



# The Mizoram Gazette

## EXTRA ORDINARY

### *Published by Authority*

Regn. No. NE-313(MZ)

Rs. 2/- per issue

VOL - XXXVII Aizawl, Tuesday 26.8.2008 Bhadra 4, S.E. 1930, Issue No.329

#### NOTIFICATION

**No. B. 13017/11/2008-UD&PA(M), the 26<sup>th</sup> August, 2008.** In exercise of the powers conferred by sub-section (1) of section 345 of the Mizoram Municipalities Act, 2007, the Government of Mizoram makes the following rules to constitute Mizoram State Election Commission for superintendence, direction and control of the preparation of Electoral Rolls and for the conduct of election of various local bodies in the state; namely :-

1. **SHORT TITLE AND COMMENCEMENT :-**

- (1) These rules may be called the Mizoram Constitution of State Election Commission Rules, 2008.
- (2) They shall come into force from the date of their publication in the Mizoram Gazette.

2. **DEFINITION :-**

- (1) In these rules, unless the context otherwise requires :-
  - (a) "Act" means the Mizoram Municipalities Act, 2007;
  - (b) "Commission" means the State Election Commission referred to in Section 342 of the Act.
  - (c) "Local bodies" means the Municipalities, Autonomous District Councils and Panchayats and Village Councils.
- (2) The expressions used in these rules and not otherwise defined shall have the same meaning as respectively assigned to them in the Act.

3. **CONSTITUTION OF ELECTION COMMISSION :-**

- (1) The Governor shall constitute a State Election Commission for superintendence, direction and control of the preparation, revision and correction of electoral rolls and for conduct of all elections to the various local bodies in the State.
- (2) The Governor shall, on the recommendation of the State Government, appoint a State Election Commissioner by publication in the Official Gazette;

Provided that a person shall not be qualified for appointment as a State Election Commissioner, unless he holds or has held office in the rank of Secretary in the State Government.

- (3) The State Election Commissioner shall hold office for a term of 3 years from the date on which he enters upon his office or till he attains the age of 65 years, whichever is earlier.
- (4) The State Election Commissioner may, by writing under his signature addressed to the Governor, resign his office.
- (5) The State Election Commissioner shall not be removed from his office except in like manner and on the like ground as a Judge of the High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.
- (6) A person who holds office of the State Election Commissioner shall be ineligible for reappointment to that office if he has been removed from that office before the expiry of tenure.

4. CESSATION FROM GOVERNMENT SERVICE :-

A person who, on the date of his appointment as the state Election Commissioner, was holding any post under the Central Government or any State Government, shall be deemed to have retired from such post with effect from the date on which he assumes the office of such Commissioner.

5. REMUNERATION/ALLOWANCES OF THE STATE ELECTION COMMISSIONER :-

The State Election Commissioner will be entitled to such salary and allowances as may be fixed by the State Government;

Provided that if the State Election Commissioner, at the time of his appointment as such, is in the receipt of any pension other than a disability or wound pension in connection with any previous service under the Central Government or any State Government, his salary to be drawn in the capacity of the State Election Commissioner shall be reduced by the amount of that pension including any portion of the pension which was commuted, and other forms of retirement benefits excluding the retirement gratuity.

Provided further that the conditions of service relating to travelling allowances, rent free accommodation and conveyance facilities and other conditions of services as are, for the time being, applicable to Chairman, Mizoram Public Service Commission to the State Government shall be applicable to the State Election Commissioner.

6. LEAVE :-

A State Election Commissioner shall be entitled to leave benefits as admissible to Chairman, Mizoram Public Service Commission or his equivalent in the State Government.

7. TRAVELLING ALLOWANCES :-

- (1) A State Election Commissioner shall be entitled to draw Travelling Allowances and Daily Allowances as admissible to Chairman, Mizoram Public Service Commission or his equivalent in the State Government, while on tour on duty in connection with his office.
- (2) A State Election Commissioner may avail of Leave Travel Concession as admissible to Chairman, Mizoram Public Service Commission or his equivalent in the State Government.
- (3) The Fundamental Rules and the Subsidiary Rules as applicable on adaptation to the State Government employees of Mizoram, shall regulate the grant and drawal of Travelling Allowances and Daily Allowances, grant of leave and other residuary matters relating to a State Election Commissioner.
- (4) A State Election Commissioner shall be entitled to medical benefits as admissible to Chairman, Mizoram Public Service Commission or his equivalent in the State Government.

8. HEADQUARTERS, ACCOMMODATION ETC. FOR STATE ELECTION COMMISSIONER :-

The headquarters of the State Election Commissioner shall be in the State Capital, and the State Government shall provide office accommodation and such other amenities as may be required by the State Election Commissioner for discharging his duties effectively.

9. REMOVAL OF DIFFICULTIES :-

If any difficulties arises in giving effect to the provision of these rules, as occasion may require, the State Government may, by order, do anything not inconsistent with the provisions of the Act or of these Rules, which appears to be necessary for the purpose of removing difficulties.

By order of the Government,

Sd/-

Chief Secretary to the Government of Mizoram.