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### GOVERNMENT OF MIZORAM

#### PART I

Appointments, Postings, Transfers, Powers, Leave and other  
Personal Notices and Orders

#### ORDER

No HMP. 4/78/44-A: 30th August, 1979 - Lt. Governor of Mizoram is pleased to release Shri A.D' Souza PS, SP/CID, Aizawl with effect from 3.9.79 (A/N) on his posting to the Government of Pondicherry vide Ministry of Home Affairs Signal No. U-14020/L/79-UTS dt. 25.6.1979.

2. Shri A.D' Souza will hand over charge to Shri B.N. Chaturvedi, SP(OPS) who will hold charge of the post of SP, SB/ CID in addition to his own duties till such time Shri B.K. Gupta, IPS resumes duty on his transfer to Mizoram.

3. Sari A.D' Souza on being released by this Govt. will report to Chief Secretary, Government of Pondicherry for posting.

Madan jha  
Secretary to the Govt. of Mizoram,  
Home Department.

#### CORRIGENDUM

No. VET 88/79/7, the 30th August, 1979. The member "Deputy Secretary, A.H. & Vety" appearing in the Notification No VET 88/79/6 dated the 22nd Aug. 1979 should be read as "Deputy Director, A.H. & Vety-Member/Secretary".

Deputy Secretary,  
to the Govt. of Mizoram.

## N O T I F I C A T I O N S

No. MAP.43/75/31, the 31st. July, 1979. 45 (fortyfive) days of Earned Leave on private grounds is granted to Shri Keihawla, A.O, (G), N. Vanlaipbai with effect from 2. 8. 79 to 15. 9. 1979 both days inclusive under C.C.S. (Leave). Rules 1972.

Certified that the Officer will have continued to hold his post but for his proceeding on leave and on expiry of his leave, he is likely to return to the same post from where he proceeded on leave.

By order, etc.

Suakkunga,  
Under Secy. to the Govt. of Mizoram,  
Appointment 'A' Department.

No. LIE.3/78-79/86, the 29th Aug., 1979. In the interest of public service, the Lt. Governor (Administrator) of Mizoram is pleased to transfer Shri Lalremruata, Judicial Officer Class II, Subordinate District Council Court, Aizawl and post him as Judicial Officer (Magistrate) Class II in the Additional Subordinate District Council Court, Aizawl with immediate effect temporarily and until further order.

The posting is made against the permanent sanctioned post of Judicial Officer (Magistrate) vide Govt. Order No. MAP. 138/72 dated 4.8.1973.

J.W. Sundara Raj,  
Secy. to the Government of Mizoram.

No. MAP. 15/73/118 : the 30th Aug., 1979 Subject to admissibility of leave, the Lt. Governor (administrator) Mizoram is pleased to grant 83 (eighty three) days Earned Leave on Medical ground to Shri R. Bhattacharjee, S.D.O. Lawngtlai under C.C.S. (Leave) Rules 1972 as amended from time to time, with effect from 16.10.78 to 6.1.1979.

Certified that the Officer would have continued to hold the post but for his proceeding on leave and on expiry of his leave, he is likely to return to the same post from where he proceeded on leave.

No. MHE. 30/75-76/93 :30th Aug 1979 The Lt. Governor of Mizoram is pleased to grant 20 (twenty) days Earned Leave to Dr. T. Selbuanga, Joint Director of Health Services, Aizawl on private affairs from 7. 7. 1979 to 26. 7 1979 under C.C.S. (Leave) Rules 1972. as ammended from time to time.

2.The officer would have continued to hold the same post but for his proceeding onleave.

No. MHE.68/75/pt/62, the 30th August, 1979. Earned Leave for 60 (Sixty) days is granted to Dr. P.S.K. Prasad Raju A.S—I. with effect from 1.6.1979 on medical ground under C.C.S (Leave) Rules 1972 as ammended from time to time,

2. The Doctor would have continued to hold the same post but for his proceeding on leave.  
 3. On expiry of this leave, the doctor would have 19 (nineteen) days Earned Leave at his credit.

No. AAG. 122/77/92 : 31st Aug., 1979 Under Rules 8 and 15 of the rules for the regulation of the procedure of Officers appointed to administer justice in the Lushai Hills, published vide Notification No. 2530 (A) A.P. dated 25th March, 1937, The Lt. Governor (Administrator) of Mizoram is pleased to appoint Shri. C S. Kapliana, Sub-Deputy Magistrate, Lawngtlai as Assistant to Deputy Commissioner, Chhimtuipui District and further to invest him under Rules 9 of the aforesaid Rules with the powers analogous to the powers of Judicial Magistrate of the Second Class as defined in the Code of Criminal Procedure, 1973 (Act. No. 2 of 1974).

No. AAG. 122/77/91, the 30th August, 1979 : Under Rules 8 and 15 of the rules for the regulation of the procedure of officers appointed to administer justice in the Lushai Hills, published vide Notification No. 2530 (A) A.P. dated 25th March, 1937, the Lt. Governor (Administrator) of Mizoram is pleased to appoint Shri Rohmingliana, Sub-Deputy Magistrate, Mamit, as Assistant to Deputy Commissioner Aizawl, and further to invest him under Rule 9 of the aforesaid Rules with the powers analogous to the powers of a Judicial Magistrate of the Second Class as defined in the Code of Criminal Procedure, 1973 (Act No 2 of 1974).

No. MHE. 31/75-76/55, the 29th August, 1979. The Lt. Governor of Mizoram is pleased to allow Dr. Zokhawmuana, Specialist (Gynaecologist) to enjoy the scale of pay of Rs. 900-40-1100-EB-50-1400/- p.m. with effect from 4.5.1979.  
 2. This issues with the concurrence of Finance Deptt. vide their U.O. No. FIN (E) 48/79 dated 23.7.1979.

M. Lalmanzuala,  
 Secretary to the Govt. of Mizoram.

No. PW/PF-137/78/44, the 27th August, 79. In continuation of this Department's Notification No. PW/PF-137/78/33 dated 1.5.79 and subject to admissibility of leave, the Lt. Governor of Mizoram is pleased to grant extension of Earned Leave for 7 days with effect from 3.6.79 to 9.6.79 to Shri S B. Gopala Krishna Executive Engineer, Aizawl Building project Division on or as admissible under the C.G.S. (Revised) Leave Rules, 1972 as amended from time to time.

Certified that the officer would have continued to hold the same post but for his proceeding on leave.

No. PW/PF-137/78/44-A : The Lt. Governor further pleased to order that during the leave period of Shri S.B. Gopala Krishna, Shri A.K. Das, Executive Engineer, Aizawl Building Division will take over charge of Aizawl Building project Division in addition to his own duties.

No. PW/PF. 112/77/27, the 27th August '79. The Lt. Governor of Mizoram is pleased to grant Earned Leave for 30 days with effect from

the date of availing the leave to Shri H.D. Arora Assistant Engineer attached to Superintending Engineer PWD's Office, Aizawl on private affairs as admissible under the C.C.S. (Revised) Leave Rules, 1972 as amended from time to time.

Certified that the officer would have continued to hold the same post but for his proceeding on leave.

No. PHE. 264/78/18, the 27th August '79. Shri E.K. Nambudiri S.D.O. (PHE) Serchhip Sub-Division is granted Earned Leave for 44 days with effect from 16.8.79 to 28.9.79 under the Revised Leave Rules 1972 as amended from time to time.

The officer would have continued to hold the same post but for his proceeding on leave and there is every likelihood of his returning to the same post from where he proceeded on leave.

No. PW/PE-III/77/34, the 27th August 1979. Subject to admissibility of leave, the Lt. Governor of Mizoram is pleased to grant Earned Leave for 34 days with effect from 9.7.79 or the date of availing Earned Leave to Sri I.P.S. Verma Assistant Engineer attached to Chief Engineer's Office on private affairs as admissible under the C.C.S. (Revised) Leave Rules, 1972 as amended from time to time.

Certified that that officer would have continued to hold the same post but for the proceeding on leave.

M.C. Goswami  
Under Secy, to the Govt. of Mizoram.  
Public Works Departments.

No MHE 116/78/26: the 29th Aug. '79. Earned Leave for 2 (two) days for 6th and 7th March 1979 and extraordinary leave (without pay) for 11 (eleven) days from 8.3.1979 to 18.3.1979 is granted to Dr. Lalzarliana, Dental Surgeon on private affairs under C.C.S (Leave) Rules 1972 as amended from time to time.

2. The doctor would have continued to hold the same post but for his proceeding on leave.

No. MHE. 83/77/57: the 31st August, 1979. Commuted Leave for 15 (fifteen) days with effect from 1.8.1979 is granted to Shri Lalfakzuala, Health Education Officer, Aizawl on medical ground under C.C.S (Leave) Rules 1972 as amended from time to time.

2. The officer would have continued to hold the same post but for his proceeding on leave.

M. Lalmanzuala,  
Secretary to the Govt. of Mizoram.

No.LJE 3/78-79/81 : the 29 Aug., 1979. The Lt. Governor (Administrator) of Mizoram is pleased to promote and appoint the following Class II officer (Group (B) as Judicial Officers (Class I) under the District Council Court, Aizawl in the scale of pay of Rs. 650-30-740-35-810-EB-880-40-1100-EB-40-1200/-P.M. plus all other allowances as admissible in Mizoram from time to time from the date they take over charge till further order.

1. Shri H.C. Thanhranga  
Special Officer  
Law & Judicial Deptt.
  2. Shri Rolura Sailo  
Judicial Officer  
Class II District,  
Council Court, Aizawl
- as Judicial Officer,  
District Council Court, Aizawl.
- as Judicial Officer (Magistrate)  
Subordinate District Council Court,  
Aizawl.

The appointments are made on adhoc basis for a short period subject to regularisation in accordance with the Recruitment Rules to be approved by Government in due course, and this appointments will not bestow on the persons a claim for regular appointment and the services rendered on adhoc basis in the grade would not count for the purpose of seniority in that grade.

J. W. Sundara Raj,  
Secy. to the Government of Mizoram.

## Government of Mizoram

### PART II

Resolution, Orders, Notifications etc.  
Issued by Heads of Department and High Court.

#### O R D E R

No. LAD/A-97/77/84 the 27th August, 1979. Whereas under rule 181 of the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, Shri H. Thathrina has filed an election petition against the election of Shri K. Zahea from the Pangkhua constituency of the Pawi Autonomous District at the elections held on 1st November, 1977.

And, whereas, under sub-rule (I) of rule 185 of the said rules the District Magistrate, Lunglei, was appointed as Commissioner for hearing and disposing of the said election petition;

And, whereas, the said Commissioner has submitted his report under rule 192 of the said rules on the election petition holding that Shri K. Zahea, the re-

turned candidate has been duly elected and recommending the dismissal of the election petition with costs of Rs. 500 (Rupees five hundred) only.

Now, therefore, in exercise of the powers conferred by sub-rule (3) of rule 192 of the said rules, the Lt. Governor (Administrator) of the Union territory of Mizoram is pleased to order that Shri K. Zabea, has been duly elected from the said Pangkhua constituency and that the election petition of Shri H. Thathrina be dismissed with costs and that the petitioner Shri H. Thathrina will pay Rs 500/- (Rupees five hundred) only to the defendant Shri K. Zabea as costs.

The report of the Commissioner is appended to this order.

J. Wilson Sundara Raj,  
Secretary to the Govt. of Mizoram.

#### APPENDIX REPORT OF THE COMMISSIONER (FOR ELECTION PETITION) AND DISTRICT MAGISTRATE, LUNGLEI.

As per Govt. Notification No. LAD-A, 97/77/17 dated 31/1/78, the election petition filed by Shri H Thathrina against the election of Shri Zabea from Pangkhua constituency in the last P.D.C. Election, 1977 was heard by me. The petitioner alleged that Shri Zabea was declared elected though many electoral offences/corrupt practices were committed by him and further stated that he (the petitioner) should have been declared a returned candidate.

The electoral offences/corrupt practices said to have been committed may broadly be classified as follows:—

- (1) Non—stamping of ballot papers with 'official Marks'.
- (2) Removal of voting papers.
- (3) Appeal to religious sentiment of the voters.
- (4) Imposition of curfew on the eve of the poll.

The petitioner produced a number of witnesses before the Commissioner. In all 11 witnesses were examined (including the petitioner). The contestant declined to bring witnesses in his defence. Both the petitioner and the contestant were given chance to produce more witnesses if they wanted to, but they declined to do so:—

The above noted allegations are examined as below:—

#### (1) NON—STAMPING OF BALLOT PAPERS WITH 'OFFICIAL MARKS'.

It was alleged that there were 47 Ballot papers which do not bear 'Official Marks' in contravention of Rule 149 (3) of the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974. Bearing no 'official marks' these 40 votes were declared invalid. Out of these 47 invalid votes 42 votes were found in the box of the petitioner and 5 votes in the box of Shri Zabea, the defendant. This was alleged to have happened because of the manipulation of Shri Hreliana Chinmah, the presiding officer and Shri K Chbanhreluaia Polling Officer of Pangkhua constituency No. 8

Boat No. 1 Shri K. Chhanhreluaia is a relation of the defendant, Shri Zahea. He is the son of Shri Pakawia, brother of Shri Zahea. Their appointment as Presiding Officer and Polling Officer was also manipulated with ulterior motive through Shri Rohuaa, son-in-law of Shri Zahea who was working as UDC in the Election Branch of D. Cs Office, Saha.

It was further alleged that Thanghmana told Shri Tialthanga of Pangkhua that the ballot paper given to him by the Polling Officer and accepted by the Presiding Officer bears no 'Official Marks' Shri Zahea was also alleged to have said that this was done willingly by the Polling Officer and Presiding Officer when he was confronted and charged by Shri Tialthanga for abetting the same. This statement was witnessed by Shri Brakomana of Pangkhua Village. Again, Shri Chhankiava, V/C Member of Pangkhua stated in presence of Shri Tialthanga that Zahea will certainly be the winner even if Shri H. Thathrina, the petitioner, obtained even 20 votes more than Shri Zahea. This shows that there was secret pre-plan for violation of the Rules mentioned above.

Shri Hreliana Chinzah, the Presiding Officer for Pangkhua Polling Station, was examined. He stated that Shri Lianvuaga the 1st. Polling Officer and Shri Chhanhreluaia, the 2nd. Polling Officer who was also appointed as Asstt. Presiding officer were with him on the day of the Poll. Shri K. Chhanhreluaia was in charge of ballot papers and he was issuing them to voters after putting 'official marks' on each of them. On the polling day, at about 9 AM he took meal inside the Polling booth and in accordance with Rule 143 (2), he entrusted to Asst. Presiding Officer the duties of Presiding Officer. After about 30 minutes he resumed his charge. He then found that Shri K. Chhanhreluaia, 2nd. polling officer was putting 'official marks' on the counterfoil of ballot papers. On his questioning the 2nd. polling officer, the latter replied that as there was rush of voters he hurriedly put the 'official marks' on the counterfoils as he did not know where to put the marks on. He denied that he had arranged non-stamping of 'official marks' on the ballot papers in collusion with Shri K. Chhanhreluaia, the polling officer.

Shri K. Chhanhreluaia, the 2nd polling officer and Asst. Presiding Officer stated that the contestant, Shri Zahea is his uncle. He was in charge of ballot papers and was issuing them to voters on the polling day. He admitted that he put 'official marks' sometimes on counterfoils and sometimes on ballot papers and sometimes on both. He issued about 100 ballot papers to voters during the period when he was given charge of presiding officer (when the presiding officer was having meal). He stated that because of sudden rush of voters he had to issue ballot papers hurriedly thinking that counterfoil is a part of ballot paper. He stopped putting 'official marks' on counterfoils after being instructed by the presiding officer and did not miss stamping 'official marks' on ballot papers thereafter.

Shri Chhankiava V/C Member of Pangkhua, was accused of saying that Shri Zahea will certainly win the election even if Shri H. Thathrina obtained 20 more votes. On examination he admitted to have said that P.C. party candidate will win the election by 20/30 votes though Janata Party supporters were telling that Shri H. Thathrina will get 20 votes more than Shri Zahea. Shri Thanghmana of Pangkhua village stated that he was issued a Ballot Paper by Shri K. Chhanhreluaia, polling officer, on which 'official marks' was not stamped. Shri Tialthanga of Pangkhua also stated that he charged Shri Zahea, the contestant, with conniving with election officials in invalidating the votes by omitting to stamp 'official marks' on ballot papers. Shri Zahea was reported to have told him that he had no knowledge about it and if any such thing happened it was the responsibility of the presiding officer and the polling officers.

Shri M.B. Rai, D.C. and Returning Officer, stated that 47 votes were declared to be invalid as there was no 'official marks' on them. Shri Zahea, the defendant, secured 297 votes out of which 5 votes were declared invalid, whereas Shri H. Thathrina the petitioner secured 280

votes out of which 42 votes were declared invalid due to absence of 'official marks'. The total votes (valid thus polled in favour of Shri H. Thathrina were 238 and 292 infavour of Shri Zahea. Accordingly, Shri Zahea was declared elected. As regards the allegation of the petitioner about the manipulation of the appointment of Shri Hreliana Chinzah as presiding Officer and Shri K. Chhanhreluaia as polling officer; the Returning Officer, and Shri F. Rohnuna UDC in the Election Branch of D.C. Office, Saiha were examined. The Returning Officer stated that the appointment of presiding Officers and polling Officers were done mostly on the basis of the last Parliamentary election. He did not think that Shri F. Rohnuna manipulated their appointments. He further stated that the appointment of presiding Officers and polling officers was done on the basis of availability of Officers and Administrative convenience. Shri F. Rohnuna UDC, in Election Branch of D.C. Office, flatly denied to have manipulated appointment of S/S Hreliana Chinzah and K. Chhanhreluaia as Presiding Officer and Polling Officer respectively. He admitted that Shri Zahea, the defendant is his uncle, younger brother of his mother and Shri K. Chhanhreluaia is his distant relation.

(ii) Removal of voting papers — It was alleged that the recorded number of votes cast in Pangkhua Constituency was 586 votes, but when the votes were counted, only 577 votes were found in the ballot boxes. Therefore, 9 votes were missing which is an offence and corrupt practice as per Rule 194(4) and 20(i) of the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974. Shri Thanglawma VCP Cheural, supporter of Shri Zahea, had got one ballot paper bearing 2591 constituency No 3 from Cheural Polling Station on 1.11.1977 and showed it to the public telling them that he did not cast his vote on ground of religion and appealed to the public not to vote in the election on the ground of religion. The said ballot paper was enclosed along with the petition.

On examination, Shri Thanglawma denied to be the supporter of Shri Zahea, the defendant. He stated that he did not support any candidate. He further stated that he did not incite the public not to cast their votes on ground of religion. He admitted, however, of the charge that he took out the ballot paper issued to him without casting his vote, but he did not show the ballot paper to the people nor incite the public. Shri M.B.Rai, D.C. and Returning Officer stated that total ballot papers issued to voters in Pangkhua constituency were 587, but only 577 ballot papers were found inside ballot boxes. Thus 10 votes were missing.

(iii) Appeal to religious sentiment of the voters :

The petitioner alleged that Shri Thanglawma, VCP, Cheural, and active worker of PC's party and also campaigner of Shri Zahea taught the public not to vote in the election on ground of religion. He showed ballot paper bearing No. 2591 to the public and told them that he did not cast his vote on religious ground during voting hours. This refrained a lot of his (petitioner) voters from voting in the election which is violation of Rule 195 (5) read with 206 (1) of the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974.

On being examined, Shri Thanglawma denied to have made appeal to the voters not to cast their votes in the election. He, however, admitted to have taken out a ballot paper from polling booth without exercising his right to vote. He further denied to have shown the ballot paper to any one else.

(iv) Imposition of curfew on the eve of the Polling Day :

It was alleged that curfew was imposed the instance of Shri Thanglawma, VCP, Cheural, on the night of 31st Oct. 1977 at 6 PM. This curfew order was said to be announced by Shri Zaduuaia, village crier of Cheural village. Because of the curfew, which was enforced by the Security Forces, his (petitioner) workers and campaigners could not canvass freely whereas Shri Thanglawma and his supporters had chance to canvass freely all through the night. Under these circumstances, the election was not free and fair.

Shri Thanglawma, VCP, Cheural village denied the charge that he imposed curfew. He, however, stated that the village crier announced imposition of curfew and it was also announced that no public meeting was allowed as per Rule on that night. But soon after that, it was clarified through youngmen of the village that curfew was not imposed since one V.C. member died and it was customary in Mizo Society to visit the bereaved family. When questioned why curfew was imposed at all, he stated that it was the practice on earlier elections and accordingly, the village crier, being an old man of the village announced imposition of curfew on his own. But he stated that there was no curfew on the eve of last Parliamentary election in Mizoram i.e. during March 1977.



The Village crier, Shri Zaduata of Cheural village admitted to have announced imposition of curfew under the instruction of VCP, Cheural, Shri Thanglawma. He further stated that the other village crier, Shri Lawmsanga had also announced the imposition of curfew. He did not know if the curfew order was enforced by Security Forces or not, as he remained in his house the whole night. The other village crier, Shri Lawmsanga had also admitted to have announced imposition of curfew at the instance of VCP, Cheural. He did not know if there was any clarification subsequently about lifting the curfew, as he went home after his announcement and did not go out again. He knew that somebody died that night (as testified by Shri Thanglawma, VCP) in the village but did not know if anybody went to the house of the deceased.

#### FINDINGS :

##### (1) NON-STAMPING OF BALLOT PAPERS WITH 'OFFICIAL MARKS'

Shri K. Chhanhreluaia, the polling officer who was incharge of ballot papers on the date of the poll, admitted to have stamped the 'official marks' some times on the counterfoils and some times on the ballot papers and some time on both. The Returning Officer had also confirmed that there were as many as 47 ballot papers bearing no 'official marks'. Out of these 47 votes, 5 were in favour of the defendant, Shri Zabea and 45 in favour of the petitioner. Shri K. Chhanhreluaia, who is a relation of the defendant, was charged with deliberately omitting to stamp the 'official marks' to help Shri Zabea in winning the Election. He flatly denied the charge. The reason for this omission was attributed to his ignorance that he thought the counterfoils to be part of a ballot paper and as such, in the sudden rush of voters he was stamping some times on the counterfoils and some times on the ballot papers. There can be an element of doubt as to why there were as many as 45 ballot papers without 'official marks' in favour of Shri Zabea, and only 5 ballot papers without 'official marks' in favour of Shri H. Thathrina. But in absence of any definite proof, it may be assumed that a good number of voters arrived at the Polling Station at that time when Shri K. Chhanhreluaia was in-charge as Presiding Officer and majority of these voters turned out to be supporters of the petitioner. It was during this time that Shri K. Chhanhreluaia was stamping the 'official marks' some times on ballot papers and some times on counterfoils of ballot papers as admitted by him. Shri Hreliana Chinzah, the Presiding Officer, putting 'official marks' on the counterfoils of the ballot papers on resuming his charge after he took meal. Shri K. Chhanhreluaia also said to have told him that because of rush of voters he was stamping on counterfoils as he did not know where to put the marks on. He (Shri Hreliana Chinzah) however, denied to have had any hand in this.

Though there is no proof that there was any ulterior motive in this regard, it is clear that 47 ballot papers did not bear 'official marks' and were accordingly declared invalid votes.

(ii) REMOVAL OF VOTING PAPERS: Shri Thanglawma, VCP, Cheural, who was alleged to have taken out the ballot papers from the polling booth without casting his vote, admitted that he took out the ballot papers No. 2591 from Cheural polling station. The Returning Officer had confirmed that there was a shortage of 10 ballot papers. A total of 587 ballot papers were issued to voters

but only 577 ballot papers were found in the ballot boxes. The charge is proved to the extent that as many as 10 ballot papers were missing and not 9 ballot papers as alleged in the Petition.

(iii) **APPEAL TO RELIGIOUS SENTIMENT OF THE VOTERS:** Shri. Thanglawma, VCP, Cheural, was alleged to have appealed to the public not to cast their votes on the ground of religion. On examination, Shri Thanglawma flatly denied to have incited the public on religious ground. There is no evidence to prove that he did appeal to the religious sentiment of voters not to cast their votes. The charge is not proved. It had stated that he said Shri K. Chhnhreluata, the polling officer.

(iv) **IMPOSITION OF CURFEW ON THE EVE OF THE POLLING DAY :**

Curfew was said to have been imposed on the night of 31.10.77 at 6 pm i.e. on the eve of the poll, at the instance of Shri Thanglawma, VCP, Cheural. The announcement was made by two village crier viz. Shri Zaduasia and Shri Lawmsanga. Shri Thanglawma denied to have instructed the village criers to announce imposition of curfew. He admitted that Shri Zaduasia, Village crier had announced it on his own as it was the practice from earlier elections. He, however, stated that there was no curfew on last Parliamentary Election thus contradicting his own statement. The two village criers stated that they announced imposition of curfew under the instruction of the VCP. The VCP stated that the curfew was later relaxed as somebody died that night but, the relaxation was not announced through village crier, but clarification was given by young many of the village.

It is a fact that curfew was imposed on the night of 31.10.77. The curfew was said to be lifted later, but it can be seen that the information about relaxation of lifting of the curfew was not known to many people. However, the allegation that the supporters of the defendant could freely while the supporters of the petitioner could not canvass freely is not corroborated by material fact. In the darkness of the night, the Security Forces who were enforcing the curfew, were unlikely to know who were the supporters of Shri H. Thatrina and those of Shri Zabea. In absence of any evidence to support the allegation, the charge is not proved.

**CONCLUSION :** Out of 4 charges, one of them viz (i) appeal to religious sentiment of voters is not proved. The other charge i.e. imposition of curfew is proved to the extent that imposition of curfew was actually announced. But the allegation that the supporters of the petitioner could not canvass freely while supporters of the defendant could canvass freely was not proved. As for the other charge i.e. non-stamping of ballot papers with 'official marks' is proved to the extent that as many as 47 ballot papers were found without 'official marks' on them which contravenes the provision of Rule 149/3 of the Mizoram Autonomous District Council (constitution and conduct of business of the District Councils) Rules 1974. However, the charge that the Presiding Officer and the polling officer manipulated to help the defendant to win the Election was not proved. It is more likely that in the sudden rush of voters, the Polling Officer committed the mistake of stamping 'official marks' on the counterfoils of the ballot papers but not on some of the ballot papers. The mistake was also partly due to ignorance of the polling officer about the rules in this regard. Out of the 47

ballot papers, 45 were in favour of the petitioner, Shri H. Thathrina and 5 in favour of defendant Shri Zaheer. The total number of votes polled by the petitioner including invalid votes was 280 whereas the total votes polled by the defendant, including invalid votes, was 297.

The other charge, removal of voting papers is proved. The total number of ballot papers issued to the voters was 587 but only 577 total ballot papers were found inside the ballot boxes. Shri Thanglawma, VCP, Chaurai, also admitted to have taken out the ballot papers issued to him from the polling booth without casting his vote. Removal of ballot papers from the Polling Station is an offence and corrupt practice under Rule 206 (1) and 194(4) of the Mizoram Autonomous District Council (constitution and conduct of business of the District Councils) Rules, 1974. There is, however, no evidence to prove that the missing of these ballot papers were the manipulation of the Presiding Officer and the Polling Officer for ulterior motive. It is more likely that as in the case of Sari Thanglawma, some voters did not exercise their rights to vote, and consequently, did not cast the ballot papers issued to them into the ballot boxes.

It would be seen that the petitioner lost 45 votes for non-stamping of 'official marks' on ballot papers. If this 45 votes were valid, he would have secured 280 against 292 votes (valid) secured by the defendant (excluding 5 invalid votes due to non-stamping of 'official marks' on ballot papers)

Presuming that all the 10 missing ballot papers were in favour of the petitioner, the total votes secured by Shri H. Thathrina would be 290, which is still less than the total valid votes polled by Shri Zaheer. Even then, there is no evidence that all the 10 missing votes were in favour of the petitioner,

The result of the Election is not materially affected by the non-stamping of ballot papers with 'official marks' and the missing of ballot papers. The election of Shri Zaheer, the contestant, is upheld and the Election Petition of Shri H. Thathrina rejected with cost. The petitioner will pay Rs. 500/- to the defendant to meet his expenditure in contesting the Petition.

F. Pahnuna,  
District Magistrate, Lunglei and  
Commissioner (for Election Petitions)

## ORDER

No. LAD/A-97/77/85, the 27th August, 1979. Wherea under rule 181 of the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, Shri Ukm ng Za'hang has filed an election petition against the election of Shri Tialvunga from the Vawabuk constituency of the Pawi Autonomous District at the elections held on 1st November, 1977;

And. Whereas, under Sub-rule (1) of rule 185 of the said rules the District Magistrate, Lunglei, was appointed as Commissioner for hearing and disposing of the said election petition;

And, whereas, the said Commissioner has submitted his report under rule 192 of the said rules on the election petition holding that Shri Tialvunga, the

returned candidate has been duly elected and recommending the dismissal of the election petition with costs of Rs. 500 (Rupees five hundred only);

Now, therefore, in exercise of the powers conferred by sub-rule (3) of rule 192 of the said rules, the Lt. Governor (Administrator) of the Union Territory of Mizoram is pleased to order that Shri Tialvunga has been duly elected from the said Vawmbuk constituency and that the election petition of Shri Ukmang Zathang be dismissed with costs and that the petitioner Shri Ukmang Zathang will pay Rs. 500/- (Rupees five hundred) only to the defendant Shri Tialvunga as costs.

The report of the Commissioner is appended to this order.

**J. WILSON SUNDARA RAJ**  
Secretary to the Govt. of Mizoram.

#### A P P E N D I X

#### REPORT OF THE COMMISSIONER (FOR ELECTION PETITION) AND DISTRICT COUNCIL MAGISTRATE, LUNGLEI

As per Govt. Notification No. LAD/A-79/77/30 dt 12. 4. 78 the Election Petition presented by Shri Ukmang Zathang against the election of Shri Tialvunga from the Vawmbuk Constituency in the last P.D.C. Election, 1977, was heard by me. The petition alleged that he would have been declared elected in place of Shri Tialvunga but for the votes obtained by him by corrupt and illegal practices.

The allegations may broadly be classified as follows:—

- (1) Bribery.
- (2) Undue influence.
- (3) Illegal practice.

The petitioner produced a number of witnesses to testify before the Commission that Shri Tialvunga committed the election offences enumerated above. In all, the Commission examined 20 witnesses. The contestant declined to bring witnesses in his defence. So all the witnesses are those which the petitioner had produced to support his petition. The petitioner and the contestant were given chance to produce more witnesses if they wanted to, but they declined to do so. The above noted allegations were examined as below:—

**BRIBERY :** Shri Tialvunga, the defendant was accused of having committed bribery by giving money to the Boys' Association of Archhuang village so as to induce members of the association to vote for him. It was further alleged that Shri Tialvunga illegally purchased 7 votes by paying money to 7 voters either by himself or through his agent/supporters.

With regard to bribery of the Boys' Association, Shri Tialvunga was alleged to have paid Rs. 30 to Shri Lalhira, the President of the Boys' Association. Shri Hnawkchina was present when the transaction of money between Shri Tialvunga and Shri Lalhira took place. Shri Hnawkchina counted the money also. The money was then handed over to Shri Siamkima, Secretary of the Association. Again, Shri Tialvunga paid Rs. 20/- to Shri. Lalhmachhuana, a member of the Association. The total amount thus paid to the Association was Rs. 50/. In support of this allegation, a receipt for Rs. 50/- signed by the Secretary of the Association, Shri Siamkima, was enclosed with the petition.

Shri Siamkima, Secretary of the Boys' Association stated that Rs. 30/- was paid by Shri Tialvunga to Shri Lalhira, President of the Association. The money was then handed over to

him by Shri Lalhlira. He further stated that Shri Tialvunga had also given Rs. 20/- to the Association and, this amount was handed over to him by Shri Rakhlu a, a member of Association. A receipt for Rs. 50/- which was enclosed with the Election Petition was shown to him. Though the receipt was signed by him, he denied to have written out the same. He said that the receipt was made by one Shri Vantluanga and then the same was signed by him.

Another witness, Shri. Hnawkchuna stated that he was aware of the payment of Rs. 3/- to the Association by Shri Tialvunga as he was present when the money was given to Shri Lalhlira, President of the Association. He further stated that at the time of the payment Shri Sawmtlinga, Shri Ringmuana and Shri Muankuna were also present. However Shri Ringmuana and Shri Sawmtlinga denied to have any knowledge of the payment of money by Shri Tialvunga to the Association. They further stated that they were not even present in the meeting when the Lalhmachhuana to whom Rs. 30/- and Rs 20/- were said to have been paid respectively, were examined. But they flatly denied to have received money from Shri Tialvunga.

The petitioner had also accused Shri Tialvunga to have illegally purchased 7 votes by giving money either by himself or through his agents/Supporters Shri Tawkling, supporter of Shri Tialvunga who was alleged to have paid Rs. 20/- to Smt. Laliangi, admitted to offer the money on compassionate ground but denied to have actually paid the money as she refused to accept it. Smt Laliangi had also admitted that she got offer ignorant of the reason as to why money was offered to her. Shri Nawlchunga, Polling Agent of Shri Tialvunga who was alleged to have paid money to Smt Hnarkilhi and Smt. Tawkchuaai, totally denied to have paid money to them. He further stated that he never received money from Shri Tialvunga for election purposes. Smt. Hnarkilhi has also denied to have received any money from Shri Nawlchunga. Shri Thangchia s/o Seri Namvunga of Tialdangilung brought another allegation not mentioned in the petition. He alleged that supporters of Shri Tialvunga paid Rs.20/- to Shri Thanknara at night in his house. He further alleged that the defendant gave one dao to Shri Hrangzela.

**UNDUE INFLUENCE :** It was alleged that Shri Tialvunga had exercised undue influence upon the boys and girls of M.E. School, Vawmbuk, through his teacher friends that they would be made fail in their Annual Exams if they do not vote for him and, thereby got 4 votes. Miss Sangchiaii, a student of the M.E. School, Vawmbuk totally denied that any teacher had given any such threat to her. Miss Sungkheni, another student who was alleged to have been threatened, stated that Smt. Ngunmengi a teacher, threatened the students and Miss Sangchiaii was one of the students who received such threat. But when her statement saying that she did not know if any teacher threatened the students and could not say if Miss Sangchiaii knew about the threat.

It was also alleged that Shri Darsua, Headmaster of the M.E. School, Vawmbuk, told the petitioner that he had rendered help to Shri Tialvunga. Shri Darsua however, totally denied the allegation. Shri Tialiapa stated that he was present at the house of the petitioner when Shri Darsua told him (petitioner) that he would help Shri Tialvunga financially. He further stated that he was present when Shri Darsua told a group of students that they would fail if they do not vote for Shri Tialvunga. Among the group of three or four students he knew the following;—

- (1) Kr. Sangchiaii
- (2) Kr. Sungkheni
- (3) Shri Hrangduma

Was read over to her she retraced her statement.

Sl. (1) and sl. (2) have, however, denied to have received threats from Shri Darsua. Kr. Sungkheni at one time mentioned the name of one teacher viz, Smt. Ngunmengi. But she later on retraced her statement.

**ILLEGAL PRACTICE :** It was alleged that Shri Lianhrea of Vawmbuka issued a circular throughout the constituency with the connivance of Shri Tialvunga which did not carry the address of the Printer in contravention of Rule 196(3) of the Mizoram Autonomous District Councils (Constitution and Conduct of the Business of the D.C) Rules, 1974. A copy of the circular was also enclosed along with the Petition.

The petition further alleged that 7 Burmese nationals were entered in the Election Roll by Shri Tialvunga when he was Enumerator at the time of preparation of E/Roll with a view to catch their votes for himself. Some of them and the VCP of Tialdawngilung village (where there 7 persons are living) were examined. Shri Thakung, alleged to be Burmese national stated that he is not a citizen of Burma. He however admitted that he was born in Burma, but he came over to India and lived here ever since as a citizen of India. Shri Chialvinga stated that he is a citizen of India. He admitted that he was born in Burma but came to India when he was a small child. Smt. Farpeni was also born in Burma and came to India in 1973. But her parents were from Sangau (India) and went to Burma. They came back to India in 1973 alongwith their daughter, Smt. Farpeni. The VCP of Tialdawngilunji, Shri Kiauvunga stated that all the 7 persons alleged to be Burmese nationals are Indian citizens. They have been living in India for a long time now and, were paying taxes to the Govt. also.

**FINDINGS :** 1. Bribery : On careful examination of different witnesses and scrutiny of their statements, there is no proof that the defendant, Shri Tialvung, had really paid Rs.50/- to the Boys' Association. The President of the Association, Shri Lalhira and another member Shri Lalhmachhuana, to whom Rs. 30/- and Rs. 20/- respectively were alleged to have been paid, flatly denied. Even those who were reported to be present at the time of handing over the money had denied to have any knowledge about the payment.

Regarding purchase of votes all the witnesses produced by the petitioner denied to have either paid or received money on behalf of the defendant. Shri Tawkinga, admitted to have offered payment of Rs. 10/- to Smt. L-liangi on humanitarian ground though she refused to accept it. Smt. Laliangi had also stated that Rs 10/- was offered to her, but she did not accept it. She could not say the reason why the money was proposed to have been given to her. As there was no payment and, since the motive for the offer was not proved to be for furtherance of the election of Shri Tialvunga, the allegation is not tenable. As regards the allegations brought up by Shri Thangchia about payment of Rs. 20/- and a dao by Shri Tialvunga and his supporters, it may be stated that Shri Thangchia admitted to be supporter of the petitioner in the election. In the absence of corroboration of his statements his evidences can not be relied upon. It was assumed to be paid must have been for election purpose. There is no other evidence to prove that it was so : Similarly, there is no proof that the dao, (even if it is assumed that it was given) was given for election purpose.

✕ only his assumption that the money which was paid (even if it

(2) **Undue Influence :** On careful examination of the statements of the witnesses, it is found that one of the students, viz. Smt. Sangchiai of Tialdawngilung, who the petitioner alleged to have been threatened, totally denied that she got any threat from the teachers. Smt. Sungkheni, another student who was also reported to have been threatened, could not say if any student was so threatened. Initially, she stated that one teacher had threatened her and another student, viz. Smt. Sangchiai was also there. But she later retraced her statement Shri Tialiapa stated that he was present when Shri Darsua, Headmaster of the M.E. School threatened some students of when Smt. Sangchiai and Smt. Songkheni were also present. But as already stated above, but the students denied to have received such threats from him (the Headmaster). Another allegation is that Shri Darsua, told the petitioner that he helped the defendant financially. Shri Tialiapa had also said that he heard Darsua saying that he would help the defendant even with money. Shri Darsua totally denied the allegation. There is no proof that Shri Darsua had actually helped Shri Tialvunga. The charges are, therefore, not proof.

(3) **Illegal practices :** The circular said to be in contravention of Rule 196 (3) of the Mizoram Autonomous District Councils (constitution and conduct of business of District Councils) Rules, 1974, for not having the address of the Printer was examined. The contents of the Circular do not show any favour to any particular candidate. It was an appeal to the voters in general not to allow

themselves to be purchased and to exercise their rights conscientiously and in the right manner. At the bottom of the Circular, the name of the Printer was printed as follows: "Ram tana i tnawhpui (meaning Your brother in the cause of the nation) H.Lianhrea, Vawmbuk". In a village, the size of Vawmbuk, it is enough that the name of the village is given as address. It cannot, therefore be said that no address of the Printer was given on the Circular.

Regarding the allegation that some Burmese nationals were entered in the Electoral Roll, it may be stated that though born in Burma their parents were Indian citizens. Their temporary stay in Burma did not mean that they lost their Indian citizenship as they came back to India and live as such by paying all taxes due to the Government. Anyway, if there is some doubt their citizenship, their enrolment in the Roll as electors should have been objected to at the time of preparation of E/Rolls, as per provision of Rule 130 of the Mizoram Autonomous District Council (constitution and conduct of business of the District Councils) Rules, 1974. It is the duty of those who knew about the ineligibility of some persons entered in the E/Roll, to point out that they are not qualified to be voters. Once their names have been enrolled as voters, they have every right to cast their votes. There is no proof either that they cast their votes in favour of the defendant. To raise objection in this regard after the Election was over and result was announced, cannot be accepted.

Conclusion: The Petitioner has failed to prove that there was large scale cases of corrupt and illegal practices as alleged in his Petition. The Election was reasonably free and fair and, there is no evidence to prove that it was actually affected by any corruption or illegal practice.

The Election of Shri Tialvunga, the Contestant, is upheld, the petition filed by Shri Ukmang Zathang is rejected with cost to the tune of Rs. 500/- payable by the petitioner and, will be paid to the defendant to meet his cost in contesting the Petition.

F. PAHNUNA,  
District Magistrate, Lunglei and  
Commissioner (for Election Petition)

### NOTIFICATIONS

No. LAD/VCA. 116/77-78/38, the 31st August, 1979. In exercise of the powers conferred by section 72 of the Lushai Hills District (Village Councils) Act, 1953 as adapted, the Lt Governor (Administrator) of Mizoram is pleased to accept the resignation of Shri Lalhruia, Secretary, Mamit V/C with effect from 31.7.79 and the appointment of Shri Vanlalnghaka as a new V/C Secretary, Mamit V/C with effect from 1.8.79 in place of Shri Lalhruia since resigned.

Khuanga,  
Secretary to the Govt. of Mizoram

Application in the prescribed form are hereby invited for intending contractors desirous of getting themselves enlisted as Class III Contractor for the year 1979-80 under the Executive Engineer, Aizawl Building Project Division, Aizawl and will be received by the undersigned upto 30th September, 1979.

The following principles will be followed for registration as contractors:—

1. The Contractor should have sufficient means for executing the works. In case of Mizo contractor a House Tax Clearance Certificate indicating Pass No. or settlement Certificate No. and approximate value of the house should be produced. In the case of contractor having house or other property giving by the Village Council the certificate should be signed by the President of the Village Council countersigned by the Settlement Officer, Government of Mizoram.

2. For non-Tribal contractors who have no residence or other buildings in Mizoram, Income Tax Clearance Certificate is required. In addition to this, he should have a registered office within Mizoram and should have fixed assets in the form of fixed deposit in the Schedule Bank or otherwise upto 10% of the value of the work for which he is qualified to tender. He should also furnish a copy of the Entry Pass for himself or his Agent having Power of Attorney and a Court Fee Stamp for Rs. 7.50 along with the application for registration.

3. Police verification regarding the contractor's character and antecedent will be obtained

4. All applications should be accompanied with the following certificates: -

- a. Income Tax Clearance Certificate (for non-Tribal)
- b. House Tax Payee Certificate (for Tribal)
- c. Motor vehicle Tax Clearance certificate
- d. Professional Tax Clearance Certificate,

#### AREA OF OPERATION

The area of operation for the registered contractor will be under the jurisdiction of the Executive Engineer, Aizawl Building Project Division, Aizawl. The Registered contractor of this category will be qualified to tender for works upto Rs. 50,000/-

**EARNEST MONEY:** The contractor will have to deposit Earnest Money @ 2 1/2% or 1 1/4% of the estimated cost for non-Tribal or Tribal respectively. After registration the Contractor may deposit fixed Registration Fee @ Rs. 500/- for non-Tribal and Rs. 250/- for Tribal and secure exemption from payment of Earnest Money with each individual tenders.

**SECURITY DEPOSIT:** The usual practice of obtaining 2 1/2% as Security Deposit at the time of signing contract Agreement and 7 1/2% from Running Bill will be observed.

#### GENERAL CLAUSES:

(1) Contractor is required to certify that he will not get himself registered under more than one name.

(2) Contractor who are near relatives of Divisional Accountant or of an Engineering Officer in between the grade from Superintending Engineer to Junior Engineer (both inclusive) in Mizoram PWD, PHE, Electricity Departments are not allowed to tender for works in the Circle/Division respectively for a ward and execution of works.



NOTES : 'Near Relatives' includes husband, wife, parents, grand parents, children, grandchildren, brothers, sisters, uncles, aunts, cousins and other corresponding in-laws.

Ramhluna Kiangte,  
Executive Engineer, PWD  
Aizawl Building Project Division,  
Aizawl.

## PART VI

Advertisements and Notice by Govt. Offices and Public Bodies.

### ADVERTISEMENT

Applications are invited from citizens of India for one Mizoram Stipendiary studentship to undergo training in Two Years, Diploma Course in Forestry for 1979-81 at the State Forest Service College-cum-Research Centre, Bunihat (Assam-Meghalaya border) commencing from 1st November 1979 for subsequent appointment to temporary posts of Assistant Conservator of Forests (Gazetted Class II) in the Forest Department of the Government of Mizoram in the scale of pay of Rs. 650-1200/- p. m plus admissible allowances on successful completion of training. Other things being equal, bonafide residents of Mizoram with knowledge of Mizo language will be given preference. Application should reach the undersigned on or before 24. 9. 1979 positively.

Candidate must not be less than 19 years or more than 25 years on 1.3.1979. Upper age limit is relaxable by 5 years for Scheduled Caste/Tribe. In case of departmental candidate, the age limit should not exceed 35 years on 1.3.79 and upper age limit for departmental candidates for Scheduled Tribe/Caste is relaxable by 5 years

Scheduled Tribe/Caste candidate should attached copy of certificate from Deputy Commissioner or District Magistrate in support of their claim.

Candidate must be at least a 2nd class graduate in Natural Science, Geology, Agriculture and Mechanical Engineering of a recognised Indian University or holding equivalent foreign qualification. In case of a University which does not award classes, the candidate must have secured at least 45% aggregate marks. In case of graduates with pure Mathematics or Statistics, he must have taken one of the following subjects in higher Secondary /Matriculation or equivalent examination.

1) Biology 2) Physics 3) Chemistry. Science graduates with Economics and Mathematics will also be eligible.

Candidates must have the following minimum standard of physical fitness :—

|                            |   |         |
|----------------------------|---|---------|
| Chest girth fully expanded | — | 84 cms. |
| Chest expansion            | — | 5 "     |
| Height                     | — | 163 "   |

Minimum height limit in case of Gurkha, Mizo, Naga, Assamese, Meghalaya, Nepalese candidate is relaxable upto 152.5 cms.

The application should contain the following in tabular form :—

1. Full Name (in block letter)  
with present address :
2. Father's Name :
3. Age on 1.3 '79 as per Matric Certificate. :
4. Educational qualification with name of the  
Institution last attended (subject taken to be  
stated.) :
5. Home District with post & Telegraph Office, P.S. & Village :
6. Community :
7. Present occupation, if any :

The application should be accompanied with attested copies of the following:-

a) Matriculation Certificate or Higher Secondary passed Certificate.

b) University degree or Post Graduate degree Certificate of respectability and good character from two or more persons of acknowledged Social or Official persons.

(Copies of all Certificates should be attested by a Gazetted Officer. The Candidates will be required to produce their original Certificates/ degree at the time of interview).

Candidate should possess good physique with sound bearing and general physical fitness for rough outdoor works in the Forest Department.

The Candidates whose application are accepted will be required to pass a physical test consisting of a walk over 25km. to be covered in 4 hours followed by a medical examination.

The selected Candidates will have to execute bond with 2 (two) seneties of means on a non-judicial stamp paper of Rs. 5'00 (cost to be borne by the selected candidate). The term and conditions of the bond to be executed may be had from the Office of the undersigned.

During the training period, a stipend of Rs. 300/- p.m. actual travelling allowances and Tuition Fees of the trainee will be borne by Forest Department, Mizoram.

A treasury challan of Rs. 5/- (Rs. 2'50 for schedule Tribe and schedule Caste) as application fees to be deposited under the head of account "113 Forest-Misc. Exam. Fees etc." must accompany each application. Fees are not refundable and no postal money order or stamp will be accepted in lieu of Treasury Challan.

The Candidates may be required to appear for an Interview or in a written Test Examination, if found necessary.

R. N. Loganey,  
Director of Forest,  
Mizoram Aizawl.