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## NOTIFICATION

No. LAD. 52/73/2, the 14th. March, 1974. In exercise of the powers conferred by Section 23 of the Lushai Hills District Village Councils) Act, 1953 as adapted and amended by the North-Eastern Areas (Reorganisation) (Mizoram) adaptation of Laws Order, 1972, the Administrator (Lt. Governor) of Mizoram is pleased to make the following Rules, namely:—

### THE MIZORAM (ELECTION TO VILLAGE COUNCILS) RULES, 1974.

#### CHAPTER I

##### Preliminary

1. **Short title, extent and commencement:** (1) These Rules may be called the Mizoram (Election to Village Councils) Rules, 1974.  
  
(2) They extend to the whole of the Union Territory of Mizoram excluding the three District Council areas of Pawi, Lakher and Chakma in Chhimtuipui District.  
  
(2) They shall come into force at once.
2. **Definition:** In these rules, except where it is expressly provided otherwise, or the context otherwise requires:—
  - (a) "Administrator" means the Administrator of the Union Territory of Mizoram appointed by the President of India under Article 239 of the Constitution of India ;

- (b) "Constituency" means so much of the area as is included within the jurisdiction of a Village Council ;
- (c) "Court" means the courts, except the village court constituted under the provisions of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953, as adapted and amended by the North Eastern Areas (Re-organisation) (Mizoram) Adaptation of Laws Order, 1972.
- (d) "District" means the Aizawl District and Lunglei District in Mizoram;
- (e) "Election" means an election to fill a seat or seats in the Village Council ;
- (f) "Elector" in relation to a Constituency means a person whose name is for the time being entered in the electoral roll ;
- (g) "Electoral roll" means the electoral roll of a constituency of the Legislative Assembly of Mizoram, or, until such time as the electoral rolls for the Legislative Assembly of Mizoram are prepared, the latest electoral roll of a constituency of the Legislative Assembly of Assam, as may be modified and amended by the Administrator which shall include the names of all persons entitled to vote for the elections to the Village Councils ;
- (h) "Gazette" means the Mizoram Gazette ;
- (i) "Presiding Officer" means the officer appointed for conducting the Village Council elections in a polling station ;
- (j) "Registration Officer" means the electoral registration officer of a constituency and includes an assistant registration officer thereof who may be appointed by the Administrator.
- (k) "Returning Officer" means any officer appointed for conducting the Village Council election to a constituency ;
- (l) "Village" means a Village or Villages declared to form a Village Council ;
- (m) "Voter" means a person who fulfills the qualifications enumerated in rule 128 of the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951.

## 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) The Administrator shall, by notification in the Gazette, fix the number of seats for each constituency to form a Village Council.
  - (3) There shall be an electoral roll for every constituency.
  - (4) The electoral roll of a constituency of the Mizoram Legislative Assembly or until such time as the electoral rolls of a constituency of the Mizoram Legislative Assembly are prepared, the latest electoral roll of a constituency of the Assam Legislative Assembly as may be amended by the Administrator, shall be the electoral roll for election to a Village Council.
4. **Appointment of Officers :—** The Administrator shall appoint a registration officer or officers and a Returning Officer or Officers and other Officers for the Village Council elections.
5. **Date of Election :—** The Administrator shall, by notification in the Gazette, 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.
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 elected seat or seats shall be filled by bye-election.
  - (2) 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 Administrator by nomination.
8. **Disqualified members :—** The seat of any member found to be disqualified after his election, may be declared vacant by the Administrator and filled under the provisions of these rules.
9. **Duties of Officers :—** (a) **Registration Officer :—** It shall be the general duty of the registration officers to procure the electoral rolls and to make necessary amendments, alteration, addition etc. in the rolls and no rolls, except those approved by the registering officer, shall be used in the Village Council elections.

(b) **Returning Officers:** 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 Administrator:—** The Administrator may prescribe such forms as may be necessary for the conduct of the elections.

**11. Qualification of candidates for election and scrutiny of candidature:—** Any person whose name is included in the Electoral Roll of the constituency and who is not otherwise disqualified under section of the Lushai Hills District (Village Councils) Acts, 1953, 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. 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.

**12. Withdrawal of Candidature:—** The Returning Officer may accept the withdrawal of any candidate before the scrutiny of the candidature takes place and refund the scrutiny deposit as hereinafter provided.

**13. Security Deposit 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 of the candidate, who is not elected and the number of the votes polled by him does not exceed one-sixth of the total number of valid votes polled, shall be forfeited to the Mizoram Administration.

**14. Election by Symbol:—** Each candidate shall elect a symbol out of those prescribed in Appendix 'A' to represent him in the election and the election shall be conducted by symbol system. If more candidates than one select same symbol, the Returning Officer shall decide by lot to whom of those candidates the symbol will be assigned. The decision of the Returning Officer if assigning any symbol to a candidate under this rule, shall be final.

**15. 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 these Rules.

16. (a) **When number of valid candidates is equal to number of seats :—** If the the number of valid candidates in a constituency is 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 Councils.
16. (b) **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 to fill as many of those seats and the Administrator shall, by notification in the Gazette, 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

17. **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 arrangements 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/her vote at the polling booth by him/hereself only and no votes by proxy or 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 name 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 pasting with an adhesive and wax sealing device.
22. **Ballot paper :—** Each voter shall be given as many ballot papers as many as there are seats to be elected. The Administrator may direct that before the ballot papers are delivered to an elector at a polling station, such official marks so as may be specified in this behalf, shall be given on the ballot papers and the official mark so specified shall be kept secret.

- 23. 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 voters 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.

- 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 paper into the ballot box, the Presiding Officer of the polling station shall enter the polling compartment with such a elector, ascertain from the elector 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 elector. The Presiding Officer shall have this done with as much secrecy as is possible and shall keep a record of such instances.
- 25. 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.
- 26. Suspension of Voting :—** If due to any reason beyond control, the polling of votes has to be stopped resulting in the disperson 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 the ballot boxes closed by pasting with an adhesive and wax sealing device till they are reopened when polling is continued as decided by the senior-most election officer present.
- 27. Closing ballot boxes after poll :—** As soon as practicable after the closing of the poll, the Presiding Officer shall, in the presence of the candidates of 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

28. **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.
29. **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 votes.
30. **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 disperson 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 held.
31. **Equality of Votes :—** In the case of equality of votes the Returning Officer shall decide membership between those candidates by drawing lots.
32. **Publication of Election Result :—** The list of candidates elected shall be published in the Gazette.

## CHAPTER VI

## Election Petition

33. **Submission of Election Petitions :—** A petition challenging the validity of any election may be submitted by a candidate and no one else to the Administrator or any officer appointed by him for the purpose, within 30 days of the declaration of the election results by the Returning Officer of the constituency concerned attaching to the petition, a treasury chalan showing that a deposit of Rs. 35 as security for the cost of hearing of the petition has been made. Such deposit shall be forfeited to the Government in case the petition fails. If, however, the petition succeeds, the deposit shall be refunded.

34. **Withdrawal of Election Petition :—** An election petition may be withdrawn within 14 days from the date of filing with a refund of the Security Deposit. Withdrawal of election petition after 14 days, but before expiry of 30 days from the date of filing, will entail forfeiture of the Security Deposit.
35. **Disposal of Election Petition :—** The Administrator shall constitute an Election Tribunal to hear and dispose of all election petitions. The Tribunal shall report its finding and decisions to the Administrator, where upon the Administrator shall notify the decision of the Tribunal.

## CHAPTER VII

### Corrupt Practices

36. **Corrupt Practices :—** The following shall be deemed to be corrupt practices for the purposes of election to the Village Councils.
- (1) Bribery.
  - (2) Undue influence.
  - (3) Impersonation.
  - (4) Removal of ballot paper.
  - (5) Publication of false statement.
  - (6) Use of or appeal to religions and national symbols as defined in Chapter IX, part IV of the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951.
- (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

37. **Public Meeting :—** No persons shall convene, hold or participate in any public meeting or canvas for self or for any candidate on the date on which poll is taken for election to Village Councils.
38. **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.



39. **Prohibition of Interference with 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.
40. **Contravention of any Provisions** — Any person who contravenes any of the provisions of rules 37-39 shall be punished with fine which may extend to five hundred rupees.

## CHAPTER IX

### Power of Returning Officer

41. No Civil Courts shall have jurisdiction to question the 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

### Miscellaneous Provision

42. **Power to amend, repeal etc.** — The Administrator may change, alter, amend or repeal any or all of the aforesaid rules at any time.
43. In any or all matters not specifically provided for in these Rules, the Administrator shall have the discretion to take decisions and pass orders in manner considered appropriate by him.
44. **Repeal** — The Lushai Hill District (Election to Village Councils) Rules, 1954 is hereby repealed.

## APPENDIX A

(See rule 14)

### SYMBOLS

- |                              |                          |
|------------------------------|--------------------------|
| 1. Selu (Head of a Mythical) | 2. Bawngpa (Bull)        |
| 3. Kelpa (He-goat)           | 4. Arpa (Cock)           |
| 5. Khumbau (Mizo hat)        | 6. Thul (Covered Basket) |

- |                           |                                   |
|---------------------------|-----------------------------------|
| 7. Emping (Basket)        | 14. Nihliap (Umbrella)            |
| 8. Hreipui (Axe)          | 15. Thingbuk (Tree)               |
| 9. Tuthlawh (Hoe)         | 16. Herawt (Cotton gin)           |
| 10. Hmui (Spinning wheel) | 17. Vaibel (Men's smoking pipe)   |
| 11. Laltin (Lantern)      | 18. Tuibur (Women's smoking pipe) |
| 12. Arbawm (Chicken cage) | 19. In (House)                    |
| 13. Kutphah (Hand)        | 20. Chem (Big knife)              |

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