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NOTIFICATION

No.B.13017/39/2010-UD&PA(M), the 10th August, 2015. In exercise of the power conferred by section 6 of the Mizoram Municipal Authorities (Prohibition of Defection) Act, 2011, the Governor of Mizoram is pleased to make the following Rules, namely, The Mizoram Municipal Authorities (Prohibition of Defection) Rules, 2015.

Dr.C.Vanlalramsanga,
Secretary to the Govt. of Mizoram,
Urban Development & Poverty Alleviation Deptt.

The Mizoram Municipal Authorities (Prohibition of Defection) Rules, 2015

In exercise of the power conferred by Section 6 of the Mizoram Municipal Authorities (Prohibition of Defection) Act, 2011, the Governor of Mizoram is pleased to make the following Rules, namely:-

1. Short title and commencement-

(1) These Rules shall be called **The Mizoram Municipal Authorities (Prohibition of Defection) Rules, 2015**.

(2) It shall come into force from the date of its publication in the Mizoram Gazette.

2. Definitions-

In these Rules, unless the context otherwise requires-

(a) **'Act'** means the Mizoram Municipal Authorities (Prohibition of Defection) Act 2011 (Act No. 14 of 2011)

(b) **'Chairman'** means :

(i) In the case of a Municipal Council, The Chairman of the Municipal Council.

(ii) In the case of a Municipal Board, the Chairman of the Municipal Board.

(c) **'Designated Authority'** means an authority appointed by the Government

(d) **'Form'** means a form appended to these Rules.

(e) **'Group'** in relation to Municipality means any Group of Councillors of any Political Party(s).

(f) **'Leader'** in relation to a Group of Councillors, means an elected Councillor of the political party chosen and authorized by a political party to discharge the functions of a Leader of that Group in the Municipality.

(g) **'Secretary'** means the Secretary to the Government of Mizoram, Urban Development & Poverty Alleviation Department as appointed by the Government from time to time.

(h) Words and expression used in the Act and not defined in these Rules, shall have the same meaning as assigned to them in the Act.

3. Information to be furnished by the Leader of a Group-

(1) The Leader of each Group of Councillors, including Independent Groups, shall as soon as may be after its formation, furnish to the Deputy Commissioner a statement (in writing) containing the names of Members of such Group together with other particulars regarding such Members as in 'Form-I' and the names and designation of the Members of such Group who have been authorized by it for communicating with the Deputy Commissioner for the purpose of these Rules.

(2) In the event of any increase or decrease in the strength of a Group, or any other changes, the Leader of such Group shall immediately communicate to the Deputy Commissioner accordingly.

(3) The formation of a Group of Councillors of any party shall be notified in such manner as may be directed by the Deputy Commissioner.

4. *Complaints on Defection of Members-*

- (1) No reference of any question shall be made except by a complaint, as to whether a Member has become subject to disqualification under the provision of the Act, in accordance with the provisions of these rules as in **'Form - II'**.
- (2) A complaint in relation to any Member may be made to the Chief Executive Officer by any other Member of the Council/Board.
- (3) Every complaint shall contain a concise statement of the material facts on which the complainant relies and shall be accompanied by copies of the documentary evidence, if any, on which the complainant relies.
- (4) Every complaint shall be signed by the complainant and verified in the manner set down in **'Form - II (a)'**.
- (5) Every annexure to the complaint shall also be authenticated and signed by the complainant.
- (6) A complaint on ground of defection against any Member may, at any time, be withdrawn by the complainant, provided he/she does so before the disposal of the complaint by the Designated Authority as provided in sub-rule 2 of Rule 5.

5. **Procedure-**

- (1) On receipt of a complaint under Rule 4, the Chief Executive Officer shall consider whether the complaint complies with the requirements of that Rule.
- (2) The Chief Executive Officer of the concerned local authority shall, within twenty - four hours from the receipt of such complaint, refer the same for decision :-
 - (a) in the case of Municipal Council, to the State Election Commissioner;
 - (b) in the case of Municipal Board, to the Deputy Commissioner;

who shall decide the question within 30 (thirty) days after the receipt of the complaint by him/her of the reference and his/her decision shall be final.
- (3) If the complaint does not comply with the requirements of Rule 4, the Deputy Commissioner/State Election Commissioner shall have the power to dismiss the complaint, and intimation of such dismissal, if any, shall be made to the complainant.
- (4) If the complaint complies with the requirements of Rule 4, the Deputy Commissioner/State Election Commissioner shall cause copies of the complaint and of the annexure(s) thereof to be forwarded-
 - (a) to the Members in relation to whom the complaint has been made; and
 - (b) where such Member belongs to any Group and such complaint has not been made by the Leader thereof, also to such Leader and such Member or Leader shall, within seven days of the receipt of such copies, or within such further period as the Deputy Commissioner/State Election Commissioner may for sufficient cause allow, forward his comments in writing thereon to the Deputy Commissioner/State Election Commissioner.

6. Procedure for Disposal of Complaints-

- (1) The Designated Authority shall not come to any finding that the Member concerned has become subject to disqualification under the provision of the Act, without affording a reasonable opportunity to such Member to represent his case and to be heard in person.
- (2) At the conclusion of the consideration of the complaint, the Designated Authority shall by order in writing :-
 - (a) dismiss the complaint, or
 - (b) declare that the member in relation to whom the complaint has been made has become subject to disqualification under the Act and cause a copy of the order to be delivered or forwarded to the Secretary, the complainant, the Member in relation to whom the complaint has been made and to the Leader of the Group concerned.
- (3) Every decision declaring a Member to have become subject to disqualification under the Act shall be reported for information of the Council/Board forthwith if the Council/Board is in meeting, and if the Council/Board is not in meeting, immediately after the Council/Board reassembles.
- (4) An order referred to in sub-rule (2) (b) shall be notified and published in the Official Gazette and copies of such order shall be conveyed to the Secretary.

The Mizoram Municipal Authorities (Prohibition of Defection) Rules, 2015

FORM - I
(Rule - 3)

Name of the Group : _____

Sl. No.	Name of Councillor	Ward No. & Name	Political Affiliation	Designation in the Group	Contact No.

In the event of any change in the information above, I undertake to immediately communicate to the Deputy Commissioner accordingly.

Place : _____

Date : _____

Signature of the Leader of the Group

The Mizoram Municipal Authorities (Prohibition of Defection) Rules, 2015

FORM - II

(Rule - 4)

To,

The Chief Executive Officer,
_____ Municipal Council/Board

Subject : A Complaint on defection of Members.

Sir / Madam,

(Para I) With reference to the subject cited above, I have the honour to submit herewith a complaint on defection of Mr./Mrs./Ms. _____ from his/her Membership as Councillor from _____ (*Name of Ward & No.*), _____ (Name of Town), _____ District.

(Para 2)..... (*insert statement of case paragraph wise*)

(Para 3).....

(Para 4).....

Accordingly I/we pray(s) that Mr./Mrs./Ms _____ be proceeded with in accordance with the Mizoram Municipal Authorities (Prohibition of Defection) Act, 2011 (Act No. 14 of 2011).

Place : _____

Date : _____

Signature of Complainant 1 _____

Complainant 2 _____

Complainant 3 _____ etc.

The Mizoram Municipal Authorities (Prohibition of Defection) Rules, 2015**CERTIFICATE OF VERIFICATION****(Enclosure to *Form - II(a)*)**

Paragraph - I -_____ ... is/are true to my/our knowledge.

Paragraph - 2 - ..._____ ... is/are matters of record which I/we believe to be true

..... etc ...

And the rest are my/our humble submission to you.

Place : _____

Date : _____

Signature of Complainant 1 _____

Complainant 2 _____

Complainant 3 _____ etc.