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NOTIFICATION

No. C. 11018/1/97-DC(Loose), dt.23/3/2004. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Amendment Rules of the Chakma Autonomous District Council, which received approval of the Governor of Mizoram is hereby published for general information, namely -

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (Constitution, Conduct of Business etc.) (Amendment) Rules, 2003 (Vide/Governor of Mizoram's approval dt. 8.9.2003).

Sd/-

P. CHAKRABORTY

Secretary to the Govt. of Mizoram,
District Council Affairs Department.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (CONSTITUTION, CONDUCT OF BUSINESS, ETC.) (AMENDMENT) RULES, 2003.

Further to amend the Chakma Autonomous District Council (Constitution, Conduct of Business, etc.) Rules, 2002, (hereinafter called the "Principal Rules"), the District Council of Chakma Autonomous District, in exercise of the powers conferred by Sub-Paragraph (7) of Paragraph 2 of the Sixth Schedule to the Constitution of India, read with Paragraph 20BB, and with approval of the Governor of Mizoram, makes the following rules, namely—

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| Short title and commencement | <p>1. (1) These Rules may be called the Chakma Autonomous District Council (Constitution, Conduct of Business etc.) (Amendment) Rules, 2003.</p> <p>(2) They shall be deemed to have come into force from 20th day of October, 2003.</p> |
| Substitution of Rule 7. | <p>2. For Rule 7 of the Principal Rules, the following shall be substituted, namely—</p> <p>"7.(1) The District Council shall consist of such number of members chosen by direct election from territorial constituencies in the Autonomous District and also nominated as specified in sub-paragraph (1) of Paragraph 2 of the Sixth Schedule.</p> <p>(2) The composition of the District Council and the allocation of seats therein as between elected and nominated members shall be such as the Governor may, by notification in the official Gazette, determine from time to time.</p> <p>(3) The constituencies for election to the District Council shall be territorial while the constituencies, respective extents thereof and the number of seats to be filled from such constituencies shall be such as may be determined by the Governor in the manner hereinafter prescribed.</p> <p>(4) The members to be nominated by the Governor under these Rules, subject to the provisions contained in sub-paragraph (1) of paragraph 2 of the Sixth Schedule, shall be as recommended by the Chief Executive Member from amongst the persons having requisite qualification for being a member of the District Council.</p> <p align="center">Provided that while recommending the names, the Chief Executive Member shall recommend at least three names including the name of one woman, against each seat for nominated members, and furnish all documentary proofs in support of their qualification for such appointment."</p> |
| Amendment of Rule 10 | <p>3. In clause (c) of sub-rule (1) of Rule 10 of the Principal Rules, the expression namely "by birth" shall be substituted by the expression, namely, "by birth or descent".</p> |

Substitution
of Rule 11

4. (1) For Rule 11 of the Principal Rules, the following shall be substituted, namely —
- "(11) No person shall be a member of the District Council of two or more Autonomous Districts and if a person is so elected a member of two or more District Councils, then at the expiry of twentyone days from the date of publication in the official Gazette of the declaration that he has been so elected or if such publication has been made on different dates, from the latest of such dates, then the person's seat in the District Council of all such Autonomous Districts shall become vacant unless he has previously resigned his seat in the District Councils of all but one of the Autonomous Districts. Such vacancies shall be notified by the Governor in the Official Gazette.
- (2) If a person is elected to more than one seat in the District Council, then unless within twentyone days from the date of publication in the Official Gazette of the name of that person as having been so elected or where such publication has been made on different dates, from the latest of such dates, such person resigns all but one of the seats, the remaining seat or seats shall become vacant and such vacancy or vacancies shall be notified by the Governor in the Official Gazette.
- (3) In the event of any vacancy arising in a constituency under the circumstances contemplated in sub-rules (1) and (2) or as a result of death of a sitting member, a bye-election shall be conducted for filling such vacancy or vacancies in the District Council within six months from the date of notification of the vacancy or vacancies in the Official Gazette.
- (4) If a member of the District Council resigns his seat by writing under his hand addressed to the Chairman, his seat shall become vacant, and a bye-election to fill the vacancy shall be conducted within six months.
- (5) If for a period of thirty days a member of the District Council remains, without the permission of the Chairman of the Council, absent from all meetings thereof, the Chairman may declare his seat vacant, provided that in computing the in period of thirty days no account shall be taken of any period during which the District Council is prorogued or remains adjourned for more than three consecutive days.
- (6) When a seat becomes vacant under the provisions of sub-rule (4) or (5), the Governor shall, by notification in the official Gazette declare it to be so vacant, and a bye-election shall be conducted for filling such vacancy or vacancies in the District Council within six months from the date of notification of the vacancy or vacancies in the official Gazette."

Amendment
of Rule 12

5. In Proviso to clause (a) in sub-rule (1) of Rule 12 of the Principal Rules, after the words "District Council", the following words shall be added, namely, "or a member of Legislative Assembly or a Member of Parliament."

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| Amendment of Rule 13. | <p>6. (1) For sub-Rule (1) of Rule 13 of the Principal Rules, the following shall be substituted, namely —
 "13 (1) The Governor may, for reasons to be recorded, remove any disqualification under this Chapter except under clause (h) of sub-rule (1) of Rule 12 and sub-rule (5) of Rule 12".</p> <p>(2) After sub-rule (2) of Rule 13 of the Principal Rules, the following new sub-rule shall be added, namely —
 "(3) Before giving any decision on any such issue, the Governor may also take advice of the Advocate-General of Mizoram".</p> |
| Amendment of Rule 16. | 7. In clause (c) and Proviso to clause (c) of Rule 16 of the Principal Rules, the words "an express resolution," shall be substituted by the words "a motion". |
| Amendment of Rule 18 | 8. In sub-rule (1) of rule 18 of the Principal Rules, for the word "resolution", the word "motion" shall be substituted. |
| Amendment of Rule 25 | 9. Proviso to sub-rule (1) of Rule 25 of the Principal Rules shall stand omitted. |
| Amendment of Rule 37 | <p>10. (1) In sub-rule (1) of Rule 37 of the Principal Rules, the words, namely, "Judicial Officer" shall stand omitted.</p> <p>(2) In sub-rule (1) of Rule 37 of the Principal Rules, after the word and punctuation mark, namely, "Governor," and before the expression, namely, "an oath", the word "subscriber" shall be inserted.</p> |
| Substitution of Rule 90. | <p>11. For Rule 90 of the Principal Rules, the following shall be substituted, namely :-
 "90. All rules which may be made by the District Council with the approval of the Governor shall be drafted by the Executive Committee, and after being passed by the District Council with or without amendments, shall be submitted to the Governor for his approval. If the Governor cannot approve the rules, he may return it to the District Council for reconsideration under succeeding provision of Rule 112".</p> |
| Amendment of Rule 116 | <p>12. For sub-rule (3) of Rule 116 of the Principal Rules, the following shall be substituted, namely :-
 "(3) Subject to the provisions of Rules 101, 112 and 115, the decision of the Chairman on the point whether any resolution is or is not within the restriction imposed by sub-rule (2) shall be final."</p> |
| Amendment of Rule 148 | 13. In sub-rule (1) of Rule 148 of the Principal Rules, between the words "Additional Deputy Commissioner" and "or", the word, namely Lawngtlai" shall be substituted. |