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PAWI AUTONOMOUS DISTRICT COUNCIL
EXECUTIVE DEPARTMENT LAW JUDICIAL BRANCH.

NOTIFICATION.

The 26 th August, '81.

NO. PDC/LJ-3/81/88-96 :- In exercise of the powers conferred by section 28, read with sub-section (3) of section 3, of the Pawi Autonomous District Council (Village Councils) Act, 1974, the Executive Committee of the Pawi District Council, with the previous approval of the Lieutenant Governor (Administrator) of the Union territory of Mizoram; is pleased to make the following rules, namely :—

THE PAWI AUTONOMOUS DISTRICT COUNCIL (ELECTION TO VILLAGE COUNCILS) RULES, 1981

CHAPTER I
Preliminary

1. Short title, extent and commencement :—

- (1) These rules may be called the Pawi Autonomous District Council (Election to Village Councils) Rules, 1981.
- (2) They shall extend to the whole of the Pawi Autonomous District;
- (3) They shall come into force at once.

2. Definitions :- In these rules unless the context otherwise requires,—

- (1) "constituency" means so much of the area as is included within the jurisdiction of a Village Council;
- (2) "Court" means the Courts, except the Village Court constituted under the provisions of the Pawi Autonomous District (Administration of Justice) Rules, 1974 ;
- (3) "District" means the Pawi Autonomous District ;
- (4) "District Council" means the District Council of the Pawi Autonomous District;
- (5) "election" means an election to fill a seat or seats in the Village Council ;
- (6) "elector" means a person whose name is for the time being entered in the electoral roll ;
- (7) "electoral roll" means the electoral roll as prepared by the Executive Committee under sub-rule (3) of rule 3;
- (8) "Executive Committee" means the Executive Committee of the Pawi District Council;
- (9) "Gazette" means the Mizoram Gazette;
- (10) "Presiding Officer" means the Officer appointed for conducting the election in a polling station;
- (11) "Returning Officer" means any Officer appointed for conducting the election to a constituency;
- (12) "Village" means a Village or Villages declared to form a Village Council.

CHAPTER II
General Provisions

3. Holding of general election :—

- (1) All elections to the Village Councils shall be held under the provisions of these rules.
- (2) There shall be an electoral roll for every constituency;
- (3) The latest electoral roll for election to the District Council as may be amended by the Executive Committee to omit those who have ceased to be residents of the Village shall be the electoral roll for election to a Village Council ;
- (4) The Executive Committee shall, by notification in the Gazette, fix the number of seats for each constituency to form a Village Council.

4. Appointment of Officers :—

(1) The Executive Committee shall appoint a Returning Officer, who will also function as Presiding Officer, and also Polling Officers, to perform the functions for election to each Village Council :

Provided that if a Polling Officer, owing to illness or other unavoidable cause is unable to perform the functions of the Polling Officer, the Returning Officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for, candidate in or about the election to be the Polling Officer, and inform the Executive Committee accordingly.

(2) If the Returning Officer, who is also the Presiding Officer, owing to illness or other unavoidable cause, is unable to perform the said functions, his functions shall be performed by such Polling Officer as has been previously authorised by the Executive Committee to perform such functions.

5. Date of election :—

The Executive Committee shall, by notification, call upon the constituency concerned to elect the number of Members to be returned and shall also appoint the date or dates for such election in each constituency simultaneously or consecutively, according to convenience. The Returning Officer may, however, cause an election to be held on such date after the date appointed by the Executive Committee in respect of any constituency as a special case when the appointed date cannot be observed due to some unforeseen inconvenience :

Provided that the change of date shall be notified to the constituency concerned by the Returning Officer at least seven days before the date so fixed for election.

6. Publication of the names of Members of Village Council :—

The names of Members elected and of those nominated for the various Village Councils shall be published in the Gazette as soon as may be after the election is over.

7. Filling of vacancies :—

(1) A seat or seats and a casual vacancy or vacancies in the Village Council or Councils in respect of a nominated seat or seats shall be filled by the Executive Committee by nomination.

(2) A seat or seats and a casual vacancy or vacancies in the Village Council or Councils in respect of elected seat or seats shall be filled by bye-election;

8. Disqualified Members :—

The seat of any Member found to be disqualified after his election, may be declared vacant by the Executive Committee and filled under the provisions of these rules,

9. Duties of Returning Officer :—

It shall be the general duty of the Returning Officer at any Village Council election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided under these rules and his decision shall be final.

10. Power of the Executive Committee :—

The Executive Committee may prescribe such forms as may be necessary for the conduct of the elections.

CHAPTER III
CANDIDATES FOR ELECTION.

11. Qualification of candidates for election :—

Any person whose name is included in the electoral roll of the constituency and who is not otherwise disqualified under section 4 of the Pawi Autonomous District Council (Village Councils) Act, 1974, may offer himself as a candidate for election to a Village Council and shall inform the Returning Officer, in writing, of his intention to do so by a particular date to be notified in this behalf by the Returning Officer.

12. Scrutiny of candidature :—

The scrutiny of candidature shall be taken up by the Returning Officer in the respective constituency on a date and time to be notified by him.

13. Withdrawal of candidature :—

The Returning Officer may accept the withdrawal of any candidate before the scrutiny of the candidature takes place and refund the security deposit as hereinafter provided.

14. Security deposit, its refund or forfeiture :—

A candidate shall furnish a security deposit of Rs. 25/— to the Returning Officer along with his application for candidature which will be refunded in the event of the withdrawal of candidature or at the earliest date after the conclusion of the election.

Provided that the deposit shall be forfeited to the District Council if at an election where poll has been taken the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled by all the candidates or in the case of election of more than one member at the election one-sixth of the total number of valid votes so polled divided by the number of members to be elected.

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(2) If the Returning Officer, who is also the Presiding Officer, owing to illness or other unavoidable cause, is unable to perform the said functions, his functions shall be performed by such Polling Officer as has been previously authorised by the Executive Committee to perform such functions.

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(2) A seat or seats and a casual vacancy or vacancies in the Village Councils in respect of elected seat or seats shall be filled by re-election.

8. Disqualified Members :—

The seat of any Member found to be disqualified after his election, may be declared vacant by the Executive Committee and filled under the provisions of these rules.

9. Duties of Returning Officer :—

It shall be the general duty of the Returning Officer at any Village Council election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided under these rules and his decision shall be final.

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Provided that the deposit shall be forfeited to the District Council if at an election where poll has been taken the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled by all the candidates or in the case of election of more than one member at the election one-sixth of the total number of valid votes so polled divided by the number of members to be elected.

15. Election by symbol :—

Each candidate shall select a symbol out of those prescribed in the Appendix to represent him in the election and the election shall be conducted by symbol system. If more candidates than one selected same symbol, the Returning Officer shall decide by lot to which of these candidates the symbol will be assigned. The decision of the Returning Officer is assigning any symbol to a candidate under this rule, shall be final.

16. Preparation and publication of the list of valid candidates :—

As soon as may be, after the scrutiny of the candidatures, if the number of valid candidates exceeds that of the seats to be filled the Returning Officer shall compile a list showing the names of the valid candidates and the symbols assigned to each candidate and publish it in the manner he thinks fit and a poll shall be taken in the manner prescribed in those rules.

17. (1) When number of valid candidates is equal to number of seats :—

If the number of candidates in constituency equal to the number of elected seats to be filled, the Returning Officer shall forthwith declare all such candidates to be elected to fill those seats in the Village Council.

(2) When the number of valid candidates is less than number of seats :—

If the number of valid candidates is less than the number of seats to be filled the Returning Officer shall declare all such candidates to be elected to fill as many of those seats and the Executive Committee shall, by notification, call upon the constituency to elect a person or persons to fill the remaining seat or seats, as the case may be, within such time as may be specified in the notification.

CHAPTER IV

Voting

18. Arrangement of voting :—

There shall be only one polling station for each constituency. The Returning Officer or any officer appointed by him shall make all the election.

19. Election agent :—

One election agent of a candidate, appointed in writing and submitted to the Returning Officer, shall be admissible into the polling booth in the case of the candidate absenting himself from the polling station.

20. No vote by proxy :—

Every voter shall record his/her vote at the polling booth by him/herself only and no votes by proxy or otherwise shall be accepted.

21. Hours of poll :—

The Returning Officer shall fix the hours for polling.

22. Ballot boxes :—

Just before polling is started the empty ballot boxes with their respective symbols and names of the candidates fixed of them, shall be shown to the persons present at the polling station. The ballot boxes will then be closed by pasting with an adhesive and wax sealing device.

23. Ballot paper :—

Each votes shall be given as many ballot papers as there are elected seats. The Executive Committee may direct that before the ballot papers are delivered to a voter at a polling station, such official marks as may be specified in this behalf, shall be given on the ballot papers and the official mark so specified shall be kept secret.

24. Record of vote :—

Each voter shall record his vote/votes by dropping only one ballot paper in each box containing the symbol assigned to the candidate/candidates of his choice :

Provided that if for any reason, a voter does not want to use his ballot paper/papers, the voter concerned must return the same which shall be cancelled and marked "refused" on the counterfoil/ counterfoils :

Provided further that if an elector gives more than one vote to any one candidate, then at the time of counting of votes, not more than one of the votes given by him to such candidate, shall be taken into account and all other votes given by him to such candidate, shall be rejected as void.

25. Helping a voter :—

If owing to blindness or other infirmity, a voter is unable to read the symbol on the ballot box or is physically incapable of putting the ballot paper into the ballot box, the Presiding Officer of the polling station shall enter the polling compartment with such voter, ascertain from the voter the candidate or candidates he desires to vote for and shall put the ballot papers in the ballot box or boxes of such candidate or candidates in accordance with the wishes of such voter. The Presiding Officer shall have this done with as much secrecy as is possible and shall keep a record of such instances.

26. Spoilt ballot paper :—

If a ballot paper happens to be spoilt before it is used due to any reason, another ballot paper may be obtained surrendering the spoilt ballot paper which shall be cancelled with its counterfoil.

27. Suspension of voting :—

If due to any reason beyond control, the polling of votes has to be stopped resulting in the dispersion of the voters and the candidates and the election officers within the hours prescribed and before all the voters have polled, the polling shall be suspended and ballot boxes closed by pasting with an adhesive and wax sealing device till they are re-opened when polling is continued as decided by the senior most election Officer present.

28. Closing ballot boxes after poll :—

As soon as practicable after the closure of the poll, the Presiding Officer shall, in the presence of the candidates or their agents who may be present, close the ballot boxes and seal them, and shall retain the ballot boxes in safe custody until the commencement of the counting of votes.

CHAPTER V
Counting of Votes

29. Counting of votes :—

Counting of votes shall be taken up as soon as possible after the close of the poll and the Returning Officer shall inform the date, place and time of counting to the candidates or their election agents. The Returning Officer may appoint any person or persons as may be necessary to assist him in the counting of votes.

30. Authorised persons at the counting of votes :—

No person shall be allowed to be present at the counting of votes except the candidate or his election agent where the candidate is absent and the Returning Officer and such persons as the Returning Officer may have appointed to assist him in the counting of vote.

31. Suspension of counting of votes :—

If due to any reason beyond control, the counting of votes has to be delayed for any period resulting in the dispersion of the candidates and the election staff from the booth or the place appointed in its stead, the ballot boxes shall be closed by pasting with an adhesive and wax sealing device. The boxes shall be reopened at the next counting of votes.

32. Equality of votes :—

In the case of equality of votes the Returning Officer shall decide membership between those candidates by drawing lots.

33. Publication of election result :—

The list of candidates elect shall be published in the Gazette.

CHAPTER VI Election Petitions

34. Submission of election petitions :

A petition challenging the validity of any election may be submitted by a candidate and no one else to the Executive Committee or any officer appointed by it for the purpose, within thirty days of the declaration of the election results by the Returning Officer of the constituency concerned, attaching to the petition, an official receipt of the District Council showing that a deposit of Rs. 50/- as security for the cost of hearing of the petition has been made. Such deposit shall be forfeited to the District Council in case the petition fails. If, however, the petition succeeds, the deposit shall be refunded.

35. Withdrawal of election petition :—

If an election petition is withdrawn within 14 (fourteen) days from the date of filing the security deposit shall be refunded. If an election petition is withdrawn after 14 (fourteen) days from the date of filing, the security deposit shall be forfeited to the District Council.

36. Disposal of election petition :—

The Executive Committee shall constitute an election tribunal to hear and dispose of all election petitions. The tribunal shall report its findings and decision to the Executive Committee, whereupon the Executive Committee shall notify the decision of the tribunal.

CHAPTER VII Corrupt Practices

37. Corrupt practices :—

(1) The following shall be deemed to be corrupt practices for the purposes of election to the Village Council :—

- (i) Bribery ;
- (ii) Undue influence ;
- (iii) Personation ;
- (iv) Removal of ballot paper ;
- (v) Publications of false statement ;
- (vi) Use of, or appeal to religious and national symbols as defined in Chapter IX of Part IV of the Mizoram Autonomous District Councils (Constitution and Conduct of Business of District Councils) Rules, 1974.

(2) The corrupt practices enumerated in sub-rule (1) will entail disqualification for a voter or candidate or his agent, as the case may be.

CHAPTER VIII
Electoral Offices

38. Public meeting :—

No person shall convene, hold, or participate in, any public meeting or any assembly for self or for any candidate on the date on which poll is taken for election to Village Councils.

39. Maintenance of secrecy :—

Every officer, clerk or agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain the secrecy of the voting.

40. Prohibition of interference while polling :—

No person shall interfere in any way with the work of the Returning Officer or other officers employed for the conduct of elections to Village Councils.

41. Contravention of any provisions :—

Any person who contravenes any of the provisions of rules 38 to 40 shall be punishable with fine which may extend to five hundred rupees.

CHAPTER IX

Power of Returning Officer

42. No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Returning Officer or by any other person appointed under these rules in connection with an election.

CHAPTER X

Repeal

43. Repeal and Savings :—

(1) The Pawi-Lakher Regional Council (Election to Village Councils) Rules, 1955 are hereby repealed.

(2) Notwithstanding such repeal, any action taken or proceedings made under those rules shall, in so far as it is not inconsistent with the provisions of these rules, be deemed to have been taken or made under these rules.

APPENDIX
List of Symbols
(Under rule 15)

- | | |
|------------|---------------|
| 1. Axo | 9. Maize |
| 2. Cat | 10. Mug |
| 3. Cook | 11. Necklace |
| 4. Dao | 12. Pot |
| 5. Dog | 13. Pumpkin |
| 6. Hat | 14. Spoon |
| 7. Leaf | 15. Umbrella. |
| 8. Lantern | |

(HRANGHLUTA)
Chief Executive Member,
Pawi District Council, Lawngtlal.