVICES AUTHORITY ACT 1987 THIL TUM BER
CHU A THLAWN-A MIRETHEI LEH HNUAIHNUNG
ZAWKTE DAN LAMA INZIRTIRNA LEH
CHHAWMDAWLNA PEK A NI. MI TUPAWH RETHEIHNA
EMAW, RUALBANLOHNA EMAW, HARSATNA DANG
AVANGA DAN RORELNA-IN A HLAMCHHIAH LOHNA
TURA HMALAK HI A TUM BER A NI.**

**STATE LEGAL SERVICES AUHTORITY HNATHAWH
TLANGPUI**

1. He Dan Section 12 nain a sawite tana sorkar sensova ukil rawih.
2. Lok Adalat (Mipui Court) buatsaih.
3. Dan lama inzirtirna pek.
4. National Legal Services Auhotrity (Central Auhtority) nena thawh ho.

SORKAR SENSO A UKIL RAWIH

Tute nge tanpuina dawng thei chu?

He Dan Sec. 12. na -in tanpuina dawngthei a bithliahte chu:

1. Scheduled Caste/ Scheduled Tribe
2. Mihring hmanga Sumdawwna Tuartute (India Danpui Bung 23 in a sawite)
3. Hmeichhia leh Naupangte.
4. Rilru leh Piangphunga Rualbanlote.
5. Duh vang reng nilo harsatna, chhiatrupna leh vanduinana tuartute (Entirnan Lirngching, Tuilian tuarte)
6. Industry-a hnatahawktute.
7. Hrenga tang mekte.
8. He danin a sawi ang sum kum khata la lut chinte.

Tin, heng bakah hian mi thilsual ti-a puh, retheihna avanga dan-hremi rawihna tur neilo a nih chuan, Sec 304 Criminal Procedure Code, 1973 –in a sawi angin, sorkar sensovin dan-hremi rawihsak a ni ang.

LOK ADALAT

Lok Adalat chi hnih a awm:

1. Legal Services Authority Act, 1987 Sec 19 hnuaiia din Lok Adalat.
2. He dan Sec 22B hnuaiia din Permanent Lok Adalat.

Lok Adalat chu enge?

Mipuite Court kan tih mai hi awlsam zawk leh sum sen tlem zawka thubuai neite insiamremna a ni ber. Lok Adalat-ah chuan thuremtu, conciliator-te awmin, anni hian thahnemngai takin, thubuai neite inrem turin an sawm thin.

Tute nge Lok Adalat pan thei?

- Midang nena thubuai nei, court pan hreh/duhlo te.
- Court/Tribunal (MACT etc) a thubuai awm mek a inkhingte duh thlannain, an thubuai neihna court-ah dilna siamin, thubuai chu Lok Adalat-ah a sawn theih.
- Criminal Case-ah compoundable (in ngaihdamtheih)case neite.

Lok Adalat chungchang hriattur pawimawhte

Sec. 20 Inkhingte inremsiam theih lohna avanga Lok Adalat-in thubuai a chingfel thei lo a nih chuan, a petu court-ah thubuai rel chhunzawm tur a ni. Court-in Lok Adalat a pek hmaa case dinhmun chiah kha chhunzawm a ni ang.

Sec. 21 Lok Adalat thurem reng reng thutawp a ni ang a; inkhingte chuan an zawm ngei tur a ni. Court dangah appeal theih a ni lo.

Sec. 22 Lok Adalat chuan Civil court thuneihna a nei ang.

Permanent Lok Adalat kan tih erawh hi chu '*Permanent Utility Services*' chungchang thubuai chingfel tura din a ni. Entirnan- kawng, tui leh thlawhnaah bungrua leh mihring phurhna chi, Dak-in, Telegraph, Telephone, Tui leh Eng pekna, Damdawiin, Insurance service adt. leh sawrkarin

'Public Utility Service' anga Hriattirna (Notification) a puante.

Hengah te hian 'Permanent Lok Adalat' in thuneihna a nei lovang

1. Compoundable case (Inngaihdam theih thubuai) a nih loh chuan.
2. Thubuai inchuh hlutna Nuai 10 chunglam a nihin.

Mizoramah chuan Lok Adalat hi District tina awm tura ruahman a ni. Aizawl bikah chuan State Legal Services Authority Office, Judicial Building, New Secretariat Complex-ah Lok Adalat hi karkhat -ah vawi khat tal neih thin a ni. Permanent Lok Adalat erawh chu Mizoram hi Judicial district pahniha thenin Aizawl leh Lunglei-ah te kan nei.

Legal Awareness (Dan Inhrilhriatna):

Dan lama inzirtirna (Legal awareness programme) pawh hi Mizoram hmun hrang hrangah dan -hremite tir chhuaka neih thin a ni. Veng hrang hrang NGOs te, e.g. Village Council, YMA, MHIP, MUP etc. te sawmna angin ni pawimawh bik thenkhatah legal

awareness programme hi buatsaih thin a ni a, Mizoram State Legal Services Authority-in a senso a tum thin.

Sawrkar sensova dan-hremi rawihna i duh emaw, Lok Adalat-a thubuai rem tur i nei emaw, Dan lama inzirtirna i mamawh a nih chuan Member Secretary, Mizoram State Legal Services Authority, Junior Judges' Quarter, New Secretariat Complex, Aizawl Phone: 0389-2336621, Fax: 0389-2336619 pan theih reng a ni.

MAHNI INFAK: UKILTE AN INSAWIMAWI THIANG EM?

J.T. Vanlalngheta

Heta 'insawimawi' ka han tih tak hi a saptawnga 'to advertise' hi a ni. Dan hre mi kan tih mai thin hi Mizoramah hian hming lar tak pathumin kan hre thin a-ukil, advocate leh lawyer, tiin; British lamah chuan barrister' te pawh an ti a niawm e. Awle kan thupuih lut tawh ila. Dan lama eizawng ka ni lo nain a hminga Dan lama Law College pakhat hmanga lo inkhawrpum ve ta

chu thenkhatin min zawt zeuh zeuh a, ukilte hi chanchinbuahte hian an insawimawina kan hmu ngai lo va, an insawimawi ve thiang lo nge ni, insawimawi ve thin sela chuan an hlawk zawk daih awm si a, an ti a ni.

Eng vangin nge ukilte an insawimawi ve theih loh?

‘Insawimawi’ hi thil siam/ deh chhuah (product) leh mi dang tana thawh (service) tih larna leh mahni dawr tur awm tak takte laka insawimawina a ni ber a, kan hriat angin insawimawina atana hmanraw hmante chu television te, chanchinbu te, Radio te, cinema te, internet te, bill board te, popup te, thuziak chuanna puan zar te, flash te, email advertisement leh thil dang hmanraw hrang hrang a awm thei ang. Mihring chanchin chhui chuan tunhma Arabia ramah ram rorelna fawng vawn nana campaign nan sawimawina ang chi hi an lo uar hle tawh a, an tih dan erawh chu thu thawh (message) angin an kalpui ber thin. Egypt-hote erawh chuan rairuang ‘papyrus’ an tih hmangin thil hralh dan tur thuthawnte an siam a, bangahte a theih anga tam an tar bawk a. Papyrus hi Rom leh Greece pawhin an hmang uar hle bawk. India ramah thung chuan BC sangli (4000) khan lungah te heti ang insawimawina ang chi hi rawngin an lo ziak daih tawh bawk a. Tunlain sum dawnna hrang hrang atan khawvel ram hrang hrangah insawimawi nana pawisa hman tur

pung thur thur mahsela, dan hmanga eizawng ‘ukilte’ erawh chu insawimawi thianga a ni ve lo. India ram Ukil inzawmkhawm pawl lian ber ‘Bar Council of India’ (BCI) dan te chang 6-na chuan mahni hna nena inzawmna nei insawimawi zawnga thil tih ang chi reng reng a khap a. Heti anih avang hian an hming leh nihna tarna (name plate) emaw sign board emaw te pawh a len leh tet, sei zawng te chena bithliahsak vek an ni a, he signboard ah hian mihring tu emaw nen inlaichinna an neih leh neihloh te, tunhma a judge an lo nih tawh thu te emaw advocate general an lo nih tawh thu te emaw, eng kawng kawng ah emaw thiam bikna an lo neih tawh leh tawh loh emaw ziah lan thian a nilo bawk.

He BCI dante hi thlawpin Supreme Court Ukil leh INC hruaitu ni bawk Salman Khurshid chuan, “He dan hi a dik a, lawyer-te tana advertisement tih hi ka dodal a. Ukil hna hi hna zahawm leh sang a ni a. Nipui leh khaw lum ber lai pawh ni se ukilten kawr dum kan han ha hi chu nuihzatthlak hmelin lang mahse he hna zahawm leh sang tak mai nihna vawnhimna hi a ni tlat. Hetia ukilte an inthuum dan tur dik taka an inthuum hi inneih ni-a monu leh mopa inthuum mawina nen a tehkhin theih a, emaw mo thuamfuala inthuum chung a lawina lam mopa in pana monu kal nen a inang hle. Tin, lam (dancing) thiam tak tena inhmeh taka an eizawmna nen inmil thawmhnaw an inbel hi an ang bawk a, A mawi a ni. Insawimawi hi chu ukilte hming tihchhiatna zawk a ni,”

tiin. Hetih lai hian ukil leh chanchinbu mi Sohan Shandilya chuan ukil-te tan insawimawi hi a thian lohna a hre lo va, ‘insawimawi hi phalsak ngei tur an ni’ a ti ve thung. A ngaihndan chuan sawimawina/fakna lam chisumdawanna lam chi ni lo, heng AIDS dona chi te, kawlphepha renchem chungchang te, in leh avel vawnhim/fai chungchangte, in chhunga nupuite laka hleilen do nate, traffic dan zawm tulna leh thil dang tam tak a awm a, insawimawi hi advocate tan ‘awm dan mawi lo’ misconduct-a ngaih tur a ni lo a, anmahni dawrtute hnena an thiam bikna hrilh kha an tih tur a ni a. Chuvangin, he Bar Council phuarna hi ‘ngaihndan zalen taka sawi chhuah theihna leh thil hriat theihna (freedom of speech leh right to know) dan kalh a ni’, a ti thung. Ukil dang Ms Ananya Bhattacharya pawhin heti anga inhrek hi thil tihawm loh tak a ni. Article 14-na ‘equality clause’ pawh a kalh a Right to Know (thil hriat theihna) kalh a ni, a ti bawk. High Court Ukil Navin Kumar Naggi chuan, India hian khawvela mipui rorelna tha ber (democracy tha ber) a nihna te, judicial system tha ber a neih thu te leh sipai inenkawl dan tha ber a neihna te hi a chhuang tur a ni a. Kan dan kalpui dan hi zahawm tak, mihring nunna zah tak zawnga kal a nih avangin a chhuanawm a, nakinah thil pawl tak a thleng a nih chuan kan kalkawng tha atanga kan pen vang a ni thei dawn. Insawimawi hi kan phalrai a nih chuan judge chhung leh khatte, thiante leh thil ti thei deuh ten an hmang khaw lo ang a, ukil rau rauah tun hmaa hna zahawm deuh chelhtute an nihlawh bik ang a, chu chu thiamna aia ngaih pawimawh ani tawh

ang. Tin, advertisement tih phalsak an nih chuan ram pawn lama dan hremi/ukilte, pawisa nei tam zawkte chuan insawimawina kawngah hma an la chak zawk ang a, India ramah rawn lutin India ukilte an lehpel thuai dawn a ni. Amaherawhchu, Bar Council dan hi tidanglam hretin thiamna kawng dang leh dan bika zir thiamna hi chu sawi lam phal ni se, tiin. Hetih lai karah hian ukil lar leh Delhi Bar Council Chairman ni bawk, K.K Manan chuan, “Advertising phal loh, tih bur mai hi ka dodal thin a. Kum sanghnih leh pasarih (2007)-a Kochi –a Bar Council of Inida inhmuhkhawmnaah pawh khan he thu hi ka sawi a, Bar Council chairman tam berte chuan min thlawp a. Ukilte pawh hi hun inher danglam ang zelin kan inher danglam ve mai tur a ni” tih chu a ngaihdan a ni. Tin, Supreme Court lawyer Imtiaz Ahmed pawhin, “Dan naranin fakna/ sawimawina reng reng hi mi kaihruai sual thei an ni chawk a, infakna lam hawi phal sak kan nih chuan hna zahawm tak ni thin chu kan tihnam sawt dawn tihna a ni a. In hre thiam lawm ni, TV-ah te hian minute 5 danah thil siam, a that lam (quality) inang reng pawh a thaber chi ni ang maiin an rawn fak thei zel a, heng an thil fakte nihna tak chu kan hai lohsi thin hi. Dan hmanga eizawng ‘Legal professional’-te chauh hi infak/sawimawi chungchanga khuahkhirh an ni bik lo va, doctor, chartered accountant, etc. pawh an eizawna fak mawi phalsak an ni chuang lo,” tiin ngaihdan fel tak a siam bawk. A tawi zawngin han sawi ila, ukil te tana insawimawi hi a duhtu leh duh lotu an awm reng a, a

thatna leh that lohna a awm ve ve thei a, hunin a la hril zel ang chu.

Ukil chungchangah chauh ni lo, thilzawrh/service sawimawina/fakna chungchang hi sawiho tham tak a ni a. Thil zawrh/mi dangtana hnathawh, kan tih ang chu sawimawina/ fakna ‘advertisement’ hrim hrim hian pang tha lo lam a nei ve tih loh rual a ni lo. Mi thahnemngai tamtakte chuan thil zawrh fak pawl emaw thil zawrh faka eizawnna ‘advertising industry’ te hi thil reng reng a tha emaw tha lo emaw pawh ngaihtuah lova mite thil zawrh lei luihtir theitu ni-ah an ngai a ni, Miin a duh emaw duh lo emaw faknain a thluak hmunawl lai a luh theih avang leh chu thluak hmunawl chu zalen taka insawimmawituten an luah avangin an phalna la hmasa lovin mi thluakah an lut lui a, chumi avang chuan zangna dawmna engmah an pe bawk silo, chu avangin advertisement titute chu chhiah chawitir tur an ni, tiin mi thenkhat chuan ngaihndan an siam phah nghe nghe a ni. (Source Lawyers Update, May, 2008)

MIZORAM CHHUNGA COURT ROELNA: NIMIN LEH VAWIIN

Dr. H.T.C Lalrinchhana
M.A., LL.B., Ph. D

A. SAWIHAWNNA:

1) **Supreme Court** in dan tling a tih tawh phawt chu **Indian Constitution Article 141** na angin India ram pumah *Court*-ah mai nilo, mi zawng zawng tan dan anga hman nghal tur a ni. [M.S.L Patil Asst. Conservator of Forests, Solapur V. State of Maharastra, (1996) 11 SCC 361]

2) Tlangkam thu [hearsay evidence] ringawt hi thuchianna tling tawk ani lo [Nathu Singh Vs. State of M.P AIR 1974 SC 2783]

3) *Criminology* lama mithiamte'n retheihna leh dan bawhchhiatna inthlunzawm dan an zirchhuah hi kan pawmpui tur-ah ngai ila, chuvangin dan leh thupek kenkawhna kawngah mi rethei leh chhumchhiate atam zawk man leh hrem an tawk thin hi thil felhlel/thleibikna awm vang lam ni lovin thil paw dik thleng lo theilo ani tih kan hriat a tul bawk awm e.

4) Mizote hi hnam naupang, tawngkam bungrua pawh la pa chhe angreng tak kan ni a, Sap hote chuan sualna sawifahna hi thumal hrang theuh-in an lo nei diam a, chungte chu;-

(a)Pathian thuawih loh sual (Sin)- Hmeichhia ngaih chak-a melh ringawt pawh **Bible** chuan uirena sual [Mathaia 5:28] atih laiin ram dan ang chuan hremtheih ani hauh lo. Tin, khawtlang inawpna danah pawh sual-a ngaih a hmalakna chhan tur vak a awm lo.

(b) Khawtlang inawpna kalh sual (Vice)- Mi in thlan alaih duhloh hian dan hmanga hrem ngawt theih anilo-in, Vanram kai lohna chhan tur tling sual ani angem tih pawh chian ani lo.

(c) Ram dan bawhchhiatna (Crime)- Mi in pindan rilah zu lo in keuh keuh nise hnam dang *Kristian* te pawhin zu an in thin lai hian vanram kai lo phahna tur anih leh nihloh a chianglo-in, khawtlang tan pawh an hriat miau loh chuan khawtlang inawpna dan a kalhna chhan tur a awm dawn em ni, chutihlaiin kan ramah chuan ram dan bawhchhiatna a tling ngei si a ni.

Note;-

(i)Sorkar pisa tin-ah hian LDC tih tur te *Officer* tih tur chin te, Peon tih tur te fel taka duan ani vek-a, chutiang kalh chuan in pawlhsawp nit a se, *Officer* ber pawh mipui dawr hman loh-in leh hmantlak hauhlovin a awm ngei ang. Chutiang bawkin inchungkhur tinah pawh naupang tih theih chin te, nu leh pa leh puitling tih tur bi-cha a awm; Tin, kohhran inrelbawlna pawh chutiang tho chu ni-in Kohhran upa tih tur chin te, Pastor tih tur te, faitham khawntu chanpual te fel taka kalpui ani. Mimal kan nih ang te, tlawmngai pawl kan nih ang te, sorkar mi leh sa kan nih angte-a kan chanpual tur theuh hlenchhuak-a atul anga in peizawn tur kan ni ngei ang. Sakawr hma-ah tawlailir kan dah palh hlauh chuan kan tum ram kan inhnuuk thleng zo lul lovang.

(ii) Mi thenkhat chuan **Court** lama thuhretu atan hi zawhna an zawh chipchiar thin em avangin buaithlak an tih thin thu an sawi thin. A diktak chuan **Court** rorelna hi uluk theihtawp leh fimkhur theihtawp-a kalpui hi dan in a phut anga kalpui thin ani a, heivang te hi ni maw **Court** thutlukna chu thudik-a pawm tur tih a nih tak reng ni. Ral a tlangpang kan han thlir-a, alo

dumpawl ruih mai a, ahmun va thlen erawh chuan chutiang thinghnahte chu a lo hring leh hlip hlep thin si a ni. Aral akhat-a kan lo hriat atang chiang ni a in hria-a ngaihdan kan lo siam kha kimchang taka **Court**-ah ngaihtuah alo nih khan thuchiang kha kan ral ngaihdan nen alo in persan leh fo thin a ni.

(iii) Mipui tamtak awmkhawm (Man is social animal-Aristotle) kan nih avangin kan ngaihdan leh tum dan te hi in persan tak tak vek alo ni a, dan hian tu mimal ngaihdan mah kha chawi wawng bik lovin angkhat vekin dikna-in ro alo rel zawk thin a ni.

(iv) **The Prisons Act, 1894** te, **the Prisoners Act, 1900** etc. leh a bikin **Assam Jail Manual** hmangte-a dan bawhchhiate lungin tan tir a nih hma, Sap hovin kum 1890-atang min awp hma; ram neitu chu lal (**chief**) ni-a misual leh dan bawhchhiate **Zawlbuk** norelna leh lal leh upa te kut-ah ziakloh hnam dan anga kalpui a nihlai leh waviin-a dan bawhchhiate kalpui kan tum dan pawh kan thlak angai ngei tawh ang.

B. INDIA RAMA- COURT TE/JUDICIARY DINHMUN:

Supreme Court of India ah hian **Judges** 31 awm theiin 01-02-2011 ah **Judges** 29 an awm mek a, 31.12.2010 thleng khan thubuui chinfelloh 54,562 hi Supreme Court ah a awm. **High Court** hi 21 awmin **Judges** 895 awm theihna-ah 01-02-2011 khan **Judges** 604 an awm a, 30-09-2010 a **High Courts**-a thubuui chinfelloh hi 4217903 lai a ni. **District & Subordinate Courts** ah **Judges/Magistrates** 17151 awm tur-ah 30-09-2010 khan mi 13981 an awm a, an hnena thubuui

chinfelloh hi 27953070 zet a ni. [Source: Court News, October-December, 2010]

India ramchhung-a **Court** rorelna (Judiciary)-a hlemhletna kumtina thleng pawisa hlut zawng hi cheng vaibelchhe 2630/- zet a ni. **Court**-a thubuai nei 73% te hi **Civil** thubuai nei an ni a, 26% te hi **Criminal** thubuai nei an ni. [Source: India Corruption Study, 2005 conducted by Centre for Media Studies, New Delhi]

C. MIZORAM CHHUNGA COURT RORELNA:

Court rorelna kalphung leh chutah chuan dikna-a rorelna a awm theihna atan a kan tih ve theih leh tih tur kan hriat tawklonna hian dan anga thuneihna nei hauh si lova dan bawhchhia ni-a puhte lo pawng hma ve ngawt kan chin phah thu kan sawi tawh a, chuvangin mihring dikna chanvo humhalhna tur atan **Court** rorelna kan hriatchian angaih tak avangin kan dinhmun lo sawi zawr zawr ila-

C- 1: Supreme Court of India:- India ramah hian Court rorelna (Judiciary) hi *state* bilin thuneihna tawp neilo (*single judiciary*) kan nih miao avangin India ram dinhmun tlem tarlang ila. Ram danpui *Clause (1) of Article 124* anga din ni in tunah hian **Chief Justice of India** leh **Judge** dang 31 awm tura tih a ni. Tun (01-07-'09) ah khan **Judge** 24 an awm mek.

C-2: High Court:- Tun dinhmun-ah India ram pum-ah **High Court** 21 awm mek ah *section 220 of the Govt. of India Act, 1935* hnuaiia *the Assam High Court Order, 1948*¹ anga din, tuna *Gauhati High Court* tih chu Mizoram hian Ram danpui *Article 231* phal angin a tawm ve a ni. Tin,

Section 15 (1)(a) of *the State of Mizoram Act, 1986*² angin *State* kan nih hnu-ah pawh ring zelin *Section 21(2) of the State of Mizoram Act, 1986* angin *the Gauhati High Court (Establishment of Permanent Bench at Aizawl) Order, 1990*³ chu siamin chu chuan 5th July, 1990 atang hna a thawk tan a ni. **Gauhati High Court-ah Judge** 24 awm turah **Judges** 19 dt. 01-02-2011 khan an awm. Thubuai relfel loh Gauhati High Court-a inchiah mek hi tahrik ni 30-09-2010 khan 53400 zet a ni [**Source:** Court News, October-December, 2010]

C-3: District Court leh ahnuai amite:-

Mizoram pumah District Court leh ahnuai amite ah hian tahrik ni 30-09-2010 khan thubuai chinfelloh inchiah mek hi 4415 zet a awm [**Source:** Court News, October-December, 2010]

(i)*British* lo luh hma chuan lalin thutawp nei-a ro arelna leh *Police Force* te awm hma Zawlbuk tlangval ho te *Police Force* te ang a a hma thehlai dinhmun chu sawi ngailo-ah ngai ila. *British* in min awp hnu chuan *Scheduled District Act, 1874* angin min awp a, chu dan *section 6* anga dan siam *the Rules for the Regulation of the procedure of Officers appointed to administer Justice in the Lushai Hills, 1906* angin *Superintendent* leh a kaihza veng (*Assistant*) ten *Civil* thubuai leh *Criminal* thubuai an rel a, Lal rorelna pawh *the Assam Lushai Hills District (Acquisition of Chiefs Rights) Act, 1954*⁴ anga ban an nih hma chuan ala kal ve zel ani. Kum 1937-a *the Rules for the Regulation of the procedure of Officers appointed to administer Justice in the Lushai Hills* siamthat anih khan *Deputy Commissioner* leh a *Assistant* te chuan *Civil* leh *Criminal* thubuai chu an rel leh ta a ni.

(ii) India ram indan hnu-a ram danpui **Sixth Schedule** hnuuaia *the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953*⁵ siam anih khan *tribal* leh *tribal* inkara chhuak *civil* thubuai leh *criminal* thubuai thenkhat reltheitu *Court* te a hnuai ami ang hian din ani a, he dan a *rule 59(1)* ang hian achunga kum 1937 kuma *Deputy Commissioner* leh a *Assistant* te thuneihna *tribal* leh *tribal* inkar chungthu hi paihsak a ni, He dan hnuuaia rorelna *Court* te chu:

- District Council Court
- Subordinate District Council Court/Addl. Subordinate District Council Court
- Village Council Act, 1953 na anga din te Village Court anga hna thawh.

(iii) Ram danpui **Sixth Schedule** hnuuaia din *Court* te chungthu-ah hian **High Court** hian *the Assam High Court (Jurisdiction over District Council Courts) Order, 1954*⁶ angin leh *the Assam High Court (Jurisdiction over Regional Council Courts) Order, 1959*⁷ angin thu a nei bawk a ni.

C-4: AUTOMOUS DISTRICT COUNCIL PATHUM [LAI, MARA LEH CHAKMA] TE DINHMUN:

Tahrik ni 21st January, 1972 ah Mizoram chu Union Territory dinhmuna kan chuankai chiah khan Pawi-Lakher Autonomous Region (Re-organization) Order, 1972 [Vide, No. CCMP-3/72/70-77, Dated 1st April, 1972 published in the Mizoram Gazette, Vol-I, Issue No. 5, pp 3-7] hmangin chutih laia Pawi-Lakher Autonomous Region chu ahnuuaia ami ang hian hmun thumah then a ni:

- Pawi Autonomous Region- Lawngtlai hmunpui

- Lakher Autonomous Region- Saiha hmunpui
- Chakma Autonomous Region- Kamalanagar (Chawngte) hmunpui

Ram danpui-a Schedule 6-na [para 20 (B)] hmangin leh the Mizoram District Council (Miscellaneous Provisions) Order, 1972 Dated the 29th April, 1972 angin Autonomous District Councils ah siam leh a ni.

(1) Chakma Autonomous District Council dinhmun:

Pawi-Lakher Autonomous Region (Administration of Justice) Rules, 1954 [Vide, RCE 11/54/9/351, the 1st March, 1954] chu para 5, the Mizoram District Councils (Miscellaneous Provisions) Order, 1972 phal angin Chakma Autonomous District Council (Administration of Justice Rules) 2001 neih anih hma thleng khan hman a ni, hemi bialchhunga Court hrang hrangte:

- Village Courts
- Subordinate District Council Courts
- District Council Court

(2) Lai Autonomous District Council dinhmun:

Pawi Autonomous District Council (Administration of Justice) Rules, 1974 [Vide, No. LAD/31/A/73/115, Dated 26th July, 1976] angin ahnuaiia Court te hian hna an thawk a ni.

- Village Courts
- Intermediate District Council Courts
- District Council Court

(3) Mara Autonomous District Council dinhmun:

Lakher Autonomous District (Administration of Justice) Rules, 1981 [Vide, the Mizoram Gazette, Extra Ordinary, 14.9.2007: Issue No. 29, Dt. 19/8/81, pp 1-16] angin ahnuaiia Court te hian hna an thawk bawk.

- Village Courts
- Subordinate District Council Courts
- District Council Court

D. MIZORAM COURT ROELNA

D-1: JUDICIARY HMEL A DANGLAM TA:

Mihring dikna chanvo humhalhna atan leh dikna-a roelna a awmtheihna atan ram danpui *Article 50*-na duhdan anga *Judiciary* lak hran hi tih makmawh a ni tih kan Chiang turah ngai ila, chumi chungchang chu tawite-in lo sawi leh ila;

Judiciary a hranga dah ani: Mihring dikna chanvo humhalhna atan *Judiciary* hian thleibik nei hauhlova ro arel theihna atan a hranga thilti thei bikte thunun bik lohva dah angai hle. *French* lam mi danthiam **Montesquieu** an a lehkhaw^u '*Espirit de lois*' ah awmze nei taka a rawn duanchhuah ni in '*Judiciary mahni-a indan tir hi dan hmanga roelna a awmtheihna atan tih makmaawh a ni a, chu chu India ram danpui danpui inngahna bulthum a ni. Judiciary hi Executive te nawrna atang a fihlim tur a ni ringawt lova, hmundang atanga nawrna reng reng lak atang a zalen tur a ni*' [C.Ravichandran Iyer Vs. Justice A.M Battacharjee (1995) 5 SCC 457]

Gauhati High Court hian *Dingliana Vs. Union Territory of Mizoram & Ors: Civil Rule (HC) No.30 of 1985*

ah te *PUCL, Mizoram Vs. State of Mizoram & Ors*, Civil Rule No. 3626 of 1991 ahte **Judiciary** a hranga dah tur hian min lo nawr daih tawh a, **Supreme Court** pawh hian vawi duailo viz. *All India Judges Assn. Vs. Union of India & Ors* (2002) 4SCC 247 ah te he thubuai WP(C) No. 1022 of 1989 anga Dt. 17.1.2005 thupek a siam ah te Mizoram hian kan neih ngei a ngai.

Dt.22ndJan, 2002⁸ khan **Council of Minister** in dt.15thJan, 2002-a alo rel angin **Judiciary** a hranga dahna tur hriattirna chhuah a ni a, vanduaithlaktakin, 1stApril, 2002⁹ khan hnukhir leh a ni. 21stFeb, 2005¹⁰ a **Council of Minister** thurel angin 16thJune, 2005¹¹ khan **Judiciary** dah hrang turin thupek siam leh a ni na a, 10thNov, 2006¹² khan chawlh lailawk tir ani leh rih. Tahrik ni 9th May, 2008 ah khan chu chawlh lailawkna thu chu thaichhia in judiciary ahranga dahna thupek chu tih chhuah leh a ni [Notification No. A. 48011/2/2005-LJE, the 9th May, 2008: Vide, the Mizoram Gazette Extra Ordinary, Vol. XXXVII, 21.5.2008, Vaisakha 31, S.E. 1930 Issue No. 177]. Anihna takah chuan Dt. 12th Dec, 2006-a *Mizoram Judicial Service Rules, 2006*¹³ hman alo nih leh khan kalpui ani leh ta a ni. **Gauhati High Court** pawhin dt.24th May, 2007¹⁴ khan **Judicial Officer** te chu a hnuai a mi turin ala ta a ni, Mizoram sorkar pawhin chu thu chu dt 6th Sept. 2007¹⁵ angin alo nemnghet leh ta a ni.

D-2: MIZORAM-A THUBUAI RELNA COURT TE:

(b) Mizoram Civil Courts Act, 2005¹⁶: He dan hi 26thApril, 2006¹⁷atanga hman tan tura tih a ni. He dan *section 31(1)* angin *Rules, 1937* hnuai *Deputy Commissioner* leh a *Assistant* te *Civil* thubuai rel theihna

chu paih bo a ni. He dan hnuai-a *Civil* thubuai rel theitu *Court* hrang hrang te-

(1) Court of Small Causes: He dan hnuai-a thubuai a rel theihloh tarlan tihloh ah chuan *civil* thubuai cheng sing nga chin hnuailam a rel thei ang [Section 16]

(2) Civil Judge: Ani hian *Civil* thubuai tawh phawt cheng nuai hnih chin hnuailam a rel thei. [Section 15].

(3) Senior Civil Judge: Ani hian cheng nuai hnih chunglam *Civil* thubuai a rel thei. [Section 14]

(4) District Judge: Ani hi a awmna biala ***Principal Civil Court*** ani ang. Ani hnenah hian *Civil Judge* rorelna-a lungawilo, danin *appeal* a phalsak te tan *appeal* thehluh theih a ni. Tin, *Senior Civil Judge* rorelna-a lungawilo, thubuai hlut zawng cheng nuai nga aia tamlo te chuan a hnenah hian *appeal* thehluh theih a ni. [Sections 13 & 17 (2) (3)]

(c) Civil Courts din ani ta: Dt. 7thJan/2008¹⁸ khan Mizoram chhung atan **Civil Court** te a vawikhatna atan din a ni. Tin, Dt. 23rd March/2011 (Vide, No. A. 12011/32/06-LJE, Dated Aizawl, the 23rd March/2011) khan siamthat leh ani a, chuta hriattur pawimawh zualte;-

(i) Mizoram pum hi **Judicial District** pahnih-ah then ni in, **Aizawl Judicial District** leh **Lunglei Judicial District** ahte then ani. *Aizawl Judicial District* hian inrelbawlna lama Kolasib, Champhai, Mamit, Serchhip leh Aizawl te a huam anga, *Lunglei Judicial District* hian inrelbawlna lama Lunglei District huam-in; Tin, inrelbawlna lama Saiha leh Lawngtlai District te pawh Judiciary dahhranna in Autonomous District Council te ava huam ve tak avangin

a huamtel ve ta bawk [Notification No. A. 48011/2/2008-LJE/61: Dt. the 1st July, 2008 (Vide, the Mizoram Gazette, Extra Ordinary: Vol. XXXVIII, 16.7.2008, Asadha 25, S.E. 1930, Issue No. 253)].

(ii) Aizawl Judicial District:

Aizawl ah hian ahnuai ami te hi an thu ang-

- (i) District & Sessions Judge Judge - 1
- (ii) Additional District & Sessions Judge - 3
- (iii) Chief Judicial Magistrate - 1
- (iv) Senior Civil Judges -3
- (v) Civil Judges/Judicial Magistrates – 10
- (vi) Principal Judge, Family Court – 1
- (vii) Judge, Special Court, Prevention of Corruption Act – 1
- (viii) Judge, Special Court,, ND&PS Act – 1
- (ix) Judge, Special Court, Essential Commodities Act – 1
- (x) Member, Motor Accident Claims Tribunal – 1
- (xi) Sub- Divisional Judicial Magistrate – 1
- (xii) Special Court, SC/ST (Prevention of Atrocities) Act – 1
- (xiii) Special Court, Drugs and Cosmetic (Amendment) Act, 2008 - 1

Kolasib-ah ahnuai ami te hi an thu ang:

- (i) Senior Civil Judge/Chief Judicial Magistrate- 1
- (ii) Civil Judges/Judicial Magistrate 1st Class- 3
- (iii) Principal Judge, Family Court – 1
- (iv) Sub- Divisional Judicial Magistrate- 1

Champhai ah ahnuai amite hi an thu ang:

- (i) Senior Civil Judge/Chief Judicial Magistrate- 1
- (ii) Civil Judges/Judicial Magistrate 1st Class- 3
- (iii) Principal Judge, Family Court – 1

(iv) Sub- Divisional Judicial Magistrate- 1

Serchhip ah ahnuai amite hi an thu ang:

(i) Senior Civil Judge/Chief Judicial Magistrate- 1

(ii) Civil Judges/Judicial Magistrate 1st Class- 1

(iii) Sub- Divisional Judicial Magistrate- 1

Mamit ah ahnuai amite hi an thu ang:

(i) Senior Civil Judge/Chief Judicial Magistrate- 1

(ii) Civil Judges/Judicial Magistrate 1st Class- 1

(iii) Sub- Divisional Judicial Magistrate- 1

Lunglei Judicial District:

Lunglei ah ahnuai amite hi an thu ang:

(i) District & Sessions Judge Judge – 1

(ii) Additional District & Sessions Judge - 1

(iii) Senior Civil Judges/Chief Judicial Magistrate – 2

(iv) Civil Judges/Judicial Magistrate of the 1st Class – 5

(v) Principal Judge, Family Court – 1

(vi) Sub- Divisional Judicial Magistrate- 1

(vii) Special Court, Drugs and Cosmetic (Amendment) Act, 2008 -1

Saiha ah ahnuai amite hi an thu ang:

(1) Senior Civil Judge/Chief Judicial Magistrate- 1

(2) Civil Judges/Judicial Magistrate 1st Class- 2

(3) Sub- Divisional Judicial Magistrate- 1

Lawngtlai ah ahnuai amite hi an thu ang:

(1) Senior Civil Judge/Chief Judicial Magistrate- 1

(2) Civil Judges/Judicial Magistrate 1st Class- 1

(3) Sub- Divisional Judicial Magistrate- 1

Chawngte ah-

(1) Civil Judge/Judicial Magistrate 1st Class

Note:

Special Court, Drugs and Cosmetic (Amendment) Act, 2008 ni tur hian Aizawl a 2nd Court of Additional District &

Sessions Judge leh Lunglei-a 1st Additional District & Sessions Judge te chu ruat anni [Vide, Notification No. A. 45011/1/2008- LJE, the 17th March, 2011, the Mizoram Gazette, Vol. XL, 25.3.2011, Issue No. 12 Part- II (A) p. 6].

D-3: RORELNA HMUN DANG TE:

(i) Juvenile Justice Board:

Naupang kum 18 la pumhlum lo chin hnuailam te dan bawhchhiatna hi *the Juvenile Justice (Care and Protection of Children) Act, 2000* anga rel tur ani a. **Aizawl** [Vide, Notification No. B.12019/2/04-SWD Dated the 31stMay, 2005] leh **Lunglei** [Notification No. B. 12019/3/92-SWD Dated the 6thFeb, 2007: Vide, the Mizoram Gazette, Extra Ordinary; Vol. XXXVI, Aizawl, 9.2.2007, Issue No.19] -ah chauh chutiang thubuai reltheitu **Juvenile Justice Board** din ni in tunah chuan Mizoram chhunga District zawng zawngah Tahrik ni 9 September, 2010 khan **Juvenile Justice Board** hi din alo nita ani [Vide, Notification No. B. 12019/12/20- SWD, Dated Aizawl, the 9th Sept., 2010, the Mizoram Gazette, Ext. Ordinary; Vol. XXXIX, 20.10.2010, Issue No. 391].

(ii) Lok Adalat:

The Legal Services Authority Act, 1987(No.39 of 1987) Dated 11thOct. 1987, *the National Legal Services Rules, 1995* leh *the Mizoram State Legal Services Authority Rules, 1996 and Regulations, 1998* angin Mizoram-a inrelbawlina lama District tinah te **Lok Adalat** hi din a ni. *The National Legal Services Authority (Lok Adalats) Regulations, 2009* pawh siam leh hman ani tawh bawk.

Hei hi **Law Court** pangngai ang nilova thubuai *Conciliator* te kaltlanga inremsiam tirna tura hmalakna tangkai tak a ni.

(iii) State Commission and District Forums under the Consumer Protection Act, 1986:

Mizoram pum tan **State Commission** leh inrelbawlna District tinah **District Forum** te he dan hnuaih hian dina kalpui mek a ni. Mizoram Consumer Protection Rules, 2010 angin relbawl anni.

(iv) Commissioner for Workman's Compensation:

Commissioner for Workman's compensation chu *Law and Judicial Department, Government of Mizoram* chan turin tahrik ni 5th January, 1996 khan Notification No. A. 40011/1/94-GAD/Loose-1, the 5th January, 1996 angin dah ani a. Chumi hnu-ah tahrik ni 8th July, 2008 khan Notification No. A. 46011/19/2007-GAD (Vide, the Mizoram Gazette, Extra Ordinary: Vol. XXXVII 22.7.2008, Asadha 31, S.E. 1930, Issue No. 265) angin Sorkar chuan *Labour & Employment Department* chanpual ah a dah leh ta a ni.

Achunga mi bakah khian 'The Gramnyayalayas Act, 2008' hi siam niin he dan hi sorkar laipui dansiam ani a, tahrik ni 2nd Oct., 2009 kha he dan hman tan ni tura ruat a ni. [Notification No. S.O. 2313(E), the 11th Sept., 2009 Vide, the Gazette of India, No. 1444, Sept. 11, 2009/Bhadra 20, 1931].

He dan hi Jammu & Kashmir, Nagaland, Arunachal Pradesh, Sikim leh Autonomous District Councils huamchungah te tih chauh ah lo chuan India ram hmundangah chuan hman vek tur a ni [S. 1 (2)]

He dan hnuaiah hian Block level (Intermediate Panchayat) tin ah **'Nyayadhikari'** chu chumi bialchhung a thubuai chhuak tenau deuhthe rel turin ruat/dah tur a ni [S. 5], chu chu Block (Intermediate Panchayat) Headquarter ah a thu dawn a ni [S. 4].

'Nyayadhikari' ni tur hian Judicial Magistrate of the First Class atana tlak te chauh ruat theih ani a [S. 6 (1)], hlawh leh hamthatna ah pawh 'Nyayadhikari' hian Judicial Magistrate First Class te dawn ang pangngai a dawng ve ang. [S. 7].

Code of Criminal Procedure, 1973 leh Code of Civil Procedure, 1908 ahte engpawh chuang nise, 'Nyayadhikari' hian Civil leh Criminal thubuai tenau deuhthe rel thei turin thuneihna a nei dawn a ni. [S. 11].

He dan siam anihna chhan ber hi *'Dikna-a rorelna chu mitin kawngkhar bulah awm rawh se'* [Justice at every doorstep] tihna atanga chhuak ni in, dan hmanga rorelna awlsam, mantlawm, mawl leh rangzawk mitinin kan neih theihna atan **'Nyayadhikari'** hi ruat tur a ni.

E. JUDICIARY LEH A RORELNA:

- **Judiciary** hian hlauh leh tlawn bik neiin ro arel tur ani lova, amaherawhchu, vantlang zinga harsatna thleng mekte sukhang tura hna thawk tur a ni tih

hriat atha 'Hremna nep tak pek fo anih hian vantlang-in Court ah rinna an hloh phah thei a, chuwang chuan dan bawhchhetu siamthat tumna lam aiin hremna na deuh zawk pek tulna hi hriat tur ani' [Mahesh V.State of M.P., AIR 1987 SC 1346]. 'Hremna nep tak pek alo nih hian phu ba inlak duhna te leh vantlang tana muanaawmlo zawk thil a thlen theih avangin Court zawng zawngte tih tur chu dan bawhchhiat dan leh thubuai azirin hremna finthlak tak pek hi a ni' [Sevaka Perukal etc. V. State of Tamil Nadu, AIR 1991 SC 1463]

- Ram danpui *Article 21* na ang hian mi tupawh-in an thubuai ahma thei ang ber-a relfel sak tura dikna chanvo an nei a ni.[Kedra Pahadiya V.State of Bihar (1983) 2 SCC 104]. Hetiang hlenchhuahna atan leh **Supreme Court** thupek Dt.9thMay, 2007²⁰ angin **Gauhati High Court** leh Mizoram Sorkar pawhin *Judicial Service* tam zawk la turin hma an la mek a ni. Tin, *Chief Justices' Conference, 2007* [Item No.15 (f)] in a rel angin *Gauhati High Court* pawhin ahnuai-a Court te hnenah Court thulh (*adjournment*) pumpelth tura hmala turin a hriattir tawh nghe nghe²¹. Chumai bakah thubuai rangtaka chinfelna atan *Trial Courts and First Appellate Subordinate Courts (under Gauhati High Court) Case Management Rules, 2007* [Notification No. HC. XI-01/2008/94/RC ## Dated Guwahati the 10th November, 2008 Vide, the Mizoram Gazette, Extra Ordinary, Vol. XXXVII 16.12.2008 Agrahayana 25, S.E. 1930, Issue No. 501] pawh a siam in hman a ni tawh bawk.

F. VANTLANG/MIPUI-IN COURT ROREL KAN PUIHBAWMNA TUR LEH ENZUI PUINA:

Court-a roreltu **Magistrate/Judge** te hi dan bawhchhiatna hmun a awm tur leh chutiang a hmun lama chian zel tura ruat leh beisei annih loh avang in, dikna-a rorelna a awm theihna atan mipui vantlangte emaw zawk hian mawh kan phur thuk hle ani. *Court*-in thuchiang a hriat tawh loh avangte, *Court* lama thiam leh dan anga tling zo taka hrem phute hrem tura ngen tu tur *Prosecution* lam chak tawh loh avangte in mipui vantlang beisei ang tlin zawhloh chang pawh a awm thei ang. Tin, *Judiciary* kalphung-ah hian kan enpui theihna chin tur pawh kan chian a ngai ang;

(1)*Advocate* te hi mimal-a eizawng pawh nise *Court Officer* annih avangin thudik hailanna kawngah mawh an phur thuk hle, anni hi *the Advocates Act, 1961* anga fel taka hna thawk tur an ni.

(2)*Criminal* thubuai tawhphawt hi thubuai thehluttu leh dan bawhchhetu inkar thu ni tawh lovin state pawikhawih na thubuai a ni a. Misual hrem phu-te hrem tura *Court* te -a dan anga ngen a kalpui tu hi *Public Prosecutor/Addl. Public Prosecutor/Asst. Public Prosecutor* an ni a, *the Mizoram (Appointment, duties, fees etc. of Government Advocates) Rules, 1995* anga lak leh khuahkhirh an ni. Dan bawhchhetu hrem nat deuh mipuiin kan duh te reng reng hi **Magistrate/Judge** hnen lama thlen lovin anni hnena thlen tur hi a ni. Dan bawhchhetu te hrem lem loh a nih emaw, ho lam taka chhuah annih fo hian an ni hian an hna an thawk tha tawhlo tihna ani thei, **Magistrate/Judge** te erawh chuan nger bik neia rilru an put a thiango thung. **Judiciary**-in a hranga hna a thawh

hnu-ah pawh an ni hi sorkar lam ruat an ni a, mipui leh vantlang mittlung zo taka thawk tur pawh an ni. Tin, anni bakah pawh **Police** te leh **Excise & Narcotics Department** lamte pawh *Branch* neiin *Court*-ah misual hrem phute dan anga hrem annih theihna atan a *Court* pui turin an awm bawk.

(3)**Gauhati High Court** thuneihna hnuai-ah *Court*-a roreltu *Judicial Officer* te hi awm mahse an ni hian thamna an lo lak te emaw kawng danga felhleh thil an lo ti anih chuan *Gauhati High Court*-ah hian **Registrar (Vigilance)/Vigilance Cell** a awm a, hetah hian atul anga felhleh thu kan thlen pawh kan tihtur ani ang.

(4) *Chapter- X, Indian Penal Code, 1860* ah hian *Court* kal tura kohna ngai pawimawhlo leh thil pawimawh *Court* hrilh duhlo tute hremna dan a awm. *Indian Evidence Act, 1872* ang hian thuchianna feltak thuhretute thusawite pawh atul anga finfiahna rorelna kalpui ani in, *the Oaths Act, 1969* angin *Court*-a thusawi te chu chhechhamna nen uluk leh fimkhur taka kalpui ani. Hei hian *Court* rorelnah thudik zawna kawngah thuhretute an pawimawh zia leh thudik lo hmanga mi hremna pek palh theihna laka fimkhur taka kalpui thin ani tih a ti lang.

July 9, 2007 khan India ram **President** chuan **E-Court Project** a hawng a, hei hian a tum chu-(i) *Court* rorelna langtlang (ii) mipuiten kan hriatpui theihna leh (iii) *Court* rorelna tangkai zawka hman theih²³. Hemi awmzia chu mipuite hian *Internet* hmangin kan thahnemngaihna-a kan lo man ve te *Court*-in an thubuai a rel zui dan te kan lo hre zung zung thei ang a; Tin, hmalakna a taka kalpui anih chuan *Court* room-a va in lan kherlo pawhin *Court*-ah thu kan sawi ve thei hial tawh dawn a ni.

The Gauhati High Court (Right to Information) Rules, 2008 [Vide, Notification No. HC.XI-05/2008/233/RC## Dated Guwahati, 23-05-2008] chu siam alo ni tawh bawk.

G. THULAKNATE:

1. S.O Dt.1stMarch, 1948 of the Govt. of India, Ministry of Law (Reforms), the Gazette of India, Extra Ordinary; Dt. 1st March, 1948 w.e.f. 5th April,1948
2. Act No. 34 of 1986, Dt. 14thAugust, 1986
3. No. G.S.R 599 (E), Dated 22ndJune, 1990 [Vide, the Gazette of India, Extra Ordinary, Part – II, S. 3 (a) Dt. 25.6.1990 pp. 2-3].
4. Act No. 21 of 1954.
5. No. DLC. 14/53, the 7th April, 1953.
6. No. TAD/R – II/53/23. Dt. 16.1.1954, Vide, the Assam Gazette, Part II-A, Dt.20.1.1954.
7. No. TAD/R/II/53/32, Dt. 8th Aug, 1959.
8. No. A.48011/2/92 – LJE/290.
9. No. A.48011/2/92 – LJE/294.
10. No. J.11012/2/2005. POL Dt. 25th Feb, 2005.
11. No.A.36016/5/2001-P & AR (CSW), Vide, the Mizoram Gazette, Extra Ordinary, Vol. XXXIV, 20.6.2005, SE 1927. Issue No. 139.
12. No.A.36016/5/2001-P & AR (CSW), Vide, the Mizoram Gazette, Extra Ordinary, Vol. XXXV,

- 10.11.2006, SE 1928. Issue No.291.
13. No. A. 12018/1/2003-DP & AR (CSW), Vide, the Mizoram Gazette, Extra Ordinary, Vol. XXXV, 12.12.2006,S.E. 1928, Issue No. 321.
 14. No. HC-VII-14/2007/2499/A.
 15. No. A. 32022/3/07-LJE, Vide, the Mizoram Gazette, Extra Ordinary, Vol. XXXVI, 7.9.2007 S.E. 1929, Issue No. 233.
 16. No. H. 12018/155/05-LJD/7, the 19thOct. 2005, Vide, the Mizoram Gazette, Extra Ordinary, Vol. XXXIV 24.10.2005. Issue No. 291.
 17. No. A. 36016/5/2001-P & AR (CSW)
 18. No.A. 12011/32/06-LJE. Vide, the Mizoram Gazette, Extra Ordinary, Vol. XXXVII, 8.1.2008, Pausa 27, S.E. 1929, Issue No. 2.
 19. No. A. 12011/32/06-LJE the 2nd June, 2008 [Vide, the Mizoram Gazette, Extra Ordinary, Vol. XXXVI, 12.6.2008, Jyaistha 22, S.E. 1930, Issue No. 197] and No. A. 12011/32/06-LJE the 7th Oct., 2008 [Vide, the Mizoram Gazette, Extra Ordinary, Vol. XXXVII, 24.10.2008, Kartika 2, S.E. 1930, Issue No. 430]
 20. All India Judges Association & Ors Vs. Union of India & Ors. WP (C) No. 1022/1989.
 21. Order No. P.17012/2/2007- HC (AB)/77: Dated Aizawl, the 23rdJan, 2008.
 22. Vide, Memo No. H.C 42 of 1990, Ref. HC III – 33/90 Dt. 27.11.1998.

23. <http://www.14>
details.asp?newsid=9950

donline.net/news/news-

VILLAGE COUNCIL/COURT: A PAWIMAWHNA LEH A MAWHPHURHNA

A. Thuhmahruai:

Kum 1890-ah British ho ten khatih laia *Lushai Hills* ti-a hriat an rawn awp¹ hnu ah pawh *the Assam Lushai Hills District (Acquisition of Chiefs' Rights) Act, 1954*² na anga lal ban anih thleng khan Mizo lalte chuan tlang changin khawchhung rorelna hi an lo kalpui thin a, khawchhung rorelna/tualchhung sawkarna hi India ram bikah phei chuan hun chhuiphak bak atanga lo nei tawh kan ni³ an lo ti in tualchhung ro inrelna hi kan nun nena inzawmna thuktak neiin an lo kalpui thin a ni.

India in Kumpinu sawrkar lak atang mahni-a ro inrel tura zalenna aneih atang khan Ram danpui duangtu *Sub-Committee on Minorities*, Gopinath Bordoloi kaihhruai⁴ rawtna zula India Hmar Chhak-a chengte nunzia leh hnam bil mila rorelna kalpuina atan *District Council* rorelna chu ram danpui *6th Schedule* ah an lo dah a, chumi hnuai ah chuan *Village Council* te hi din alo ni ta a ni.

Mizoram-ah pawh ***the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953*** chu 7th April, 1953⁵ khan siamin, ***the Lushai Hills District (Village Councils) Act, 1953*** pawh 1st December, 1953⁶

khan siam leh in; Tin, ahnuaiia dan tarlante hi Village Council chungthu nena inkaihhnawiha siam a ni bawk:

1. *The Mizoram (Election to Village Councils) Rules, 1974*
2. *The Mizoram Grants-in-aids to the Village Councils Rules, 2007*

A chungga dan tarlan tak te behchhan pui ber-a neihi Village Council te hi din leh inrelbawl tir an lo ni ta a; Mizoram chhunga Village Council te dinhmun kum 2009-2010 angin lo en ila⁸:

Sl. No.	District hming	Village Council zah	Village Council member zah
1	Mamit	71	242
2	Kolasib	44	178
3	Aizawl	166	689
4	Champhai	100	361
5	Serchhip	41	154
6	Lunglei	132	466
7	LADC	94	376
8	CADC	69	452
9	MADC	72	248

	Total	789	3,166
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B. Mizo fate nunkawng sialtu chu Village Council te an ni:

Mizo lalten an khawchhung ram kiltin-a an awp thin chu paihbo alo nih takah chuan khawchhung inrelbawlina kiltin chu Village Council hnathawhna chuan a hawl lo thei ta lova, diktak chuan tuna khawchhung-a zirna sikul tha tak tak te pawh hi Village Council ten khawchhung mamawhna leh rualawhna hria-a harsa taka an lo din ahnu lama sorkar in alak tak te an ni hlawm; Atawi zawngin sawi ila, khawchhung in vawnfelna kiltin vawiin-a mualeng kan hmuh theihna pawh hi Village Council ten hmangaih leh tlawmngaihchhuah-a khawchhung inrelbawlina leh hmasawinna kalsiam ah hahthi kula sul an lo sut rah ani atih theih hial awm e.

C. Village Council ruangam:

Village Council member tamlam chu hetiang hi a ni⁹

- (1) Khawchhunga in 200 chin hnuailam tan member- 3
- (2) Khawchhunga in 200 atanga 500 chin tan member- 4
- (3) Khawchhunga in 500 atanga 800 chin tan member- 5
- (4) Khawchhunga in 800 chunglam tan member- 6

Note:

Finance Commission Grant (sumpai) dawwna tehfung tur atan Tahrik ni 16th Sept., 2010 k̄han Mizoram sorkar chuan Village Council te hi tehkhawng (Category) hrang hrangah athen-a, chungte chu-

1. *Category- I Council* - *In 401 chunglam awm Village*
2. *Category- II Council* - *In 301 - 400 awmna Village*
3. *Category- III Council* - *In 201 - 300 awmna Village*
4. *Category- IV Council* - *In 101 - 200 awmna Village*
5. *Category- V Village Council* - *In 100 leh ahnuai lam awmna*

[Vide, Notification No. B. 13015/35/07-LAD/VC, the 16th Sept., 2010, the Mizoram Gazette, Vol. XXXIX, 24.9.2010, Issue No. 39, Part- II (A), p. 10]

D. Village Council inthlanna huaihawt dan:

Village Council inthlanna hi kan sawi tak *the Mizoram (Election to Village Councils) Rules, 1974* anga kalpui a ni a; *the Mizoram Constitution of State Election Commission Rules, 2008*¹⁰ kan nei-a, chumi ang chuan 28th August, 2008 khan Mizoram State Election Commission chu din alo ni ta a ni¹¹. Chumi ang chuan a hmasa ber atan State Election Commissioner pawh 2nd September, 2008¹² khan ruat alo ni ta a, *Village Councils* inthlanna chu 15th January, 2009¹³ khan State Election Commission kutah dah fel ani zui ta a ni. *The Mizoram [Election to Village Councils] (Seventh Amendment) Rules, 2009*¹⁴ angin *State Election Commission* chu Village Council te inthlanna ah buaipuitu a lo ni ta bawka a ni.

E. Inrelbawlna lama Village Council te mawhphurhna:

1. The Lushai Hills District (Village Councils) Act, 1953 angin:

- (1) Thlawhhma atana ram theh chungchangah thu an nei [S. 8 (1)]
- (2) Vantlang hamthatna tur atan hnatlang an ko thei [S. 8 (2)]
- (3) Hnatlanga thawkchhuak duh lo te cheng sawmnga (Rs. 50/-) in an run thei [S. 8 (3)]
- (4) Hnatlanna a thawk tlaklo entirna'n: kum 60 chin chunglam te leh midang a chhan leh vang ziaka chhinchhiahin an awl tir thei [S. 9 (1)]
- (5) Mi kum 15 hnuailam te chu chungkaw ai aw h emaw a hnatlan an phallo thei [S. 9 (2)]
- (6) Khawchhung in vawnfaina chungthu pawh hi an mawhphurhna a ni [S. 11]

Note: Village Health and Sanitation Committee ah Sub-Centre awmna khua leh awmlohna khua-atan pawh President, Village Council te hi Chairman atan Dt. 6th September, 2007 khian ruat an ni¹⁵

- (7) Khawchhung thil pawimawh mipuite hnena hrilh tu tur Tlangau chu Village Council hian a ruat thei a, sorkar-ah chu thu chu a hriattir tur a ni [S. 22 (2)]. Tlangau pakhat aia tam an mamawh chuan sorkar phalna la hmasa in an ruat thei bawh [S. 22 (1)]

(8) Village Council President mawhphurhna:

- Khawchhungah kangmei emaw hripui etc. laka himna tur a hma la in chu chu Tlangau hmangin khawchhung mite a hriattir tur a ni a; Tin, Sorkar

thu pawimawh khawdanga hlanhhawn ngaite pawh Secretary kaltlangin a buaipui tur a ni [S. 16 (1)]

- Sorkar atang amahin adawng nghal emaw Deputy Commissioner hnen atang sorkar thu pawimawh a dawnin a zawmin a bawhzui thin tur a ni [S. 16 (2)], chutiang thu chu Village Council thutkhawmna ah ngaihtuah in a tul angin Secretary remruat puin vantlang hriatah Tlangau tir in a tul anih chuan an puangzar thin ang [S. 16 (3)]
- Secretary in ziaka chhinchhiahna a kawh lehkhabute a tul angin a enpui thin ang [S. 16 (4)]

(9) Vice President mawhphurhna:

- ✓ President awmlah hlan in emaw President hna chanpual hi alo thawk thin ang [S. 17]

(10) Secretary mawhphurhna:

- ❖ Village Council thurel zawng zawng te leh Court anga an thu kalpui zawng zawng te President-in hming a ziahnhan te chu a vawngfel anga, thu pawimawh hriattir/phochhuah ngai ang zawng zawngte chu President in hming a ziahnhan angin a buaipui thin ang [S. 18 (a)]
- ❖ Village Council te lehkhabu leh ziaka an thil vawn zawng zawngte a kutah a awm anga, chutiang thilte chu sorkar in a mamawh hunah amah leh President in hming ziahnhan-in a thawn thin ang [S. 18 (c)]
- ❖ Village Council lehkhabu leh ziaka thil chhinchhiah dang a vawn zawng zawngte chu sorkar lam aiawh emaw Village Council member dang ten atul anga an enfiah theih mai turin a inpeih reng ang [S. 18 (d)]

2. The Lushai Hills District (House Sites) Act, 1953 angin:

Thingtlang khua sorkarin khawpui atana a puan nilo ah chuan chenna inhmun atan ram a pe thei a ni. Amaherawh chu, dawr, hotel, stall leh sumdawwna lam tur thil ah chuan thu a nei lo [S. 3 (1)].

Note:

(i) *The Mizoram Land Holding and Settlement Act, 2000 (Act No. 1 of 2001)*¹⁶ angin thingtlangkhua-a inhmun pek hi Village Council thuneihna ah la dah a ni [Ss.12 & 13]

(ii) *Village Council ten dawr, stall leh hotel atan te S. 3 (1) in thuneihna a pek, himangsual-a ram pek an chin avangin Sorkar chuan Dt. 6th Sept., 1976 khian dawr, stall leh hotel atan te ram pe thei annih loh thu hi thupek a chhuah a ni*¹⁷

(iii) *Village Council ten Lushai Hills District (House Sites) Act, 1953 in a thuneihna a pek bak-a hma an lo lak na- huan lo ram atan (Agriculture purpose) entirna'n- Huan (garden), thing phunna (plantation), leilet (wet rice cultivation), sangha dil (fish pond) etc. ram an lo pek chu an thuneihna bak anih avangin Dt. 11th July, 1988 khian Sorkarin a hnawl (cancelled) sak vek a; Tin, Village Council te chu an mahni khaw huamchung bil chauh-ah inhmun hi pe thin turin hriattir anni bawka ni*¹⁸

3. Allotment of Agricultural land under New Land Use Policy (Family Oriented Development Scheme), 2010¹⁹ angin:

He Scheme ang hian Village Council te hian NLUP atana ram hman tur neilote hnenah 'Provisional Pass' a pe thei ani.

4. The Mizoram Forest Act, 1955 angin:

(1) Khawdai a ramngaw atana rizap (Village Forest Reserves) te, sorkar thupek siam ang Tlangau

- hmangte emaw a khawchhung mite hnena hrilhriat hi an tihtur a ni. [S. 12 (3)].
- (2) Village Safety Reserve chungah thing ro leh tlu tawlte khaw tana tangkai thei ang ber tura remruat thei tu an ni [S. 13 (1) (a)]
 - (3) Village Supply Reserve huamchhungah thlawhhma atan ram theh theihna thuneihna an nei a ni [S. 13 (1) (b)]

Note: *Village Forest Development Committee (VFDC) / Eco-Development Committee*²⁰ dt. 5th November, 2001 a din chungthu-ah hian mawphurhna an nei a. Tin, hemi nena inkaihnawih *Forest Development Agency (FDA)*²¹ dt. 5th November, 2001 a din tho ah hian mawh an phur tel bawk. *Village Forest Development* chungthu a hmalakna kalpui tu tur ‘Project Implementing Committee’ pawh hi dt. 16th February, 2007 khan Commissioner, Social Welfare Department, Govt. of Mizoram, Chairman hna hnuaiah Member 5 dang Member Secretary tiamin din ani nghe nghe²².

5. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Act No. 2 of 2007)²³ angin:

He dan ang hian Mizoram sawrkar pawhin dt. 25th March, 2008²⁴ khan thingtlang khaw tinah Village Council President kaihhruaina in mi 10 aia tlemlo mi 15 aia tamlo *Forest Rights Committee* din turin a ti a ni. Chu thu chu *Sub-Divisional Level Committee* ah thlen nghal vat tur a ni nghe nghe.

6. The Lushai Hills District (Jhumming) Regulation, 1954 angin:

Thlawhhma tur ram theh hi Village Council te mawhphurhna leh an thuneihna a ni [Clause 4]. Thlawhhma tur ram theh chungchangah sorkar thupek awihlo te chu cheng zanga (Rs. 500/-) thleng chawitir theih a ni [Clause 10 (1)]. Tin, thlawhhma atana ram pawm tawh zet-a, chhan leh vang mumal awm lova nei tawl leh tu chu cheng za (Rs. 100/-) thleng chawi-a hremtheih a ni [Clause 10 (2)].

7. The Mizoram (Prevention and Control of Fire in the Village Ram) Rules, 2001 angin:

He dan kengkawh tu ber hi Village Council te an ni. He dan ang hian Village Council te hian lo, huan, leipui leh lo bing te pawh an hal ni tur a rel anga kangmei duhawmlo a chhuah lohna atan hma a la ngei anga; Tin, kangmei laka himna atan meilam sial hnatlang a ko thei bawk. Huan, leipui leh lo bing neite chuan Village Council an hrilhhre ngei tur a ni a, a halni tur pawh Village Council hian a rel theiin, chutiang huan, leipui leh lo bing neitute pawh chu meilam sial turin a ti thei a ni. Huan lo ram mai bakah khawchhunga kangmei duhawmlo chhuakthei lakah Village Council te chuan atul angin rem an ruat thei bawk.

8. Mizoram SSA Rajya Mission (Constitution, Functions and Powers of the District, Circle and Village levels) Regulations, 2002:

*The Mizoram Sarva Shiksha Abhyan Rajya Mission Rules, 2001*²⁵ nena inhne-rem in he *Regulations, 2002* ang hian India ram danpui Article 21-A (Fundamental Rights) tih hlawhtlinna atana hmalakna ah mawhphurhna an nei thuk hle. *Circle/Block Education Committee* ah Village Council President te hi member anni a, Tin, *Village*

Education Committee (VEC) ah Village Council President hi Chairman a ni bawk.

9. The Mizoram Right of Children to free and compulsory Education Rules, 2011 angin:

Village Council/Village Committee te chu 'Local Authority' annih angin, an bial chhunga naupang dinhmun zirchiangin kum 14 an tlin thlenga an hming chhinchhiaha an vawng anga, chu chu kum tin December thla ah an ennawn thin ang. Tin, sikul tinah naupang sikul kal te hming zawng zawng tarlan ani ngei em tih an enfiah bawk anga, an vengchhung naupang hming an vawn chu kum tin December ni 15 emaw a aia hma in School Education Director hnenah an thawn thin ang [R. 6].

10. The Mizoram Animal (Control and Taxation) Act, 1980 (As amended in 1991) angin:

- (i) Ran reng reng enkawl that lohvin thlah zalen phal a ni lo [S. 3 (1)]
- (ii) Ran neitu tumah in a ran chu midang huan/hmun lo ram ah a thlah zalen tur a ni lo [S. 3 (2)]
- (iii) Ran reng reng vantlang tana hnawh leh rimchhia in kawh phal a ni lo [S. 5]

A chung a mi kalh a ran thlah zalen a nih chuan Village Council ten manin emaw an hnenah thlen in a neitu khul tir tur a ni a, ni sarhih ral thlenga khul a nih loh chuan lilam theih a ni; Tin, ran neitu in Village Council hnenah ran chawm man kha a pek duh loh chuan lilam theih a ni bawk [Ss. 7 (1), 10 (1) & (2)].

- (iv) Ran chhiah hi Town Committee (chutiang dinna ah chuan) emaw Village Council ten an khawn thin ang [S. 20 (1)]

11. The Mizoram Rural Employment Guarantee Rules, 2007²⁶ angin:

The National Rural Employment Guarantee Act, 2005 (42 of 2005) hnuaiah he inkaihhraina *Rules* hi Mizoram-ah kan nei a, Village Council te hian mawhphurhna pawimawh tak he dan ang hian an nei bawk. Chuta thenkhatte chu:

- (i) Village Council leh Social Audit Forum te chuan mipui lungawiloh thu an ngaithla ang [rule 14 (7)]
- (ii) Hnathawh dan leh kalpui dan ziaakin felfai takin Village Council hian a vawng ang [rule 15 (2)]
- (iii) He Scheme hnuaia hna thawhtur mamawh ten Village Council hnenah an dil ang [rule 17]
- (iv) Hnathawktu te ziahluh te, Job Card pekchhuah te, Muster Roll buaipui etc. chu Village Council tih tur a ni [rule 19 (i)]
- (v) The Mizoram Rural Employment Guarantee Scheme, 2009²⁷ hnuaia din Village Employment Council [Chu chu khawchhunga inchhungkhur-a pa ber leh nu ber theuh te] ah Village Council President te hi Chairman an ni [Clause 7-A]
- (vi) The Mizoram Grievance Redressal Rules, 2009²⁸ hnuaiah NREGS chungchanga lungawihloh thu kalpuina ah mawhphurtute zingah an tel ve bawk.

F. Village Council mawphurhna dang thenkhatte:

- (1) Mautam tamin Mizoram a nanchin lai khan Village Council President te hi Village Level Tam Endiktu Pawl Committee ah Chairman an ni a²⁹, Block Level Tam Endiktu Pawl-ah chumi Block huamchhunga Village Council President tinte chu Member an ni bawk³⁰.
- (2) Khawchhunga inhmun dilna te endiktu tur (SAAB) member atan Village Council zinga mite an hmang thin bawk.
- (3) Village Council ten hriat atana pawimawh pakhat chu khawpui lian/khawpui leh thingtlangah pawh veng hming leh kawng/kawthler hmingte vuahtu tur Committee hi Secretary, LAD, Chairman-na hnuaiah din a ni thin.³¹ Hemi awmzia ni-a lang chu veng leh khawhmingte thlak/tih danglam kan duh chuan anni hnena thlen-a Sawrkar hriatpuina leh pawmpuina anga tih danglam chauh tur ni awm tak a ni.
- (4) Village Council President thenkhatte hi Dt. 17th May, 2007 leh Dt. 9th May, 2011 khan Kolasib³², Mamit³³, Champhai³⁴, Serchhip³⁵ leh Aizawl³⁶ District a 'District Planning Committee' Member atan ruat an ni. Saiha District ah chuan President, Joint Village Council chu Saiha District Planning Committee³⁷ Member atan ruat ani thung.
- (5) District Level Fire Prevention Committee³⁸ tur Dt. 8th April, 2009-a Mizoram sawrkarin a din ah hian Mamit District ah Joint Village Council, Mamit; Champhai District ah President, Town Area Village Council, Champhai; Kolasib District-ah President, Joint Village Council, Kolasib leh Lunglei District ah

President, Village Council Association, Lunglei te chu Member atan an District atan theuh ruat an ni.

G. **VILLAGE COURT: A thuneihna, roreldan leh tangkaina**

Mizoram chungna *Village Court* chungchang kan sawi hian *the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953* anga din leh thuneihna nei anih avangin he *Rules* sawina atan hian *Rule* kan ti zel tawh ang.

Ram danpui hnuaia din a ni:

Mizo lalten an tlang thut tina thubuai hlabuai Mizo hnam dan (Ziaka awm hma pawhin) anga ro an relna chu *the Assam Lushai Hills District (Acquisition of Chiefs' Rights) Act, 1954* anga lal ban alo nih khan Village Council/Court te hian khawchung a thubuai hlabuai rorelna chu an kutah awmin hei hi *Sub-paragraph (4) of paragraph 4 of the Sixth Schedule to the Constitution of India* angin 7th April, 1953 khan No. DLC 14/53 angin din a lo ni ta a ni.

The Lushai Hills Autonomous District (Administration of Justice) Rules, 1953 hnuaia rorelna-Court hrang hrang te chu;

1. Village Courts
2. Subordinate District Council Courts
3. District Council Court

Note: Tunah hian Village Council zawng zawngte hi Village Court angin an thu nghal ani. District Council Court leh Subordinate District Council Court te hi Mizoram Family Courts Rules, 2008 angin 'Court' rorelna Mizoram ah (Autonomous District Council te huam lovin) thenhnan anih k̄han awm tawhlo

tura ngaih ani a, chutih laiin 'Village Court' te chu la awm zui tura ruahman rif ani a, Village Court rorelna-a lungawi lote erawh chuan Civil thubuai ah chuan 'Civil Judge' court ah 'Appeal' a thehluh theih a, Criminal thubuai ah chuan 'Judicial Magistrate First Class' Court ah lungawi loh thu a thehluh theih thung [R. 33 of the Mizoram Family Courts Rules, 2008]

Village Court in din dan:

The Lushai Hills District (Village Councils) Act, 1953 hnuai *Village Council* tin te hi *Village Court* ang in an thu nghal a [rule 6 (1)]; Tin, *Village Court* tling tura **quorum** ngai zat chu Member 3 emaw *Village Council Member* zawng zawng zahve ni in, heta a tam zawk zawk an awm chuan, chu chu rorel thei tura tling **quorum** chu a ni [rule 6 (1)]

Village Court-te thuneihna huam chin:

- (1) Village court hian *tribal* leh *tribal* in kar thu chauh a rel thei [rule 5]
- (2) Village Court hian an mahni bial huamchhunga chhuak thubuai chungthu a rel thei [rule 6 (2)]. Tin, thubuai neite chu an mahni bial huamchung ami ve ve annih angai [rule 14]

Note: Village Court hian Mizo Hnam Dan-a rel ngai thubuai, a inkhingte, anmahni huamchung ami ve ve annih chuan 'Original Jurisdiction' an neih avangin an rel ngei angai a, rule-21 na angin Court sangzawk-ah putluh nghal ngawt theih a ni lo.

(3) Village Court te thuneihna:

(a) Civil Case:

Mimal leh mimal, sorkar suma chhunluh tura pawisa chawitir emaw, lungin tantir tur zawnga inkhinna

ni lo; a khingtu in a mi khinte hnen atanga zangnadawmna emaw, ama tana buaina tihfelsak tura inkhinna hi Civil Case ani a, a tawi zawngin Cr PC leh IPC tih vel ang behchhan a thubuai put luh ni lo ho hi a ni. Village Court hian an mahni thuneihna huam china inkhingte Hnam Dan leh nunphung (Tribal Laws and Customs) angin a rel thei a [rule 14 (a)], Pawisa engzat a tam pawh Civil Case ah chuan an chawitir thei a ni [rule 15 (2)]

(b) Criminal Case:

Tribal dan leh hnamdan anga sorkar dan bawhchhiatna tenau, entirna'n- ruk ruk tenau leh kutkemneih, mi pawikhawihna leh mi huang daina tenau, insual buaina tenau leh hliam tenau intawrhirna, vantlang hmuna buaina siam leh insual buai ching reng reng, zurui emaw, mahni inthunun zo lova vantlang hmuna khawsakna, vantlang pawikhawihna leh mi tu emaw a duh anga veivah vel phal lova vaubehna tenau te ang hi rule 14 (b) angin a rel thei a ni.

Amaherawhchu, Indian Penal Code (IPC) in a tarlan lungin tan ngai ngei chi hremna chu a rel thei lo thung.

Note: IPC ah hian hremna hi hetiang deuh hian a awm:

- (i) Pawisa chawitir
- (ii) Pawisa chawitir emaw, lungin tantir
- (iii) Pawisa chawitir emaw, lungin tantir emaw, a pahnih anga hremna pek kawp theih
- (iv) Pawisa chawi bawka, lungin tantir ngei ngai bawka

(4) **Criminal thubuaiah hian Village Court te hian Cheng zanga (Rs 500/-) thleng an chawitir thei [rule 15 (1)]. Civil thubuaiah chuan enganga tam pawh an chawitir thei [rule 15 (2)]** kan tih tawh kha.

- (i) Pawisa chawitir leh puktir te hi tisualtu bungrua hrensak pawhin a kalpui theih a ni [rule 15 (3)]
- (ii) Pawikhawihtu-a puhte leh thuhretute hi Court a kohna ngai pawimawh lova an kal duhloh chuan Rs. 50/- thleng a chawitir thei [rule 16]
- (iii) Village Court chuan Criminal thubuai-a pawisa chawitir theih zat Rs. 500/- chauh chuan dan bawhchhiatna chu phu zo lova an hriat chuan dan anga kalpui theitu Court sang zawkah a thubuai chu an hlan (refer) nghal vat thei a ni [rule 18]
- (iv) Village Court rorelna –a lungawilote hian ni 60 chhungin anmahni bialtu SDCC/ASDCC hnenah appeal an thehlut thei a ni.

District Council Court-in Village Court chung a thuneihna [rule 33]:

Dikna-a rorelna tluantling a awmtheih zawkna atan emaw, *Tribal* leh Hnam dana hrilhfiyah har leh thil harsa a awmin, DCC chuan Court hniamin a thlenin emaw, a inkhingte dilna in emaw amahin tha ti-a hma a lak angin ahnuai ami ang hian chet ala thei a ni:

- (1) Village Court atangin SDCC/ASDCC-a rel turin a dah thei

- (2) Village Court pakhat atangin Village Court dangah a reltir thei
- (3) Amahin thubuai chu rel turin a kovin a rel mai thei bawk

Village Court rorel danphung:

- (i) Village Court te hian ‘Open Darbar’ (aduh apiang awm ve phalna)-in ro arel ang (rule 40). Thubuai puluttu leh pawikhawihitu-a puh/a mi khinte leh thuhretute pawh an awm ang
- (ii) Roreldan tlangpui chu hetiang hi a ni [Para 13 of Part-III of Court Manual of the Mizo District Council]
 - (a) Thubuai puluttu leh a thuhretu te, a lehlam (pawikhawihitu-a puh/ami khinte) awm ve laiin thu a zawtfiah (exam) anga, a leh lamin zawhna zawh let (cross examination) an duh pawhin zawhlet ve theihna chanvo an nei a ni
 - (b) Pawikhawihitu-a puh chu thu a zawtfiah leh ang
 - (c) Pawikhawihitu-a puh/ami khinte thuhretute thu zawtfiahlehin, thubuai puluttu khan a duh chuan thu zawhfiahna (examination-in-chief) chu a zawh hnu-ah zawhna a pe ve leh thei a ni.

Note: Court-a mi thu zawhfiah (examination) dan te:

- (a) Examination in chief: Thuhretute thu Court-in/an Ukil ten an zawhfiahna hmasa ber
- (b) Cross Examination: A leh lamten thuhretu an zawh let ve na
- (c) Re-Examination: Cross Examination neih hnu-a thuhretute Court in/an Ukil ten an zawhfiah lehna

- (iii) Village Court chuan Member tam zawk te (simple majority) ngaihdan angin thutlukna/rorelna a siam ang; Tin, thutlukna chu ahma thei ang berah puanchhuah tur a ni [rule 40]
- (iv) Village Court-a thubuai rel dan hi a kimchanga ziaka dah vek ngai kherlo mahse [rule 42(1)], thutlukna chu ziaka dah tur ani a, chu chu Village Court Secretary in a buaipui ang a, President in hming a ziakhnan ngei tur a ni [Para 15 of Court Manual]
- (v) Village Court-a President te chu Court kalpuina engkimah mawhphurtu leh kaihruaitu an ni a, Court neih ni tur, ahmun leh ahun turte a ruat anga; Tin, thubuai nei te leh Court Member ten a huntakah kohna an dawn leh dawnloh a ngaihven zui anga, Court thubuai relna chu a kaihruaiin, ataka chantirna (execution) pawh a mawhphurhna a ni. Village Court Member te tel ngei turin a phutin, an tel duhlova, atul anga hremna lekkawh pawh a tihur a ni [Para 16 of Court Manual]
- (vi) Village Court-in atul ati anih loh chuan, tawngka-a kohna mai hi thubuai neite leh an thuhretute tan a tawk a, koh annih atanga ni 8 ral hma-in Court neih ni tur ruat tur a ni a, hun dang ruat leh (postponed) anih pawhin, tih khawtlai anih atanga ni 15 ral hma-in Court ni tur ruat leh tur a ni. Chhan leh vang thatawk awma, Court thulh (adjourn) anih pawhin, chumi ni atanga chhiara ni 7 ral hma-in Court leh ni tur ruat tur ani [rule 41]

- (vii) Village Court hian a thutlukna hi a bawhzui tur a ni a, bungrua a chhuhsakte erawh chu sorkar thupek ang anih loh chuan ni 60 (chu chu appeal theih hunchhung) ral hma chuan tihral mai loh tur a ni [rule 43]
- (viii) Village Court Secretary chuan President kaihhruaina angin ziakin chhinchhiahna (Register) chu a vawng anga; Tin, report tulte leh lehkha dawn te pawh a buatsaihin, a kutah a awm ang [Para 17 of Court Manual]
- (ix) President leh Secretary te chu Court Record-Court-a evidence pholan, pawisa etc. leh midang hriata tarlan loh tur chi (confidential records) te vawnhimna kawngah an pahnih-a mawhpurhna la dun-a, vawngchim tu tur an ni [Para 18 of Court Manual]
- (x) Village Court neih huna tel theilo turte chuan President hnenah Court tan hma-in an hriattir tur a ni [Para 19 of Court Manual]

(5) Khuarel dikna inngahna lungphum pahnih te:

- Mi tumah hi ama tel vena chungthu reltheitu a ni lo [*Nemo Judex in Causa Suo*]
- Thutlukna siam hma-in a lehlam lehlam thu ngaihthlak ngei tur [*Audi Alteram Partem*]

Tin, rorelna court mai bakah sorkar inrelbawlna engkawngah pawh thutlukna siam chuan chhan leh vang feltak neiin, tan zawng leh ngerzawng neilo ani ngei tur a ni [**A. K. Kraipak & Ors. vs. Union of India & Ors.** AIR 1970 SC 150]

H. Scheduled Tribe nihna leh Village Council te:

‘Tribal nihna hi *the Constitution (Scheduled Tribes) Order, 1950*; Chu chu ram danpui *clause (1) of Article 342* anga *President of India* in a puan atanga neih a ni a; Tin, ‘Scheduled Tribe’ tih hi *clause (25) of Article 366 of the Constitution of India* anga hrilhfhiah leh a ni bawk.

The Constitution (Scheduled Tribes) Order, 1950 hnuaiah *Act No. 34 of 1986 (w.e.f. 20.2.1987)* angin Mizoram chhunga mi tur ‘Tribal’ te pawh chiang taka tarlan nawn leh a ni in, chutah chuan Mizo chi peng tawh phawt chu ‘Tribal’ kan lo ni ta.

Supreme Court of India pawhin mipa tan chuan *Scheduled Tribe* nihna hi pian leh murna chi (Scheduled tribe by birth only) vang chauh a neih/nih theih a ti a ni (Horo vs. Jahanara, AIR, 1972 SC 1840). Hemi mai bakah ‘Tribal Certificate’ pekchhuah chungchangah *Supreme Court* chuan an thlahtute leh chi put te, serh leh sang te, sakhaw biakdan te, hnam dan te, inneih dan te, mitthi vui dante leh mitthi sawngbawl dan zawng zawngte pawh chhut tel tur a ti a ni. [**Kumari Madhuri Patil & Ors. Vs. Addl. DC, Tribal Development & Ors.** 1994 AIR (SCW) 4116 (4128-4130)]

Tuna Mizoram-a hmunlo hram tihral/hralh/inpekna dan kanneih *the Mizo District (Transfer of Land) Act, 1963 (No. 1 of 1964)* hnuaia *section 8* na ang hian ‘Tribal’ ni lo ten Mizo-ram leilungah neitu nihna sorkar phalna lo chuan an nei thei lova, *Supreme Court* pawh hian *tribal* ram leilung *tribal* ni ve lo te hnena hlanhhawn khapna dan hi dan tling tawh alo ti tawh a ni [Lingappa Vs. State of Maharashtra AIR 1985 SC 389].

Duhthal-a dan fiahfai zawm tur a awm meuh si loh laiin dinhmun pawimawh tak ah *Village Council* te hi an thu a, an ni hi *Deputy Commissioner*-pisa atangin *Tribal Certificate* te a pek chhuah dawn a lo finfiah tu atana hmante an nih avangin an in zir leh chhut peih a ngai hle. *Tribal Certificate* chungchang a mi an finfiah dawn chuan kan sawi tak *The Constitution (Scheduled Tribes) Order, 1950* emaw *Third Scheduled to the State of Mizoram Act, 1986 (Central Act No. 34 of 1986)* ah an chuang ngei em tih finfiah a tul dawn a ni.

I. ‘Residential Certificate’ pekchhuah thu:

Dt. 27th April, 2011* khan Mizoram Sorkar chuan ‘*Residential Certificate*’ pekchhuah dan tur ah “*Office Memorandum*” a tichhuak a, ‘*Permanent Residential Certificate*’ pekchhuak tur chuan a dilna District chhungah chuan kum 20 emaw a aia rei ama inah emaw inluah hawhin a chengnghet tur ani a, Ration Card te neiin, Telephone Bill te pawh neiin leh electric leh tui bill etc. te pawh a nei tur ani. Zirlai anih chuan anu leh pate chen reizawng anga chhutsak tur ani. Mizo emaw Mizo nilo pawh ‘tribal’ annih a, Mizoram chhunga kum 20 aia tawilo cheng, electoral roll a hmingchuang annih angai. Chumai bakah, Ram dangmi, Nepali te pawh huamin India danpuuin aphut anga dt. 15.8.1948 hmalama ramchhunga cheng, kum 1950 atanga Mizoram chhunga chengnghet leh an thlahte pawh ‘*Permanent Residential Certificate*’ pektheih ani. Mizo ni kherlo, Gorkhali te tiamin, dt. 26.1.1950 hmalama chengte leh an thlahte Mizoram a cheng ngheta hmunlo ram neite pawh ‘*Permanent Residential Certificate*’ pektheih ani.

Tin, ‘*Temporary Residential Certificate*’ pechhuak tur chuan, mi kum 20 aia reilo cheng, chumi district (Mizoram) a chen hlen tumlo mi anni tur ani.

*No. A. 14015/1/2010-HM, the 27th April, 2011 Vide, the Mizoram Gazette, Ext. Ordinary, Vol. XL, 5.5.2011, Issue No. 195.

J. Tlangkawmna:

Khawvela mipui rorelna ‘Democracy’ ram lian ber India rama mipuite nena inhne-hnai ber, sawrkar kut leh ke, mipuiten kan aiawh chi thum [Chu’ngte chu- Member of Parliament, Member of Legislative Assembly leh Village Council/Panchayat/Municipalities] kan thlanchhuah te zinga mipui khawsak nitin nun ataka hrechiang bertu leh vil hneh ber tur Mizoramah chuan kan *Village Council* te kovah hian ram in-sawrkarna tha, hmasawmna paw haw ngei tur hi a inngat thuk hle a ni. Tin, ram danpui Article 12-na in atarlan angin *Village Council* te hi sawrkar (State) tih anih miau avangin sawrkar hmalakna kawngah sawrkar mi leh sa, sawrkar hmingchhiat thatah dan hmaah pawh sawrkar hming pu tu anih avangin fimkhur leh thuhnu dawn taka mipui sawrkar-na an vawnhim zel a pawimawh a ni.

K. Thulakna-te:

1. p. 5 Lalrinchhana H.T.C (2009): An Analytical Study of Mizoram Judiciary, 1st Edition
2. Act No. 21 of 1954
3. p. 9 Maheshwari S.R. (1998): Local Government in India, 8th Edition, Lakshmi Narain Agarwal, Agra- 3
4. p. 5. op.cit no. 1
5. No. DLC. 14/58 Aijal, the 7th April, 1953

6. No. TAD/R/61/52. Dt. 1st December, 1953 (Vide, the Assam Gazette, 9th Dec., 1953)
7. Notification No. B. 13015/31/06-LAD/VC, the 19th March, 2007 (Vide, the Mizoram Gazette, Extra Ordinary; Vol. XXXVI 23.3.2007 Issue No. 91)
8. Statistical Handbook, Mizoram- 2010, Directorate of Economics & Statistics, Mizoram; Aizawl
9. Notification No. H. 12018/28/'98-LAD/46 the 7th April, 2006
10. Notification No. B. 13017/11/2008-UD&PA (M), the 26th August, 2008 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXVII 26-08-2008 Issue No. 329)
11. Notification No. B. 13017/11/2008-UD&PA (M), the 28th August, 2008 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXVII 11-09-2008 Issue No. 365)
12. Notification No. B. 13017/1/2008-P&AR (GSW), the 2nd September, 2008 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXVII 04-09-2008 Issue No. 351)
13. Notification No. B. 14016/1/2007-LAD/VC, the 15th January, 2009 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXVIII 05-02-2009 Issue No. 32)
14. Notification No. B. 14016/36/2005-LAD/VC, the 18th February, 2009 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXVIII 18-02-2009 Issue No. 65)
15. Notification No. A. 12011/2/06-HFW, the 6th September, 2007 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXVI 19-09-2007 Issue No. 247)
16. Notification No. H. 12018/96/2000-LJD, the 21st March, 2001 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXX 28-03-2001 Issue No. 61)

17. Order Memo No. DSL/CW-1/76/4414-22 Dated Aizawl, the 6th Sept., 1976
18. Notification No. LRR/A-110/88/9 (A) Dated Aizawl, the 11th July, 1988
19. Office Memorandum No. B. 12022/1/2009- REV, the 19th October, 2010 Vide, Mizoram Gazette, Vol. XXXIX, 22.10.2010, Issue No. 43.
20. Notification No. B. 11011/36/'95-FST, the 5th November, 2001 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXX 13-11-2001 Issue No. 251)
21. Notification No. B. 11011/36/'95-FST, the 5th November, 2001 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXX 13-11-2001 Issue No. 250)
22. Notification No. B. 14014/25/2006-SWD, the 16th February, 2007 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXVI 23-02-2007 Issue No. 52)
23. 29th December, 2006 (Vide, the Gazette of India, Extra Ordinary; No. 2 January 2, 2007/Pausa 12, 1928)
24. Notification No. A. 14014/35/07-SWD, the 25th March, 2008 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXVII 31-03-2008 Issue No. 93)
25. Notification No. 17011/8/'99-EDN, the 31st July, 2001 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXX 1.8.2001 Issue No. 177)
26. Notification No. B. 11018/23/'05-RD (NREGP), the 17th September, 2007 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXVII 14.02.2008 Issue No. 25)
27. Notification No. B. 11018/23/'05-RD (NREGP), the 28th April, 2009 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXVIII 30.04.2009 Issue No. 203)

28. Notification No. B. 11018/96/'08-RD (NREGS), the 8th June, 2009 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXVIII 11.06.2009 Issue No. 292)
29. Notification No. B. 11011/2/'06-FCS&CA, the 6th October, 2006 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXV 27.10.2006 Issue No. 279)
30. Notification No. B. 11011/2/'06-FCS&CA, the 20th June, 2006 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXV 27.6.2006 Issue No. 159)
31. Notification No. B. 14016/13/02-LAD/VC, the 15th February, 2008 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXVII 27-02-2008 Issue No. 40) & Notification No. B. 14016/18/02-LAD/VC, the 5th March, 2009 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXVIII 19-03-2009 Issue No. 92)
32. Notification No. G. 28014/54/2006-PLG, the 17th May, 2007 (Vide, the Mizoram Gazette, Extra Ordinary; Vol. XXXVI 25-5-2007 Issue No. 149)
33. Notification No. G. 28014/54/2006-PLG, the 9th May, 2011 (Vide, the Mizoram Gazette, Extra Ordinary; Vol. XL. 12-5-2011 Issue No. 202)
34. Notification No. G. 28014/54/2006-PLG, the 9th May, 2011 (Vide, the Mizoram Gazette, Extra Ordinary; Vol. XL. 12-5-2011 Issue No. 204)
35. Notification No. G. 28014/54/2006-PLG, the 9th May, 2011 (Vide, the Mizoram Gazette, Extra Ordinary; Vol. XL. 12-5-2011 Issue No. 201)
36. Notification No. G. 28014/54/2006-PLG, the 9th May, 2011 (Vide, the Mizoram Gazette, Extra Ordinary; Vol. XL. 12-5-2011 Issue No. 205)
37. Notification No. J. 12012/4/08- RD (BRGF)/1, the 11th June, 2008 (Vide, the Mizoram Gazette, Extra Ordinary; Vol. XXXVII 22-7-2008 Issue No. 267)

38. Notification No. B. 11023/21/2006-FST/26, the 8th April, 2009 (Vide, the Mizoram Gazette, Extra Ordinary; Vol- XXXVIII 24-04-2009 Issue No. 190)