



# The Mizoram Gazette

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## NOTIFICATION

### THE MARA AUTONOMOUS DISTRICT (ELECTION TO VILLAGE COUNCILS) RULES, 1991.

In exercise of the power conferred by section 29 of the Lakher Autonomous Districts (Village Councils) Act, 1974, read with Sub-Section (3) of Section 3 thereof, the Executive Committee of the Mara Autonomous District Council, with the previous approval of the Governor of Mizoram, is pleased to make the following Rules for conducting village Council election.

#### CHAPTER-I PRELIMINARY

#### 1. SHORT TITLE EXTENT AND COMMENCEMENT:-

- (I) These rules may be called the Mara Autonomous District (Election to Village Councils) Rules, 1991.
- (II) They shall extent to the whole of Mara Autonomous District.
- (III) They shall come into force with effect from the date of their publication in the official gazette.

#### 2. DEFINITIONS:- In these rules, unless the context otherwise requires,

- (a) "Constituency" means so much of the area as is included within the jurisdiction of a village council;
- (b) "Court" means the courts, except the village courts constituted under the provisions of the Lakher Autonomous District (Administration of Justice) Rules, 1981;

- (c) "District" means Mara Autonomous District;
- (d) "District" Council" means Mara Autonomous District Council;
- (e) "Election" means an election to fill a seat or seats in the village Council;
- (f) "Election Officer" means the officer appointed by the Executive Committee to prepare an electoral Roll of the Constituency;
- (g) "Elector" in relation to a constituency means a person whose name is for the time being entered in the Electoral Roll;
- (h) "Electoral Roll" means the Electoral Roll of a constituency of the Mara Autonomous District Council as modified and amended by the Executive Committee which shall include the names of all persons who are bona-fide resident and entitled to vote for election to the village council;
- (i) "Executive Committee" means the Executive Committee of the Mara Autonomous District Council;
- (j) "Governor" means the Governor of Mizoram;
- (k) "Presiding Officer" means the Officer appointed by the Executive Committee of the Mara District Council for conducting the election in a polling station and may include the Returning Officer if the Executive Committee directs that the Functions of both Returning Officer and Presiding Officer shall be performed by the same person;
- (l) "Returning Officer" means any officer appointed by the Executive Committee for conducting the election to the constituency;
- (m) "Village" means a village or villages declared to form a Village Council;
- (n) "Village Council" means a village council as such declared by the Executive Committee under sub-section (i) of section 3 of Chapter II of the Lakher Autonomous (Village Councils) Act, 1974.

## CHAPTER—II GENERAL PROVISIONS

### 3. HOLDING OF GENERAL ELECTION:-

- (a) All elections to the village councils, on the expiration of the term of village council or on its dissolution shall be held under the provisions of these Rules;
- (b) The names of the constituencies with the number of members fixed by the Executive Committee, shall be notified for public information;
- (c) There shall be an electoral roll for every constituency ;

- (d) The electoral roll of a constituency of the Mara Autonomous District Council as and where corrected and revised by the Executive Committee shall be the electoral roll for election to village Council;
- (e) It shall be the general duty of the election Officer for preparation, revision and correction of all electoral rolls of constituency.

Provided that the Election Officer shall make a list of persons whose names are to be struck off, re-instatement or inclusion in the electoral roll as the case may be, and cause it to be hung up in the notice board.

Any person entered in the list may lodge an objection against his name being struck off from the Electoral roll or a claim against the name of a person being admitted within a period of 7 days from the date on which the list is hung up. Election officer or any other officer authorised by him in this behalf, shall dispose of such objected or claim petition.

4. **APPOINTMENT OF OFFICERS :-** The Executive Committee shall appoint election officer, Returning Officer or officers and other officers for the purpose of election.
5. **DATE OF ELECTION :-** (1) The Executive Committee shall; by Notification, call upon the constituencies concerned to elect member or members of village council and member or members to be elected or nominated and shall also appoint the date or dates for such election in each constituency simultaneously or consecutively according to the convenience. The election officer may, however, cause an election to be held on such date before or after the date appointed 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 Election Officer at least seven (7) days before the date so fixed for election.
6. **PUBLICATION OF THE NAMES OF MEMBER OF THE VILLAGE COUNCIL :-** The names of member elected and nominated for 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 vacancies in the village council or councils in respect of a nominated seat or seats shall be filled by the Executive Committee.
- (2) A seat or seats and casual vacancy or vacancies in the village council or councils in respect of an elected seat or seats shall be filled up by means of a by election.
8. **DISQUALIFICATION OF MEMBER :-** The seat of any member who is found to be disqualified after his election may be declared vacant by the Executive Committee and filled up under the provisions of these rules.
9. **RETURNING OFFICER :-** It shall be the duty of 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 for the elections.

## CHAPTER — 11

### CANDIDATES.

11. **QUALIFICATIONS FOR ELECTION AND SCRUTINY OF CANDIDATURE:-**

(1) Any person whose name is included in the electoral roll of the constituency and, who is not otherwise, disqualified under section 4 of the Mara Autonomous District Council (Village Councils) Act, 1974 may, inform the Returning Officer, in writing, alongwith a fee of Rs.20/- of his intention to be a candidate for election to a village council under a particular date to be notified in this behalf by the Returning Officer. The scrutiny of candidate shall be taken up by the Returning Officer in the respectively constituency on the date and time to be notified by him. (b) A person shall be disqualified for being elected as member of Legislative Assembly and Member of Parliament and for being Member of the District Council of an Autonomous District Council, (c) If he holds any office of profit under the Government of a state or of a District Council.

12. **WITHDRAWAL OF CANDIDATURE :-** The Returning Officer may accept the withdrawal of any candidate before the scrutiny of the candidate takes place and refund the security deposit as here-in-after provided.
13. **SECURITY DEPOSIT REFUNDS OF FORFEITURE :** A candidate shall furnish security deposit of Rs. 25/- to the Returning Officer alongwith his application for candidature which will be refunded in the event of the withdrawals of his candidature or at the earliest date after conclusion of the election.

Provided that the deposit of candidate, who is not elected and whose number of votes polls does not exceed one-sixth of the total number of votes casted, shall be forfeited to the District Council.

14. **ELECTION BY SYMBOL :-** Each candidate shall select a symbol out of those prescribed in Appendix I to represent him in the election shall be conducted by symbol. If more candidates than one select symbol, the Returning Officer shall decide by lot to whom of those candidates the symbol will be assigned. The decision of the Returning Officer in assigning any symbol to a candidate under these rules shall be final.
15. **PREPARATION AND PUBLICATION OF THE LIST OF VALID CANDIDATES :-** After scrutiny of candidature, the Returning Officer shall prepare a list showing the names of valid candidates and publish in the manner he thinks fit and a poll shall be taken in the manner prescribed in these Rules.

16. (1) **WHEN NUMBER OF VALID CANDIDATES IS EQUAL TO NUMBER OF SEATS :-** If the number of valid candidates in a constituency is equal to the number of elected seats to be such candidates to be elected member to fill those seats in the village council.

(2) **When 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 member to fill as many of those elected seats. 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 times as may be specified in notification.

#### CHAPTER - IV

#### VOTING

17. **ARRANGEMENT OF VOTING :-** There shall be one or more Polling station as the case may be, for each constituency. The Returning Officer or any officer appointed by him shall make all arrangement for the conduct of the election.
18. **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.
19. **NO VOTE BY PROXY :-** Every voter shall record his vote at the Polling booth by him/herself only and no vote by proxy otherwise shall be accepted whatsoever.
20. **HOURS OF POLL :-** The Returning Officer shall fix the hours for polling votes.
21. **BALLOT BOXES :-** Just before polling is started, the empty ballot boxes with their respective symbols and names of the candidates fixed on them, shall be shown to the persons present at the polling station. The ballot boxes will then be closed by posting with an adhesive and wax sealing device.
22. **BALLOT PAPER :-** Before the ballot paper are issued to an elector at a polling station, such official mark or distinguishing mark, as may be specified in this behalf, shall be given on the ballot papers. Each voter shall be given as many ballot papers as the seats to be filled.
23. **RECORD OF VOTES :-** Each voter shall cast his/her vote by dropping only one ballot papers in each box affixing the symbol assigned to the candidate/candidate of his choice.

Provided that if for any reason, a voter does not want to use his ballot paper/paper 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 one candidate, than at the time of counting of vote only one vote shall be taken into account and all other votes given by him to such candidates shall be rejected as valid.

24. **HELPING OF VOTER :-** If, owing to blindness or other infirmity, an elector is unable to read the symbol on the ballot box or is physically incapable of putting the ballot paper into the ballot box, any person selected by the voter shall accompany him/her and shall cast the vote into the ballot box or boxes such candidate or candidates whom the voter desires to vote in the presence of the presiding Officer. The presiding Officer shall have this done with as much secrecy as possible and shall keep a record of such instances.
25. **SPOILT BALLOT PAPERS :-** If the 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.
26. **SUSPENSION OF VOTING :-** If due to any person beyond control, the polling of votes has to be stopped resulting in the dispersion of the voters or the candidates or the election officers within the hour prescribed or before all the votes 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 Returning Officer.
27. **CLOSING BALLOT BOXES AFTER POLL :-** As soon as practicable after the closure of the poll, the Presiding Officer shall, in the presence of 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 commencement of the counting of votes.

## CHAPTER - V

### COUNTING OF VOTES

28. **COUNTING OF VOTES :-** Counting of votes shall be taken up as soon as possible after the close of the poll the Returning Officer shall inform the date, place and time of counting to the candidates or their election agents and the Returning officer may appoint any person or persons, as may necessary to assist him in the counting of votes.
29. **AUTHORISED PERSON, 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.
30. **SUSPENSION OF COUNTING OF VOTES :-** If due to any circumstances beyond control, the counting of votes has to be delayed for any period the ballot boxes shall be closed by pasting an adhesive wax with sealing device. The boxes shall be re-opened in the next time held for counting of votes.

31. **DISPOSAL OF COMPLAINT :-** Any protest against the result, shall be filled in writing to the Returning Officer within three hours of announcement of the result. The Presiding Officer shall examine the circumstances connected with the complaint and shall reply in writing. Failing the satisfy, the party may file an election Petition to the Returning Officer through the Presiding Officer concerned,
32. **EQUALITY OF VOTES :-** In the case of equality of votes, membership shall be decided by drawing of lots by the Presiding Officer in the presence of the candidates or election agents.
33. **ELECTION RESULT DECLARATION -** Result of the election shall be declared/announced by the Presiding Officer as soon as possible, after the counting is over. List of the elected candidates shall be published in the Mizoram Gazette.

#### CHAPTER - VI

#### ELECTION PETITION

34. **SUBMISSION OF ELECTION PETITION :-** A petition challenging the validity of any election may be submitted by a candidate and no one else to the Returning Officer through the Presiding Officer concerned within 30 (thirty) days of the declaration of the election results by the Presiding Officer of the constituency concerned, attaching to the petition, and official receipt of the District Council showing that a deposit of a sum of Rs. 100/- 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 it, however, the petition succeeds, the deposit shall be refunded.
35. **WITHDRAWAL OF ELECTION PETITION :-** If an election petition is withdrawn within fourteen days from the date of filing the security deposit shall be refunded. If an election petition is withdrawn after 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 Election Tribunal to hear and dispose of all election petitions. The tribunal shall report its finding and decisions to the Executive Committee whereupon the Executive Committee shall notify the decision of the tribunal.

#### CHAPTER - VII

37. **CORRUPT PRACTICES :-** (1) The following shall be deemed to be corrupt practices for the purpose of election to the village Council. (i) Bribery (ii) Undue influence (iii) Impersonation (iv) Removal of ballot paper (v) Publication of false statement (vi) Use of or appeal to religious and national

symbols as defined in Chapter IX of the Mizoram Autonomous District Councils (Constitution and conduct of Business of the 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 OFFENCES

38. **PUBLIC MEETING :-** No person shall convene, hold or participate in any public meeting, canvas 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 Presiding Officer or other officers employed for conduct of elections to the village Councils.
41. **CONTRAVENTION OF ANY PROVISION :-** Any person who contravenes any of the provisions of rules 38, 39 and 40 shall be punishable with fine which may extend to one hundred rupees.

## CHAPTER-IX

### POWER OF RETURNING OFFICER

42. **POWER OF RETURNING OFFICER:-** No civil court shall have jurisdiction to question to legality of any action taken or any decision given by the Returning Officer or by any other person appointed under these Rules in connection with an election.

## CHAPTER-X

### MISCELLANOUS PROVISION.

43. **POWER TO AMEND REPEAL ETC:-** The Executive Committee may, with the approval of the Governor, make amendment or repeal any or all of the aforesaid rules at the time.
44. **REPEAL AND SAVINGS:-** (1) The Pawi-Lakher Regional Council (Election to village Councils) Rules, 1955 hereby repealed.



(2) Notwithstanding such repeal, any action taken or proceedings made under those rules so repealed 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.

S. Pailei,  
Executive Member, (LAD)  
Mara Autonomous District Council  
S I A H A.

: APPENDIX - I :

( See rule - 14 )

: LIST OF SYMBOLS :

- |     |   |              |
|-----|---|--------------|
| 1)  | - | Pumpkin      |
| 2)  | - | Maize        |
| 3)  | - | Cock         |
| 4)  | - | Pot          |
| 5)  | - | Dao          |
| 6)  | - | Knife        |
| 7)  | - | Cup          |
| 8)  | - | Umbrella     |
| 9)  | - | Small basket |
| 10) | - | Box          |
| 11) | - | Smoking pipe |
| 12) | - | Neck'ace     |
| 13) | - | Spoon        |
| 14) | - | Plate        |
| 15) | - | An-ox.       |

S. Pailei,  
Executive Member, (LAD)  
Mara Autonomous District Council,  
S I A H A.

I do hereby certify that the above bill, namely, the Mara Autonomous District Council (ELECTION TO VILLAGE COUNCIL) Rules, 1991

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was passed by the Mara Autonomous District Council in its meeting held on Dated 2nd Dec 1991

And

in authentication thereof, I give my signature, this day the 9th December, 1991, Anno Domini

Dated Siah,  
the 9th Dec. 1991.

K. PAICHHO  
Chairman,  
Mara Autonomus District Council,  
S I A H A.

I assent to the above bill.

Date: \_\_\_\_\_199\_\_\_\_\_

SWARAJ KAUSHAL  
Governor  
Administrator  
MIZORAM.