

## CHAPTER - III

### *Constitution of Courts.*

5. There shall be three classes of courts, as specified below, in the areas within the Lushi Hills autonomous district, to be constituted by the District Council for the trial of suits and cases between the parties all of whom belong to a scheduled Tribe or Tribes within such areas, other than suits and cases to which the provisions of sub-para (1) of para. 5 of the Sixth Schedule to the Constitution apply -

- (i) Village Courts.
- (ii) Subordinate District Council Courts.
- (iii) District Council Court.

#### **I Village Courts :**

6. (1) The Village Council for each village or a smaller body consisting of not less than three members of the Council as elected by the Council in this behalf shall sit as the Village Court;

Provided that where the Village Council sits itself as a court, the quorum to constitute a court shall be three members or half of the total number of members of such Council, whichever is greater.

Provided further that until such time a Village Court or Courts is or are constituted under this Rule, the Headman of a Village either recognised or appointed as such by the District Council, shall exercise the powers of a Village Court under these Rules.

[Provided also that every village court shall have a life of three years from the date of its first meeting unless dissolved either by the (Governor of Mizoram or the State Government)<sup>2</sup>].

- (2) The jurisdiction of a Village court shall extend to the hearing and trial of suits and cases arising within the territorial limits of the village.

### **NOTES**

Khasi custom does not countenance that a husband has any right to the clan property. The husband has no place according to the Khasi custom with regard to the ancestral property of his wife. The husband as such is not a necessary party. If

<sup>1</sup> Inserted by sec. 6 of the Lushai Hills District (Village Councils) (Amendment) Act, 1986.

<sup>2</sup> Substituted for the word 'Administrator' by the State of Mizoram Adaptation of Law Order (No. 2), 1987.