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GOVERNMENT OF MIZORAM

Local Administration Department

NOTIFICATION

Dated Aizawl the 21st Jan., 1975.

No. I AD. 78/73/pt. In pursuance of paragraph 2(6) of the Sixth Schedule to the Consitution of India, the Administrator of Mizoram is pleased to make the District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, and further, in pursuance of paragraph II of the Sixth Schedule, the said Rules are hereby published for general information.

J. MALSAWMA

Under Secretary to the Govt. of Mizoram,
Local Administration Deptt.

**THE MIZORAM AUTONOMOUS DISTRICT COUNCIL
(CONSTITUTION AND CONDUCT OF BUSINESS)
RULES, 1974.**

PART — 1

PRELIMINARY :—

1. Title and commencement :—

- (1) These Rules shall be called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974.
- (2) They shall come into force at once.

2. Definitions :— In these Rules, except where it is otherwise expressly provided or the context otherwise requires :—

- (1) "Administrator" means the Administrator of the Union Territory of Mizoram appointed by the President under Article 239 of the Constitution.
- (2) "Autonomous District" means an area deemed as such under paragraph 20(B) of the Sixth Schedule to the Constitution of India.
- (3) "Chairman" means the Chairman of the District Council and includes any person for the time being performing the duties of the Chairman.
- (4) "Constitution" means the Constitution of India.
- (5) "Constituency" means a constituency for the purpose of election to the District Council of an Autonomous District.
- (6) "Corrupt Practice" means any of the practices specified in rules 193

or rule 194 of these Rules.

- (7) "Deputy Commissioner" means the Deputy Commissioner of Chhim-tuipui District.
- [8] "District Council" means the District Council of an Autonomous District constituted under the provisions of 20(B) of the Sixth Schedule to the Constitution of India.
- (9) "Election" means an election to fill a seat or seats in an Autonomous District Council.
- (10) "Elector in relation to a constituency" means a person whose name is for the time being entered in the electoral roll of that constituency.
- (11) "Executive Committee" means the Executive Committee of an Autonomous District Council in Mizoram.
- (12) "Gazette" means the Mizoram Gazette.
- (13) "Illegal Practice" means any of the practices specified in rule 195 of these Rules.
- (14) "Member" means a proposal made by a member of the Autonomous District Council.
- (15) "Motion" means a proposal made by a member for consideration of the District Council relating to any matter which may be discussed by the said Council and includes an amendment or resolution.
- (16) "Resolution" means a motion for the purpose of discussing a matter of general public interest.
- (17) "Secretary, Local Administration Department" means Secretary to the Government of Mizoram dealing with the Autonomous District Councils in Mizoram.
- (18) "Schedule" means Sixth Schedule to the Constitution of India.
- (19) "Scheduled Tribe or Tribes" means tribe or tribes specified in Part II Mizoram of the Fifth Schedule to the North-Eastern Areas (Reorganisation) Act, 1971.

(20) "Session" means the whole period from the time the District Council duly assemble to the time when it is prorogued.

Note :— Any expression not defined in these Rules, but occurring therein shall be deemed to have the same meaning in the Constitution and/or the Central General clauses Act, 1897.

3. Interpretation in case of doubts :—

(1) Except where the context otherwise requires, the General Clause Act, 1897 and the Assam General Clauses Act, shall apply for the interpretation of these Rules as they apply for the interpretation of these Rules of the Act of Parliament or of the Legislature of Mizoram, as the case may be.

(2) Subject to the provisions of sub-rule _____ arises as to the interpretation of these Rules, it shall be referred for the decision of the Administrator and the decision of the Administrator shall be final.

4. Provisions for removal of difficulties.

If any difficulty arises as to the functioning of any District Council or the holding of any election to a District under these Rules or any other matter connected therewith, the Administrator may, by order, do anything not inconsistent with these Rules, or any provisions of the Constitution or any order made thereunder or an Act of Parliament or of the Legislature of Mizoram, which appears to him to be necessary for the proper functioning of, or holding of elections to the District Council, as the case may be.

5. Repeal:— The provisions of the Pawi-Lakher Autonomons Region (Constitution and Conduct of Business of the Regional Council) Rules, 1963 as amended, are hereby repealed.

Provided that any action taken and proceedings made thereunder shall be deemed to have taken or made under these Rules.

PART II

District Council — Composition — Officers — Executive Committee.

CHAPTER I

GENERAL

6. Constitution of District Councils : (1) There shall be an Autonomous District Council for each Autonomous District specified in Part III of the table appended to paragraph 20 of the Schedule, namely, the Pawi Autonomous District, the Lakher Autonomous District and
ous District.

(2) Each District Council shall be a body corporate (by the Name of the District Council), shall have perpetual succession and a common seal and shall by the said name sue and be sued.

7. Composition of District Councils :

(1) The District Council for each Autonomous District shall consist of a specified number of members elected and nominated. The composition of the District Councils for each Autonomous District and the allocation of seats therein as between elected and nominated members shall be such as the Administrator may, by notification in the Gazette, determine.

(2) The Constituencies for elections to the District Council for each Autonomous Districts shall be territorial. The constituency, the extent thereof and the number of seats to be filled in each of there shall be such as may be specified, by notification in the Gazette, by the Administrator.

8. Duration of District Council :

(1) Every District Council, unless sooner dissolved, shall continue for 5 years from the date appointed for its first meeting : Provided that the said period may be extended by the Administrator by notification in the Gazette for a period not exceeding one year at a time.

(2) All members both elected and nominated, shall hold office during the life of the District Council; provided that the member elected or nominated to fill a casual vacancy shall hold office for the remainder of the term of office of the member whom he replaced.

PART II

(3) Notwithstanding anything contained in these Rules, the term of office of the Member of the Executive Committee of a District Council, who are in office immediately prior to the date of dissolution of the Council as provided in sub-rule (1) shall continue till the date of the formation of the Executive Committee of the newly elected District Council.

9 Qualification for membership : A person shall not be qualified to be elected as a member of the District Council for an Autonomous District unless he :—

- (a) is a citizen of India.
- (b) is not less than 25 years of age; and
- (c) is entitled to vote at the election of the members of District Council of that Autonomous District.

10. Sessions of District Councils : The District Council of an Autonomous District shall be summoned to meet once in every four months provided that it may be summoned oftener in the event of emergency in the matter prescribed in rule 27.

CHAPTER II

OFFICERS OF THE DISTRICT COUNCILS

11. Chairman and Deputy Chairman of District Council :

There shall be a Chairman and a Deputy Chairman of the District Council of each Autonomous District, who shall be elected by the District Council in the manner provided in Rules 33 and 34.

12. Vacation of Offices of Chairman and Deputy Chairman :

A member holding office as Chairman of the District Council

of an Autonomous District or as Deputy Chairman of the District Council —

(a) shall vacate his office if he ceases to be a member of the said Council.

(b) May at any time by writing under his hand addressed, if such member is the Chairman, to the Deputy Chairman, and if such member is the Deputy Chairman, to the Chairman, resign his office; and

(c) May be removed from his office by a resolution of the District Council as provided for in Rule 108.

13. Performance of duties of Chairman when his office is vacant :

(1) While the office of the Chairman is vacant, the duties of the office shall be performed by the Deputy Chairman or, if the office of the Deputy Chairman is also vacant, by such member of the District Council as the Administrator may appoint for the purpose.

(2) During the absence of the Chairman from any sitting of the District Council the Deputy Chairman or, if he is also absent, a member of the Council nominated for the purpose in accordance with rule 35 shall act as Chairman.

14. Chairman and Deputy Chairman not to preside in certain cases :

(1) At any sitting of the District Council, while any resolution for the removal of the Chairman from his office is under consideration, the Chairman, or while any resolution for the removal of the Deputy Chairman from his office is under consideration, the Deputy Chairman shall not though he is present, preside, and the provisions of sub-rule (2) of rule 13 shall apply in relation to sitting from which the Chairman or, as the case may be the Deputy Chairman is absent.

(2) The Chairman shall have the right to speak in, and otherwise to take part in the proceedings of the District Council while any resolution for his removal from office is under consideration in the Council and shall, notwithstanding anything in rule 26 be entitled to vote only in the first instance, on such resolution or any other matter during such proceedings but not in the case of an equality of votes.

15. Secretary to District Council: There shall be a Secretary to the District Council, who will be appointed by the Chairman of the District Council. The Secretary shall not be a member of the District Council.

Note : There is no bar to the Secretary to the Executive Committee also functioning as Secretary to the District Council. The two posts could advantageously be held by the same person.

16. Condition of Services of Officers and Staff :

Subject to the previous approval of the Administrator, the District Council of an Autonomous District may make rules regulating the conditions of service of Officers and Staff appointed to the services and posts in connection with the affairs of the District Council, provided that until rules are made by the District Council under this Rules, the conditions of service of such officers and staff of the Council shall be regulated by orders to be issued by the Administrator, and in the absence of such order, by the relevant rules applicable to officers and staff under the rule making control of the Government of Mizoram, subject to such restrictions or modifications as the Administrator may direct in the case of a particular appointment or class or classes of appointments.

CHAPTER III

Disqualifications of Members.

17. Vacations of Seats. :

(I) No person shall be a member of the District Councils of two or more Autonomous Districts and if a person is so elected a member of two or more District Councils, then at the expiration of 21 days from the date of publication in the 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, that person's seat in the District Councils 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. vacancy or vacancies shall be notified by the Administrator in the Gazette.

(2) If a person is elected to more than one seat in the District Council of an Autonomous District, then unless within 21 days from the date of publication in the Gazette of the name of that person as having been so elected, where such publication has been made on different dates unless within 21 days from the latest of such dates, such person resigns all but one of the seats, all the said seats shall become vacant. If he resigns all but one seat, the remaining seat or seats shall become vacant such vacancy or vacancies shall be notified by the Administrator in the Gazette.

(3) In the event of any vacancy arising in a constituency under sub-rule (1) or (2), the Returning Officer shall, subject to the provisions of sub-rule (2) of rule 165, declare the candidate polling the next highest number of valid votes in that constituency as shown in the return prescribed under rule 168 to be duly elected to fill up the vacancy & the name of the candidate so elected shall be reported to the Secretary to the Government of Mizoram, Local Administration Department, & published in the Gazette under the signature of the Returning Officer

(4) If a member of the District Council of an Autonomous District resigns

his seat by writing under his hand addressed to the Chairman, his seat shall become vacant.

(5) If for a period of 30 days a member of a District Council is without permission of the Council absent from all meetings thereof, the Council may declare his seat vacant; provided that in computing the said period of 30 days no account shall be taken of any period during which the Council is prorogued or is adjourned for more than 3 consecutive days.

(6) When a seat becomes vacant under the provisions of sub-rule 4) or (5) the administrator shall, by notification in the Gazette, declare it to be so vacant.

18: DISQUALIFICATION FOR MEMBERSHIP :

(1) A person shall be disqualified for being elected as & for being member of the District Council of an Autonomous District

(a) if he is a salaried servant of the Government of India or the Govt of any State specified in the first schedule to the Constitution or is an employee of a District Council,

(b) if he is of unsound mind and stands so declared by a competent Court or such other authority as may be recognised by the Administrator,

(c) if he is not a citizen of India or has not voluntarily acquired a citizenship of a foreign state
acknowledgement of allegiance or adherence to a foreign state ;

(d) if whether before or after the commencement of these rules, he has been convicted, or has in proceedings for questioning the validity or regularity of an election been found to have been guilty, of any offence or corrupt or illegal practice which has been declared by rule 208 or rule 209 to be an offence or practice entailing disqualification for membership of the District Council of an Autonomous District unless such period has elapsed as has been provided in that behalf in the said rule 208, rule 209 as the case may be,

(e) if he is an undischarged insolvent ;

(f) if, whether before or after the commencement of these Rules, he has been convicted by a Court in India of any offence & sentenced to transportation for not less than two years unless a period of 5 (five) years, or such less period as the Administrator may allow in

any particular case has elapsed since his release

(g) if having been nominated as a candidate for the District Council of an Autonomous District or having acted as an election agent of any person so nominated, has failed to lodge a return of election expenses within the time & in the manner prescribed in rule 173, unless 5 years have elapsed from the date on which the return ought to have been lodged or the Administrator has removed the disqualification,

(h) if having held any office under the Government of India or the Government of any state or the District Council of any Autonomous District, he has whether before or after the commencement of these rules been dismissed for corruption or disloyalty to the state unless a period of five years has elapsed since his dismissal provided that—

(i) a disqualification under clause (e) or clause (f) of this sub-rule shall not in the case of a person who becomes so disqualified by virtue of conviction or a conviction & a sentence & is at the date of disqualification & a member of the District Council of an Autonomous District, take effect until 6 months, have

escaped from the date of such disqualification or if within these 3 months, an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of ;

(ii) A disqualification under clause (g) of this sub-rule shall not take effect until the expiration of two months from the date by which the return of election expenses ought to have been lodged or of such longer period as the Administrator may in any particular case allow ;

(iii) The disqualification under clause (h) of this sub-rule may, in the case of any of the candidates for the first election under these rules be removed by the Administrator for reasons to be recorded by him in writing.

(2) For the purpose of this rule a person shall not be deemed to be an employee of a District Council by reason only of his being a member of the Executive Committee of that District Council.

(3) Nothing in these Rules shall restrict the power of the Administrator

to nominate a person who is a salaried servant as defined in sub-rule (1) (a) to be a member of the District Council of an Autonomous District.

DECISION ON QUESTION AS TO DISQUALIFICATION OF MEMBERS

If any question arises as to whether a member of a District Council has become subject of any of the disqualifications mentioned in sub rule (1) of rule 18, the question shall be referred for the decision to the Administrator & his decision shall be final.

Chapter— IV

Executive Committee

FORMATION OF EXECUTIVE COMMITTEE OF DIST. COUNCIL: CHIEF EXECUTIVE MEMBERS

(1) There shall be an Executive Committee of the District Council, with the Chief Executive Member at the head & 2 other members to exercise the functions hereinafter specified in rules 29, 30, 31 & 32.

(2) There shall be a Secy. to the Executive Committee. The Secy. shall be

appointed by the Chief Executive Member & shall not be a member to the District Council ;

Provided that the Administrator of Mizoram may depute any of its officers to a District Council to function as its executive Secy, in which case the Secy. appointed by the Chief Executive Member shall function, under the officer so appointed by the Government, as Additional Secy;

21 ELECTION OF CHIEF EXECUTIVE MEMBER

(1) The Chief Executive Member shall be elected by the District Council & other members shall be appointed by the Administrator on the advice of the Chief Executive member from amongst the members of the District Council; provided that the Chairman & the Deputy Chairman of the District Council shall not be eligible to hold office either as Chief Executive Member or as a member of the Executive Committee of the District Council.

(2) The election of the Chief Executive Member shall be conducted according to procedure for the election of the

Deputy Chairman as in rule 11

22 VACATION OF OFFICE OF MEMBERS OF EXECUTIVE COMMITTEE

(1) A member holding office as Chief Executive Member or a member of the Executive committee

(a) shall vacate his office if he ceases to be a member of the District Council

(b) may at any time by writing under his hand submit his registration, if member is the Chief Executive Member to the administrator through the Chairman & if such member is a member of the Executive Committee, to the chief executive member. On his registration being accepted by the Administrator, such chief executive member shall be deemed to have vacated office.

(2) When the chief executive member vacates or resigns his office under sub-rule (1), the other members of the executive committee shall also cease to hold office as such & a new executive committee shall be constituted in accordance with the provisions of Rule 21 ;

Provided that until a new chief executive member has been elected & the executive committee reconstituted, the administrator may not with standing anything contained in sub-rule (1) of rule 20, authorise any one member or more than one member of the District Council to carry out the duties of the executive committee, or may make such other arrangements as he thinks proper for carrying on with the works of the District Council.

23 REMOVAL OF MEMBER OF THE EXECUTIVE MEMBER

(1) The executive committee shall be collectively responsible to the District Council & may be removed on a vote of no confidence passed by a majority of the members of the District Council at a meeting specially convened for the purpose:

(2) In case of removal of the Executive Committee, a Chief Executive Member for the new Executive Committee shall be elected within 48 hours by the District Council, & when this has been done the Chairman of the District Council shall forthwith submit a report to

the administrator through the Deputy Commissioner

(3) If the District Council fails to elect the Chief Executive Member within the time specified under sub-rule (2), the Administrator shall of the Council to be the chief executive member & other members of the council as member of the executive committee. The executive committee so constituted shall function until it is replaced by an executive committee constituted in accordance with the provisions of Rule 21.

24 STAFF OF EXECUTIVE COMMITTEE

The executive committee subject to the provisions of rule 16 & in accordance with the rule prescribed in this behalf by the administrator, may from time to time determine & appoint establishment to be employed by it, & may fix the salaries & allowances to be paid to such establishment; provided that in any financial year the aggregate salaries & allowances payable by the District Council in respect of each establishment shall not exceed such limits as the administrator may fix from time to time

Part III

Conduct & Procedure of Business

Chapter 1

GENERAL

25 OATH OR AFFIRMATION BY MEMBERS

Every member of the District Council shall, before taking his seat make & subscribe before the Deputy Commissioner, or some person appointed in this behalf by the Administrator, an oath or affirmation according to the form set out below.

"I, A. B. having been elected (or nominated) a member of the
..... District Council, do
swear in the name of God

solemnly affirm that I will bear true faith & allegiance to the constitution of India as by law established & that I will faithfully discharge the duty upon which I am about to enter"

26 VOTING IN DISTRICT COUNCIL

Save as otherwise provided in the

constitution & in these rules, all questions at any sitting of a District Council shall be determined by a majority of votes of the members present & voting other than the chairman or person acting as such

The Chairman or person acting as such, shall not vote in the first instance but shall have & exercise a casting vote in a case of equality of votes.

27 POWER OF DISTRICT COUNCIL TO ACT NOTWITHSTANDING VACANCIES

The District Council shall have power to act notwithstanding any vacancy in the membership thereof, & any proceeding in the council shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do so sat or voted or otherwise took part in the proceeding.

28 Quorum

(1) The quorum to constitute a meeting of the District Council shall

be 4 members or one third of the total number of members of such Council, whichever is greater.

(2) If at any time during a meeting of District Council if there is no quorum it shall be the duty of the Chairman or person acting as such, either to adjourn or suspend the meeting until there is a quorum.

29 CONDUCT OF EXECUTIVE FUNCTIONS

(1) The Executive functions of the District Council shall be vested in the Executive Committee.

(2) All orders or instruments made or executed by the Executive Committee shall be expressed to be made by or by order of the District Council. Every such order or instrument shall be signed by the Chief Executive Member or any other member of the Executive Committee authorised in writing by the Executive Member in this behalf & such signature shall be deemed to be the proper authentication of such instrument.

30 FUNCTIONS OF THE EXECUTIVE COMMITTEE

(1) The Executive Committee shall dispose of all matters falling within its purview except certain matters hereinafter specified which shall be referred to the District Council & then to the Administrator for final approval.

(2) The matters excepted under sub-rule (1) are-

(a) cases involving any important change in the administrative system of the Autonomous Districts or any important departure from accepted policy or practice ;

(b) proposals for making regulations, rules or laws as authorised under the provisions of the Sixth Schedule to the Constitution;

(c) cases which seriously affect or are likely to affect seriously, the peace or good Government of any Autonomous District or affect relations with any such area

(d) cases affecting the relations of Government with the Autonomous District Council;

(e) all correspondence of importance with the Government :

(f) all important appointments.

(3) All matters specified in sub-rules

(2) and all other matters required to be placed before the District Council shall be sent to the Secretary to the District Council in writing for placing before the said Council.

(4) Matters affecting of minorities

(5) Any other matter which under the Sixth Schedule to the Constitution requires prior approval of the Administrator

31. Savings:

Notwithstanding anything contained in rule 30, if at any time, except when the District Council is in session, an emergency arises which renders it necessary for the Executive Committee to take immediate action in respect of any matter or matters specified in clauses (a), (b), (c), (d), (e), (f) & of sub-rule

(2) of that rules, the Executive Committee may take such action thereon

as the emergency appears to fit to require, but every such case shall be forthwith reported to the Deputy Commissioner and Administrator shall be laid before the District Council at its next session for confirmation of the action taken by the Executive committee together with the views/decisions of the Administrator for such action as may be decided by the council.

32. Transaction of Business of the Executive committee:

(1) Each member of the Executive committee shall be entrusted with specific subjects, the allocation of the subject being made by the chief Executive Member. The Executive committee shall be collectively responsible for all Executive orders issued in the name of the District Council in accordance with these rules, whether such orders are authorised by an individual member of the Executive committee on a matter appertaining to his subject or as a result of discussion at a meeting of the Executive committee or howsoever otherwise,

(2) One of the members of the Executive Committee will be in charge of the District funds referred to in these Rules as the member-in-charge of the financial affairs of the District Council. The functions of the member in charge of the financial affairs of the District Council shall be as follows :—

(a) he shall generally advise on all matters pertaining to receipts and expenditure of the District Council,

(b) he shall be responsible for all matters relating to financial procedure & the application of the principles of sound finance.

(c) he shall prepare the Budget of the District Council and deal with all matters relating to budget procedure & the forms and contents of the financial Statement,

(d) he shall be responsible for the "ways & means" position of the District funds,

CHAPTER II

Election of chairman and deputy chairman

33. Election of Chairman

(1) For the Constitution of a new District council or owing to the vacancy in the office of the chairman the election of a chairman is necessary, the Administrator shall fix a date for holding of the election and the Deputy Commissioner or the Secretary of the District council as the case may be, shall send to every member notice of the so fixed.

(2) At any time before noon on the day preceeding the date so fixed any member may nominate another member for election as chairman by delivering or causing to be delivered in the manner hereinafter provided to the Deputy commissioner or Secretary, as the case may, be nomination paper signed by himself as proposer & by a third member as seconder & stating

(a) the name of the member nominated, and

(b) that the proposer has ascertained that such member is willing to serve as chairman if elected;

(3) The nomination paper shall be delivered to the Deputy Commissioner or the Secretary in person by the candidate himself, his seconder or proposer:

(4) The Deputy Commissioner or any officer authorised by him in this behalf shall preside over the first meeting of the District Council constituted under these rules pending the election of a Chairman, and he shall read out to the Council the names of the members who have been duly nominated for election as chairman together with those of the proposers & seconds & if only one member has been so nominated, shall declare that member to be elected. If more than one member has been so nominated, the Council shall proceed to elect a chairman by ballot.

(5) For the purpose of sub-rule (4), a member shall not be deemed to have been duly nominated or entitled to vote if he & his proposer & seconder have not, before the reading out of the names by the person presiding made the oath or affirmation as members of the Council.

(6) Where two or more candidates obtain an equal number of votes the person presiding shall select the chairman by drawing lots,

34. Election of Deputy chairman

(1) When either at the beginning of the new District Council or owing to the existence of any vacancy in the office of the Deputy chairman at any time during the life of District Council the election of a Deputy chairman is necessary, the chairman shall fix a date for the holding of the election & the Secretary of the Council shall send to every member notice of the date so fixed.

(2) The Procedure for the election of the Deputy chairman shall be same as that for the election of the chairman as provided for in rule 33, except that the meeting for the election of the Deputy chairman shall be presided over by the Chairman.

35. Temporary Chairman

At the commencement of every session the chairman shall nominate from amongst the members of the District Council a panel of not more than two chairmen, any one of whom may, in the order in which he had been nominated, preside over the Council in the absence of the chairman & the Deputy chairman.

36. Power of person presiding :

(1) The Deputy chairman & any temporary chairman, when presiding over the District council, shall have the same powers as the chairman when so presiding, & all references to the chairman in these rules shall, in such circumstances be deemed to be references to any such person so presiding.

(2) If for any reason the chairman is unable to carry out his duties the Deputy chairman & in the absence of the Deputy chairman a member from among the panel of chairman nominated by the chairman shall perform those duties for the period determined by the chairman.

CHAPTER III

Meeting of the District council.

37. Summoning of the District Council

(1) Subject to the provisions of sub-rule (3), the chairman or such other person authorised by the Administrator in this behalf shall summon the District council to meet at such time & place as he thinks fit. He shall inform the Deputy commissioner of the date, hour & place for such meeting of the council.

(2) The Chairman shall cause a notice appointing the date, hour and place for such meeting signed by the Secretary of the District council to be served on each member of the council at least thirty days before the days fixed for the meeting.

(3) The District council shall be summoned to meeting three times in a year, & four months shall not elapse between its last sitting in one session & the date appointed for its first/sitting in the next session :

Provided that in the event of an emergency the chairman of the council in consultation with the Chief Executive member^d may summon the District council of tender and at shorter notice than what has been provided in sub-rule (2) :

Provided that prior information shall be sent to deputy commissioner & Administrator whenever any emergency session may be summoned.

Provided further that on receipt of a requisition signed by not less than two-thirds of the members of a District council, the chairman shall summon a special meeting of the council.

(4) The Chairman or such other person who summons the District council under sub-rule (1) or (3) may also prorogue the council.

(5) Notwithstanding anything contained in this rule, nothing shall restrict the power of the Administrator to summon a meeting of the District council at any time he deems fit.

38. Language of the District Council :

A member may address the council in any of the languages spoken in the area over which the District council exercises jurisdiction, or in Hindi or in English;

Provided that if any member desires to address the council in a language not intelligible to the majority of the members thereof, he may with the permission of the chairman do so but he shall have to make over in advance to the

Secretary a copy of his speech written in English Roman or Devnagri script which he proposes to deliver.

39. Members to rise when speaking :

A member shall rise when he speaks & shall address the chairman.

40. Explanations :

When, for the purpose of explanation during discussion of for any other sufficient reasons any member has occasion to ask a question of another member on any matter then under the consideration of the council, he shall ask such questions through the chairman.

41. Limitations on debate

(1) The matter of every speech shall be strictly relevant to the subject under discussion before the District council.

(2) A member while speaking shall not—

(i) reflect upon the conduct of the president of India or any Governor of a State or Administrator of a Union Territory (as distinct from the Government of the State or the Government of the Union Territory or the Union Territory Administration, as the case may be) or any Court of law in the exercise of its judicial functions;

(ii) utter treasonable or seditious words;

(iii) use offensive expressions regarding the parliament or the legislature of a State or Union Territory;

(iv) refer to any matter of fact on which a judicial decision is pending.

(v) make a personal charge against the chairman or another member; or

(vi) use his right of speech, after due warning from the chairman, for the purpose of wilfully & persistently obstructing the business of the District Council.

42. Proceeding invalid for failure to Comply with rules :

Proceedings of the District Council may be deemed to be, or to have been, invalid by reason of any rule not being, or not having, been, complied with.

43. Decision on points of order :

(1) The chairman shall decide all points of order which may arise, & his decision shall be final

(2) Any member may, at any time, submit a point of order for the decision of the chairman, but in doing so shall confine himself to stating the point

44. Irrelevance or repetition.

The chairman, after having drawn the attention of the Council to the conduct of a member who persists in irrelevance or intemperate repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech,

45. Power to order withdrawal of member :

(1) The Chairman shall pass order & have all powers necessary for the purpose of enforcing his decision on all points.

(2) He may direct any member whose conduct is, in his opinion, disorderly to withdraw immediately from the District council, & any member so ordered to withdraw shall do so forthwith & shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same session, the chairman may direct the member to absent himself from the meeting of the District council for any period not longer than the remainder of the session, & the member so directed shall absent himself accordingly.

(3) The Chairman may in case of grave disorder arising in the District Council suspend any sitting for such time as may be determined by him & submit report in this regard to the Deputy Commissioner & Administrator

46. Allotment of time for official & non-official business

The chairman, in consultation with the Chief Executive Member, shall allot so many days as may in his opinion be possible, compatible with the public interest for private member's business & may allot different days for the disposal of different classes of such business. On other days no other business other than official business shall be transacted.

47. List of business :

(1) A list of business for each day of the sitting shall be prepared by the Secretary & shall be circulated to all members at least two days in advance of the sitting.

(2) No business, not included in the list of business for the day, shall be transacted at any meeting without the leave of the chairman.

48. Business outstanding at the end of the day

(1) All business appointed for a

day & not disposed of on that day shall stand over until the next day of the session available for such business.

(2) Any business left over on termination of a session shall lapse unless it is included in the list of business on any day during the next session.

Vacation of seats by members for continuous absence

(1) If a member finds that any time he is unable to attend the meeting of the District Council for a period of thirty consecutive days computed in the manner provided in sub rule (5) of rule 17, he shall apply to the chairman for the permission of the district council to be so absent.

(2) Such application shall be disposed of as if it was a motion under Chapter V of this Part.

(3) The Secretary shall inform the member as soon as possible, of the decision of the council on his application.

(4) If a member is absent from the meetings without permission of the District Council for a period of thirty consecutive days or more, computed in the manner provided in sub rule (5) of rule 17, the Chairman shall bring that fact to the notice of the District Council. The District council shall then decide as to whether the seat of the absent member should be declared vacant in the manner provided in sub rule (2)

(5) If the district council declares the seat of the member to be vacant, the Secretary shall communicate such declaration to the Administrator through the deputy commissioner & to the member concerned:

(6) The Secretary shall keep a list showing the attendance of each member & such list shall be made available for inspection by members.

CHAPTER IV

QUESTIONS

50. Time for question :

The first hour of every meeting shall be available for the asking & answering of question:

51. Notice of questions :

A member who wishes to ask a question shall give notice in writing to the Secretary at least 15 (fifteen) clear days before the meeting of the district council at which he desires to put the question & shall, together with the notice submit a copy of the question or questions which he wishes to ask :

provided that the chairman may, with the consent of the Chief Executive Member, allow a question to be put at shorter notice than fifteen days, or may extend the time for answering the question to a subsequent meeting.

52. The chairman may within the period of notice disallow any question of any part of the question on the ground that it relates to a matter which is not the concern of the district council, as provided for in the Sixth Schedule to

the Constitution, & if he does so, the question or part of the question shall not be placed on the list of questions:

53. Supply of list of business & questions to Deputy Commissioner

The chairman shall cause a list of business & question to be supplied to the Deputy commissioner, & if the Deputy commissioner is of opinion that any question or part thereof relates to a matter falling outside the jurisdiction of the District council, he shall request, in writing or otherwise, the Chairman not to allow the question or part thereof to be answered in the Council or he may advise the Chairman to allow the question or part thereof to be answered in such a way as may be specified by him :

Provided that in the event of any difference of opinion arising between the Deputy Commissioner & the Chairman, the Deputy Commissioner shall refer the matter to the Administrator & pending the receipt of the orders of administrator thereon the Chairman shall not allow the question to be answered

in the Council.

4. Subject matter of questions :

(1) A question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the member to whom it is addressed.

No question shall be asked in regard to any of the following subjects, namely :-

i) Any matter which is under adjudication by a Court of law having jurisdiction in any part of the Union of India, and

(ii) Any matter relating to the conduct of any judge or any Magistrate in the discharge of his duties.

(2) If any doubt arises whether any question is or is not within the restriction imposed by Sub-rule (1) the Chairman shall decide the point and his decision shall be final.

(3) Any question relating to any

Government Officer of Public Servant which may cast or likely to cast aspersions on the person in so far as it relates to the official discharge of his duties.

5. Form and content of questions:

In order that a question may be admissible it shall satisfy the following conditions, namely :-

(1) It shall not bring in any name or make any statement not strictly necessary to make the question intelligible ;

(2) If it contains a statement by the member himself, the member asking it shall make himself responsible for the accuracy of the statement ;

(3) It shall not contain agreement, inferences, ironical expressions or defamatory statements ;

(4) It shall not ask for any expression of opinion or the solution of a hypothetical proposition ;

(5) It shall not relate to the character or conduct of any person except by designation in his official or public capacity ;

(6) It shall not be of excessive in length ;

(7) It shall not be a request for action ;

(8) It shall be precisely and definitely expressed ; and

(9) It shall be asked with the object of eliciting information pure and simple.

56 Questions regarding controversy with higher authorities :

In matters which are or have been the subject of controversy between the Mizoram Government and the District Council on question shall be asked except as to matters of fact and the answer shall be confined to a statement of facts.

57 Chairman to decide admissibility of questions :

The Chairman shall decide on the

admissibility of a question under rule 55 and shall disallow any question which in his opinion, is an abuse of the right of questioning or is in contravention of the rules.

58 List of questions :

Questions which have not been disallowed shall be entered in the list of questions for the day and shall be called, if the time made available for the questions permits, in the order in which they stand in the list before any business is entered upon at the meeting. Any questions left over owing to time being not available shall be postponed to the the next session of the District Council when they shall take precedence in the list.

59. Matters to which they shall relate

A question addressed to a Member of the Executive Committee shall relate to the public affairs with which he is officially connected or to a matter of

administration for which he is responsible.

the question is not answered during the session in which it is put, it will lapse under rule 48.

60 Questions of absent member :

The Chairman may, in his discretion allow the questions of an absent member to be put by another member duly authorised to do so in writing. In all such cases previous intimation of such authority shall be given to the Chairman.

Member of the Executive Committee may ask for notice of supplementary question

When a supplementary question is asked at any meeting of the Council and Member-in-charge asks for notice, the member who puts the question shall, if he desires to have an answer during the session, supply the copy of the question to the Secretary to the Council. If the question is not disallowed by the Chairman, it will be immediately forwarded to the member of the Executive Committee concerned with the request that it may be answered as soon as possible within the session. If, never the less,

CHAPTER V

MOTIONS

62. Motions :

(1) A matter requiring the decision of the District Council shall be brought forward by means of a question put by the Chairman shall on a motion proposed by a member,

(2) Votes may be taken by show of hands or voices or division and shall be taken by division if any member so desires. The Chairman shall determine the method of taking votes by division provided that if any member so desires the names of members voting on either side shall be recorded.

(3) The result of a division shall be announced by the Chairman and shall not be challenged:

63. Admissibility of Motions

The Chairman shall decide on the admi-

possibility of a motion & shall disallow any motion if, in his opinion it is not in conformity with the provisions of the rules regarding the admissibility of motions

64 Identical motions

(1) Motions shall not raise a question substantially identical with one on which the council has given a decision in the same session. The Chairman's decision on the point whether the question is substantially identical with the previous one shall be final

Explanation— The Council shall not be deemed to have given a decision in respect of a bill unless it has either passed the Bill into law or has rejected the Bill

(2) Where substantially identical motions stand in the names of two or more members, the chairman, unless the members have agreed, shall decide whose motion or motions shall be moved & other motions shall thereupon be deemed to be withdrawn

65 Order of speeches

After the member who moves has spoken, the chairman shall read out the motion to the council after which other members including the members of the executive committee may speak on the motion in such order as the chairman may direct

66. Rules as to amendments

(1) An amendment shall be relevant to an within the scope of the motion to which it is proposed.

(2) An amendment shall not be moved which has merely the effect of a negative vote.

(3) After a decision has been given on an amendment to any part of the motion an earlier part shall not be amended.

(4) An amendment on a motion must not be inconsistent with the previous decision on the same motion given at any stage of the same Bill or motion.

(5) The Chairman may refuse to put an amendment which is, in his opinion, frivolous.

67. Order of amendments :

(1) When an amendment to any motion is moved, or when two or more such amendments are moved, the Chairman shall, before taking the sense of the House thereon, state or read to the Council the terms of the original motion & of the amendment or amendments proposed.

(2) It shall be in the discretion of the Chairman to put first to the vote either the original motion or any of the amendments which may have been brought forward.

68. Division of motions

When any motion involving several points has been discussed, it shall be in the discretion of the Chairman to divide the motion and put each or any point separately to the vote as he may think fit.

69. Withdrawal of motions,

(i) A member who has moved an original motion or an amendment may withdraw the same and thereafter there shall be no further discussion on it.

(2) If at the time of putting the question on a motion or an amendment to the motion to the vote of the Council, the mover of the motion is absent, it shall be considered to have been withdrawn by him.

70. Procedure where motion debated and not withdrawn :

If debated and not withdrawn, the Chairman shall again read the motion when taking the sense of the Council upon it.

71. Closure :

At any stage in the debate upon any motion any member may request the Chairman to close the debate and put

the motion to the vote of the Council.
When such a request has been made & the
Chairman is satisfied

(i) that the debate has already proceeded to a length which is consistent with the reasonable exercise of the right of free speech; and

(ii) that the request is in accordance with the wish of two-thirds of the members present;
he may close the debate & put the motion to the vote:

Provided that, notwithstanding anything contained in rule 62 (2), it shall not be necessary to record the names of the members who support or oppose a request made under this rule.

72. Motion of No-confidence in the Executive Committee

(1) A motion expressing want of confidence in the Executive committee or a motion disapproving the policy of the Executive Committee in regard to any

particular matter may be made with the consent of the Chairman and subject to the restriction that the member making the motion shall present to the Secretary a written notice of the motion before the commencement of the sitting of the day.

(2) If the Chairman is of opinion that the motion is in order, he shall read the motion to the Council and shall request those members who are in favour of leave being granted to rise in their places & if not less than one-fourth of the members present rise accordingly, the Chairman shall intimate that leave is granted & that the motion will be taken on such day, not being more than two days & not less than twenty-four hours from the time at which leave is asked for as he may appoint;

Provided that if exigencies of business require, the Chairman shall have power to relax the rule & take up the motion earlier than twenty-four hours,

(3) If less than one-fourth of a third members rise, the Chairman shall inform the member that he has not the leave of the Council.

Chapter IV

LEGISLATION

73 (1) The District Council, in respect of all the areas within its jurisdiction shall make or amend laws, regulations & rules in respect of all matters falling within its purview as specified in the Schedule:

(2) All the rules which may be made by the District Council under sub-paragraph (7) of paragraph 2 of the Sixth Schedule with regard to matter specified in sub-paragraph (6) of that paragraph & also all rules with regard to other matter which are under the rule-making power of the District Council shall be drafted by the Executive Committee & shall be placed by the Chief Executive Member before the district Council for consideration, confirmation & the District Council in Session shall have the power to amend, reconsider or replace the, either in the Council or with the help of a Select committee appointed by the Council.

(3) All rules thus made & confirmed by the District Council be authentic and signed by the Chairman of the Council. A copy of such rules shall be submitted to the Administrator for information through the Secretary, Local Administration Department & also a copy thereof shall be sent to the deputy Commissioner & also to the Chief Executive Member.

(4) All rules which may be made by the District Council with approval of the Administrator shall be drafted by the Executive Committee & after being passed by the district Council with or without amendments, shall be presented to Administrator for his approval.

(5) All Rules thus made & passed by the district council after being approved by the Administrator in case of rules requiring such approval under any of the provisions of the Sixth Schedule shall be published in the Mizoram Gazette & on such publication shall come into force.

(6) All proposals to make & amend laws & regulations shall be introduced in the district council in the form of Bills.

74. Introduction of Bills :

(1) Bills shall be introduced on behalf of the Executive Committee by any Member of the Executive Committee & such bill shall hereinafter be referred to as "Official Bills".

Bills may also be introduced by other members of the District Council in their individual rights & such Bills shall hereinafter be referred to as "private member's Bills"

(2) The Chief Executive Member, subject to the provisions of sub-rule (3) shall cause every official Bill (together with the Statement of Objects & Reasons accompanying) to be published in the Gazette & in such manner as he may deem appropriate within a period of not less 30 days before the commencement of the session of the District Council in which the Bill is to be introduced provided that the period of 30 days may be waived by the order of the Chairman of the Council if he is satisfied that there is an urgency for doing so. When a Bill has thus been published, it shall not be necessary to move for leave to introduce the Bill, & if the Bill is afterwards introduced, it shall not be necessary to publish it again

(3) (a) No Bill with respect to any

matter which requires the assent of the Administrator under any of the provisions of the Sixth Schedule shall be introduced in the District Council without the prior approval of Administrator Bills on any other matters may be introduced in the District Council without such prior approval Copies of all the Bills whether of official or of private member's shall be sent to the Administrator and the Deputy Commissioner sufficiently in advance.

(b) If it is found that any Bill refers to matters falling outside the jurisdiction of the District Council the Administrator may direct that the Bill shall not be introduced in the District Council & the decision of the Administrator in this matter shall be final.

(c) On receipt of this orders of the Administrator that a Bill shall not be introduced in the District Council the Chairman of the Council shall not allow the Bill to be introduced.

75 NOTICE OF MOTIONS FOR LEAVE TO INTRODUCE BILL

(1) No private member's Bill shall be introduced in the district Council has unless the leave of the Council been sought for & granted for the introduction of the Bill in the manner hereinafter laid down,

(2) Any member other than a member of the Executive Committee desiring to move for leave to introduce a Bill shall give notice of his intention & shall, together with the notice, submit a copy of the Bill & a full statement of objects & Reasons to the Secretary of the District Council.

(3) The period of notice of a motion for leave to introduce a Bill under this rule shall be thirty days before the opening of each session counting the opening day as the first & reckoning backwards.

76 Notice of private member's Bill Copy to Executive Committee

Whenever a member other than a member of the Executive Committee gives notice of his intention to move for leave to introduce a Bill the Secretary shall forthwith send a copy of the Bill & statement of Objects & Reasons to the Member of the Executive Committee concerned.

77 As soon as may be after a bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette.

78 MOTION FOR LEAVE TO INTRODUCE A BILL.

(1) As soon as may be after the notice of a motion under sub-rule (2) of rule 75 has been received, the Chairman

shall fix a date for the consideration of the motion by the District Council.

On the day appointed for the consideration of the motion the member who has given notice of the motion shall move for the leave of the Council to introduce his Bill.

(2) If a motion for leave to introduce a Bill is opposed, the Chairman after permitting, if he thinks fit, a brief explanatory statement from the member who moves & from the member who opposes the motion, may, without further debate, put the question thereon.

(3) If such motion be carried, the Secretary shall read the title of the Bill, and the Bill shall thereupon be deemed to be introduced in the Council.

79 MOTION AFTER INTRODUCTION

When a Bill is introduced or on some subsequent occasion, the member in-charge may make one of the following motions in regard to the Bill, namely—

(a) that it be taken into consideration by the council after at once or at some further day to be than mentioned or

(b) that it be referred to select committee; or

(c) that it be circulated for the purpose of eliciting opinion thereon;

Provided that if a member gives notice of a particular motion specified in (a)

(b) & (c), he shall not be permitted to move a different motion :

Provided further that no such motion shall be made until after copies of the Bill have been made available for the use of all members, & that any member may object to any such motion being made unless copies of the Bill have been so available for seven days before the motion is made & such objection shall prevail, unless the Chairman in his discretion allows the motion to be made.

80. PERSONS BY WHOM MOTIONS IN RESPECT OF BILLS BE MADE

(1) No motion that a Bill be taken into consideration or be passed shall be made by any member other than the Member-in-charge of the Bill & no motion that a Bill be referred to a Select Committee or be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any member other than the Member-in-charge except by way of amendment to a motion made by the Member-in-charge.

(2) For the purposes of this rule Member-in-charge of the Bill means, in the case of an official Bill, any member acting on behalf of the Executive Committee & in any other case the member who has introduced the Bill.

81: DISCUSSION OF BILLS-

FIRST READING:

(I) On the day on which any such

motion is made, or any subsequent day to which the discussion is postponed, the principle of the Bill & its general provisions may be discussed but the details of the Bill must not be discussed further than is necessary to explain its principle:

(2) At this stage no amendments to the Bill may be moved, but if the member-in-charge moves that the Bill—

(a) be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon before a date to be mentioned in the motion; or

(b) be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion.

(3) Where a motion that a Bill be circulated for the purpose of eliciting opinion has been carried in the Council & the Bill has been circulated in accordance with that direction, & opinions have been received thereon before the date mentioned in the motion, the member-in-charge, if he wishes to proceed with the Bill there after, must move that the Bill be referred to a Select Committee, unless the Chairman, in his discretion allows a motion to be made that the Bill be taken into consideration.

**82. COMPOSITION OF
SELECT COMMITTEE :**

(1) The member of the Executive Committee who is concerned with the subject & the member who introduced the Bill, shall be members of the Select Committee.

(2) The other members of the Select Committee shall be named in the motion proposing reference to the Committee & their appointment shall be subject to the vote of the Council.

(3) The Member of the Executive Committee concerned shall ordinarily be the Chairman of the Committee.

(4) In the case of an equality of votes the fact of such equality shall be reported in the proceedings.

5. A select Committee may hear expert advice and representative of special interests affected by the measure before them.

(6) It may, for this purpose, require any person residing within the limits of the District Council to attend before it as witness or to produce before it such papers & records as it may think necessary & thereupon a requisition in writing shall be sent to the person concerned, over the signature of the Chairman of the Select Committee.

83. Quorum of Select Committee :

(i) At the time of the appointment by the Council of the members of a Select Committee the number of members whose presence shall be necessary to constitute a meeting of the Committee shall fixed by the Council.

(2) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of member fixed by the Council is not present, the Chairman of the Select Committee shall either suspend the meeting until the quorum is present or adjourn the Committee to some future day.

(3) Where the Select Committee has been adjourned in pursuance of the sub-rule (2) on two successive dates fixed for meeting of the Committee, the Chairman of the Select Committee shall report the fact to the Council through the Chairman of the District Council.

(4) In the case of an adjourned meeting of the Select Committee no shall be required,

(5) Either Secretary to the Executive Committee or the Secretary to the District Council shall be the Secretary of the Select Committee.

84. Reports by the Select Committee

(1) After the publication of a Bill in

the Gazette the Select Committee to which the Bill has been referred shall make a report thereon to the Chairman of the District Council,

(2) Reports may be either preliminary or final,

(3) The Select Committee shall, in their report, state whether or not in their judgement, the Bill has been so altered as to require republication,

(4) It shall be stated in the report whether the Select Committee are unanimous or otherwise in their recommendations. The whole report shall be signed by all the members of the Select Committee:

Provided that any member of a Select Committee may record a minute of dissent on any point, and, he does so, he may either refrain from signing the report or sign it stating that he does so subject to his minute of dissent. He shall hand in his minute within such time as may be fixed by the Chairman of the Select Committee:

85. PUBLICATION OF REPORTS :

The Secretary to the District Council on receipt of a complete report (including minutes of dissent, if any) of a Select Committee, duly signed by all members of that Committee with the Bill as amended, from the Secretary of

the Select Committee shall cause the report and the Bill as amended, to be made available for the use of each member of the District Council: Copies of the Report together with the Bill as amended shall also be sent to the Administrator and the Deputy Commissioner for information.

86. PRESENTATION OF REPORT :

(1) The report of the Select Committee on a Bill shall be presented to the District Council by the member-in-charge of the Bill:

(2) In presenting a report the member in-charge shall, if he makes any remarks, confine himself to a brief statement of fact.

87. PROCEDURE ON REPORT AFTER PRESENTATION :

(1) After the presentation of the final report of a Select Committee on a Bill the member-in-charge may move,

(i) that the Bill as reported by the Select Committee be taken into consideration, but any member may object to its being so taken into consideration if a copy of the report has not been available for the use of members for seven days and such objection shall prevail, unless the Chairman, in exercise of his discretion, allows the report

to be taken into consideration ;

Or

(ii) That the Bill be recommitted, either—

(a) Without limitation, or

(b) With respect to particular clauses or amendments only ; or

(c) With instructions to the Select Committee to make some particular or additional provisions in the Bill:

(2) If the member-in-charge moves that the Bill be taken into consideration ; any member may move, as an amendments, that the Bill be recommitted.

88. PROPOSAL OF AMENDMENTS :

After a motion has been agreed to by the District Council that a Bill be taken into consideration, any member may propose an amendments of the Bill.

89. NOTICE OF AMENDMENTS :

(1) If a notice of a proposed amendment has not been sent to the Secretary three clear days before the meeting of the District Council at which the Bill is to be considered, any member may object to the moving of the amendment, & such objection shall prevail, unless the Chairman, in his discretion, allows the amendment to be moved.

(2) The Secretary shall cause every notice of a proposed amendments to be made available for the use of each member.

90. ORDER OF AMENDMENTS

SECOND READING

Amendments shall ordinarily be considered in the order of the clauses to which they respectively relate.

91. SUBMISSION OF BILL CLAUSE BY CLAUSE

Notwithstanding anything in the forgoing rules, it shall be in the discretion of the Chairman, when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Council clause by clause. When this procedure is adopted, the Chairman shall call each clause separately, & when the amendments relating to it have been duly with, shall put the question "that this clause or (as the case may be) this clause as amended, stands part of the Bill".

92. PASSING OF BILLS-THIRD READING :

(1) If no amendment be made when a motion that a Bill be taken into consideration has been agreed to by the District Council, the Bill may at once be passed.

(2) If any amendments be made, any member may object to the passing of the Bill at the same meeting ; and such objection shall prevail, unless the

Chairman, in his discretion, allows the Bill to be passed.

(3) Where the objection prevails, the Bill shall be brought forward again at a future meeting, and may then be passed with or without further amendment.

93. Formal revision of Bill and submission of it to Chairman for authentication and to Administrator for assent :

(1) When a Bill has been passed by the District Council, the Secretary shall, if necessary, renumber the clauses, revise and complete the marginal notes there of and make such purely formal consequential amendments therein as may be required and a copy of the Bill shall be submitted to the Chairman and shall be signed by him.

(2) After a Bill has been so authenticated by the Chairman, the Secretary to the District Council shall send an authenticated copy to each of the following:-

(i) The Administrator, through the Secretary, Local Administration Department for his assent where it is so required under any provisions of the sixth Schedule ;

(ii) The administrator, through the Secretary, Local Administration Department for information where the

former's assent is not specifically required under the provisions of the Schedule ;

(iii) The Chief Executive Member for information ;

(iv) The Deputy Commissioner for information,

94: RECONSIDERATION OF BILL RETURNED BY THE ADMINISTRATOR :

When a Bill has been passed is returned by the Administrator to the District Council for reconsideration, the point or points referred for reconsideration or the amendments recommended shall be put before the Council by the Chairman and shall be discussed and voted upon in the same manner as amendments to a Bill.

95: EFFECT OF LAWS MADE BY DISTRICT COUNCIL:

When a Bill has been passed by the District Council a copy there of shall be signed by the Chairman and assented to or approved where necessary, by the Administrator, Thereafter it shall be published in the Gazette and on such publication shall have the force of law as provided for in paragraph 11 of the Sixth Schedule to the Constitution,

CHAPTER VII

RESOLUTION

96. NOTICE OF RESOLUTION :

(1) A member who wishes to move a resolution, except a resolution contemplated by clause (c) of rule 12 and provided under rule 107, shall give fifteen days' notice before the opening day of the session of his intention and shall, together with the notice, submit a copy of the resolution which he wishes to move ;

Provided that the Chairman, with the consent of the Chief Executive Member, may allow a resolution to be entered on the list of the business at shorter notice than fifteen days,

(2) Immediately on receipt of the notice of a resolution under sub-rule (1), the Chairman shall send a copy of the resolution to the Deputy Commissioner. The Deputy Commissioner shall have power to disallow any resolution on the ground that it relates to matters falling outside the jurisdiction of the District Council. When a resolution is so disallowed, the Deputy Commissioner shall intimate the fact to the Chairman :

Provided that in the event of any difference of opinion arising between the Deputy Commissioner and the Chairman, the Deputy Commissioner

shall refer the matter to the Administrator and pending the receipt of the orders of the Administrator there on the Chairman shall not include the resolution in the list of business.

97. POWER TO DISALLOW RESOLUTION :

On intimation of the disallowance of any resolution under Sub-rule (2) of rule 96, the Chairman shall disallow the resolution. The Chairman shall also, within the period of notice, disallow any resolution or any part of a resolution, on the ground that it relates to a matter which is not the concern of the District Council and, if he does so, the resolution, or part of the resolution, shall not be placed on the list of business.

98. RESTRICTION ON SUBJECT FOR DISCUSSION

(1) Every resolution shall be in the form of a declaration of opinion by the District Council indicating, whenever necessary, a line of action to be taken by the Council.

(2) No resolution shall be moved in regard to any matter falling outside the jurisdiction of the District Council & to any of the following subjects, namely:—

(a) any matter which is under adjudication by a Court of law having juris-

diction in any part of the Union of India:

(b) any matter relating to the conduct of any judge or magistrate,

(3) Subject the provisions of sub-rule (2) of rule 96, 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,

99, FORM & CONTENTS OF RESOLUTION

Subject to the resolutions imposed by these Rules, any member may move a resolution relating to a matter of general public interest :

Provided that no resolution shall be admissible which does not comply with the following conditions, namely :—

(a) it shall be clearly & precisely expressed & shall raise a definite issue; &

(b) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity,

100, MOTION & WITHDRAWAL OF RESOLUTION

(1) A member in whose name a resolution appears in the list of business shall, when called upon either

(a) decline to move the resolution,

in which case he shall confine himself to a mere statement to the effect, or

(b) Move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business

(2) If the member when called upon is absent the resolution standing in his name shall be considered to have been withdrawn.

Provided that with the consent in writing of such absent member and with the permission of the Chairman any other member may move the resolution.

Provided further that if such a resolution stands in the name of another member present in the meeting of the District Council, Such member may be permitted by the Chairman to move that resolution,

101. LIMITS OF DISCUSSION :

Discussion on a resolutions shall be strictly limited to the subject of the resolution.

102. AMENDMENTS :

After the resolution has been moved, may, subject to all rules relating to resolutions, move an amendment to such resolution.

103. NOTICE OF AMENDMENTS :

If a copy of such amendment has not been sent to the Secretary two clear days before the day fixed for the discussion of the resolution, any member may object to the moving of the amendment, & such objection shall prevail, unless the Chairman in his discretion, allows the amendment to be moved

104. WITHDRAWAL OF RESOLUTION

(1) A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the District Council.

(2) No discussion shall be permitted on a motion for leave to withdraw a resolution or an amendment thereto, except with the permission of the Chairman.

105. RESOLUTION NOT DISCUSSED

A resolution of which notice has been given by a member & which has been admitted, if it is not discussed during the session, shall, subject to the provisions of rule 48, be deemed to have been withdrawn,

106. COPY TO A MINISTER

A copy of every resolution which has been passed by the District Council

shall be forwarded to the Government & to the Deputy Commissioner.

107. RESTRICTIONS ON MOVING MOTIONS & CHAIRMAN'S POWER TO DISALLOW MOTION

(1) Save in so far as is otherwise provided by these rules, no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions except with the consent of the Chairman & of the Member of the Executive Committee in charge of the subject matter of the resolution:

(2) It shall not be permissible to the Chairman or to the Member of the Executive Committee concerned to give his consent to the moving of any motion in regard to any of the subjects in regard to which a resolution cannot be moved & the decision of the Chairman on the point whether any motion is or is not within the restrictions imposed by sub-rule (2) of rule 98 shall be final subject to the provisions of sub-rule (2) of rule 96.

(3) The Chairman shall disallow any motion or part of a motion on the ground that it relates to a matter which is not primarily the concern of the District

Council, &, if he dose so, the motion shall not be placed on the list of business.

108 RESOLUTION FOR REMOVAL OF CHAIRMAN :

(1) Any resolution to remove the Chairman or the Deputy Chairman from office shall be read to the District Council by the person presiding who shall then request the members who are in favour of leave being granted to move the resolution, to rise in their places and, if not less than one fourth of the members present rise accordingly, the person presiding shall allow the resolution to be moved. If less than one-fourth of the member rise, the person presiding shall inform the member who may have given the notice that he has not the leave of the Council to move it,

(2) If leave is granted for the resolution to be moved, it shall be disposed of in accordance with the procedure laid down in the forgoing rule in this Chapter;

CHAPTER VIII

FINANCIAL PROCEDURE

109. ANNUAL FINANCIAL STATEMENT :

(1) The Chief Executive Member shall in respect of every financial year cause

to be laid before the District Council a statement of the estimated receipts and expenditure for that year which are to be credited to, or is to be made from, the District Fund and of Autonomous District, hereinafter referred to as "the District Council Budget"

(2) All estimates of expenditure from the District Fund shall be submitted in the form of demands for grants to the District Council, and the District Council shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Chief Executive Member.

110. AUTHENTICATION OF SCHEDULE OF AUTHORISED EXPENDITURE

(1) The Chief Executive Member shall authenticate by his signature a Schedule specifying the grants made by the district Council under the preceding rule;

(2) The Schedule so authenticated shall be placed before the District Council but shall not be open to further discussion or vote in the Council,

(3) Subject to the provisions of the

next succeeding rule, no expenditure from the District Fund shall be made unless it is specified in the Schedule so authenticated.

111. SUPPLEMENTARY STATEMENTS OF EXPENDITURE

If in respect of any financial year further expenditure from the District Fund becomes necessary over & above the expenditure therefore authorised for that year, the Chief Executive Member shall cause to be laid before the District Council, a supplementary statement showing the estimated amount of that expenditure, & the provisions of the preceding rules shall have effect in relation to the District Council Budget & the expenditure mentioned therein.

112. PRESENTATION OF DISTRICT COUNCIL BUDGET

(1) The District Council Budget in respect of every financial year shall be presented to the District Council on such day in the preceding financial year as the Chairman in consultation with the Chief Executive Member may appoint.

(2) No discussion of the District Council Budget shall take place on the day on which it is presented.

113. DEMAND FOR GRANTS

(1) A separate demand shall be made in respect of the grant proposed for each section of the District Council.

(2) Each demand shall contain first, a statement of the total grant proposed, then a statement of the detail estimated under each grant, divided into items.

(3) Subject to the provisions of these rules, the District Council Budget shall be prepared & presented with necessary appropriations under the heads, sub-head, minor heads, etc., in the form shown in Appendix I. A copy of such Budget shall be supplied to the members at least seven days before the day on which the district Council Budget is presented.

114. DISCUSSION OF DISTRICT COUNCIL BUDGET

The District Council Budget shall be dealt with by the District Council in two stages, namely:—

- (i) a general discussion, and
- (ii) the voting of demands for grant.

115. GENERAL DISCUSSION OF BUDGET, RIGHT OF REPLY BY MEMBER-IN-CHARGE OF FINANCIAL AFFAIRS & TIME LIMIT OF SPEECHES

(1) On the day or days to be appointed by the the Chairman subsequent to

the day on which the Budget is presented & for so much time as the Chairman may allot for the purpose, the District Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but the Budget shall not be submitted to the vote of the District Council.

(2) The Member-in-charge of Financial affairs shall have a general right of reply at the end of the Discussion:

(3) The Chairman may, if he thinks fit, prescribe a time limit for speeches.

116. VOTING OF DEMANDS

(1) The voting of demands for grants shall take place on such days not exceeding one week as the Chairman may allot for the purpose.

(2) Of the days so allotted, not more than a day shall be taken up by the Council for discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the Chairman shall forthwith put every question necessary to dispose of the demand under discussion.

(3) On the last day of the days so allotted, the Chairman shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grant; and

the consideration thereof shall not be anticipated by any motion for adjournment or be interrupted in any manner whatsoever nor shall any dilatory motion be moved in regard thereto:

117: VOTE ON ACCOUNT, VOTE OF CREDIT AND EXCEPTIONAL GRANTS :

(1) Notwithstanding anything contained in the preceding rules, on any day or days subsequent to the presentation of the District Council Budget which may be appointed by the Chairman for the purpose, motions may be made for making —

(i) any grant in advance in respect of the estimated expenditure for the part of any financial year;

(ii) a grant for meeting an unexpected demand upon the resources of the autonomous district when on account of the magnitude of the indefinite character of the service the demand cannot be stated with details ordinarily given in the District Council Budget.

(iii) an exceptional grant which forms no part of the current service of any financial year.

(2) Such demands shall be dealt with by the District Council in the same way as if they were demands for grants and

-the provisions of rules 110 (1) and (2) and 113 — 116 shall, *mutatis mutandis*, apply :

(3) The Chief Executive Member shall, within such financial year, cause to be laid before the District Council a statement of expenditure incurred out of the grant or grants made under sub-rule (1), and the approval of the Council shall be obtained thereon :

118 MOTION AT THIS STAGE

(1) No motion for appropriation can be made except on the recommendation of the Chief Executive Member communicated to the District Council —

(2) Motions may be moved at this stage to refuse or reduce the total amount of any demand for grant or to omit or reduce the amount of any item or unit of appropriation composing the grant :

(3) If any such motions be carried by the District Council the decision would be final under rule 110

(4) When tabling a motion for reduction, it is be for a reduction or omission of the amount of an item, a member shall give full details of the reduction or omission proposed by him with reference to original provision in the budget :

(5) When several motions for substantial reductions relating to the same demand are offered they shall be discussed in the order in which the head to which they relate appear in the Budget ordinarily, the largest reduction under a grant or an item of a grant will be taken up first and the smallest reduction last, but this arrangement may be altered by the Chairman at his discretion to expedite the business of the Council

119. NOTICE OF MOTIONS

Notice of a motion to refuse or reduce any demand shall be given to the Secretary to the District Council one day before the day on which the demand is to be taken up for consideration.

120. STATEMENT OF SUPPLEMENTARY OR ADDITIONAL GRANTS

(1) The Chairman in consultation with the Chief Executive Member, may from time to time, allot a day or days for the presentation of a supplementary statement of expenditure and for discussion and voting on the demands thereof.

(2) A demand may be presented to the District Council for an additional or supplementary grant in respect of any

demand for grant to which the Council has previously refused its assent, or in respect of the amount which the Council has previously reduced,

(3) The consideration of the business in the foregoing sub-rules shall not, on the day or days allotted therefor, be anticipated by any motion for adjournment or be interrupted in any manner whatsoever; not shall any dilatory motion be moved in regard thereof

121. BUDGET TO REFLECT THE RESOURCES AVAILABLE AND THE EXPENDITURE VISUALISED

The Budget of the District Council shall not exceed the total amount available by way of grants-in-aid from the Government and the revenue earnings envisaged and the expenditure shall be adjusted accordingly,

CHAPTER IX

MISCELLANEOUS

122. PROCEEDINGS OF THE DISTRICT COUNCIL

(1) The secretary to the district Council shall cause a report for the proceedings for the district Council at each of its meetings to be prepared as soon as possible after such meetings. He shall send copies of such reports to :—

(i) the Government through the Se-

cretary, Local Administration Department,

- (ii) the Chief Executive Member,
- (iii) the Deputy Commissioner.
- (iv) the Members of the District

-Council,

(2) A copy of such report, when confirmed and signed by the Chairman shall be the record of the proceedings of the District Council,

123. OTHER DUTIES

In addition to the other duties specially empowered by these rules it shall be the duty of the Secretary —

(1) to take charge of all records of the District Council,

(2) to keep the books of the District Council,

(3) to keep a list of business for the time being before the District Council,

(4) to superintend the typing or printing of all papers ordered by the Chairman to be typed or printed,

(5) to make out from time to time a list of all Select Committees' sittings,

(6) to assist the District Council and all Select Committees in such manner as they may direct:

(7) to write all letters directed by the Chairman of the District Council to be written,

124. CHAIRMAN'S POWER TO REGULATE CONDUCT OF BUSINESS NOT PROVIDED FOR IN THE RULES

The Chairman shall have power to regulate the conduct of business in the District Council in all matters not provided for in the Constitution or these rules:

**PART IV
ELECTIONS**

CHAPTER I

GENERAL PROVISIONS

125 HOLDING OF GENERAL ELECTIONS

(1) As soon as may be after the commencement of the Mizoram District Councils (Miscellaneous provisions) Order, 1972, a general election shall be held under these rules for the Constitution of a new District Council for each Autonomous District and thereafter a general election shall be held on the expiration of the duration of the then existing District Council or on its dissolution.

(2) For the Constitution of District Council for the first time under these rules or, on the expiration of the duration of an existing District Council or on its

dissolution, the Government shall, by notification in the Gazette, call upon every constituency to elect a member or members in accordance with these rules within such time as may be specified in such notification :

Provided that, if the Government consider fit, the said notification may be issued at any time not being more than six months prior to the date on which the duration of the District Council would expire in the ordinary course of events :

Provided further that for the Constitution of a District Council for the first time under these rules the said notification may be issued when the Administrator thinks fit :

126 PUBLICATION OF RESULTS OF THE GENERAL ELECTION :

As soon as may be, after the expiration of the time fixed for the election of members at any general election, the names of the members elected for various constituencies at such election shall be notified in the Gazette :

127 CASUAL VACANCIES :

(1) When the seat of an elected

member of a District Council becomes vacant or the election of a member is declared void, the Administrator shall, by notification in the Gazette call upon the constituency to elect, a person to fill the vacancy within such time as may be specified in the notification, and these rules shall apply, as far as may be, to the procedure for the election of a member to fill such a vacancy.

(2) If a vacancy occurs in the case of a nominated member, the Administrator shall nominate to the vacancy a person having the necessary qualification under these rules.

128. EFFECT OF DISQUALIFICATION,

If any person having been elected or nominated, is found to have been subject at the time of his election or nomination to any of the disqualifications prescribed in rule 9 or 13 the Administrator may, if the disqualification has not been removed, declare, by notification in the Gazette, his seat to be vacant.

CHAPTER II

FRANCHISEE — ELECTORAL ROLLS

129. QUALIFICATION FOR ELECTORS,

(1) Save in so far as is otherwise pr-

vided in these rules, every person who is

(a) a citizen of India and ordinarily resident in a constituency for not less than 180 days during the qualifying period,

(b) not below the age of twenty-five on the qualifying date;

(c) not of unsound mind and one not stand for declared by a competent Court

(d) for the time being not disqualified from voting under the provisions of any law relating to corrupt or illegal practices and other offences in connection with elections.

shall be entitled to vote at any election to the District Council of an Autonomous District :

Provided that a person not belonging to a Schedule Tribe shall not be entitled to so vote unless he is permanently resident within the territorial limits of the said autonomous District.

(2) The expression "ordinarily resident" used in sub-rule (1) shall have the same meaning as assigned to it by Section 20 of the Representation of the people Act, 1950 (XLIII of 1950)

(3) For the purposes of this rule, a person shall be deemed to be permanently resident within the territorial limits

of an Autonomous District if he has taken up his fixed or permanent habitation with his family or made his permanent home in that District and resided continually therein for a period of not less than ten years on the qualifying date. A person shall not be deemed to have taken up his fixed habitation in the District merely by the reason of his having resided therein in connection with his civil or military service or in exercise of any profession or calling.

(4) For the purposes of this rule, "the qualifying date" and "the qualifying period" in the case of every electoral roll subsequently prepared under these rules shall be the first day of March of the year in which it is prepared, and the year immediately preceding that year respectively.

130. ELECTORAL ROLL FOR EVERY CONSTITUENCY

(1) There shall be an electoral roll for every territorial constituency for election to the District Council of an Autonomous District, Electoral rolls,

(2) Subject to the provisions of rule 128, the electoral rolls for the areas comprised within an Autonomous District for the purpose of elections to the Mizoram Legislative Assembly prepared in accordance with the provisions of the

Representation of the People Act, 1950 (XLIII of 1950) and the rules issued thereunder from time to time, shall be deemed to be the electoral rolls for the corresponding areas of that Autonomous District for the purpose of election to the District Council of the said Autonomous District.

Provided that the name of any person who becomes disqualified for voting under the provision to sub-rule (1) of rule 128 shall be forthwith struck off the roll in which it is included,

Provided further that if the disqualification for voting under the proviso to rule 128 (1) incurred by any person whose name has by the reason thereof been struck off the electoral roll under the foregoing proviso, be removed during the period the said electoral roll is in force, the name of such person shall forthwith be reinstated in that electoral roll,

(3) The Returning Officer shall make the correction or reinstatement, as the case may be, referred to in the provisos to sub-rule (2) or shall cause such correction or reinstatement to be made, in all copies of the electoral roll which will remain in his custody and possession for the purpose of elections to the District Council, But before such

correction or reinstatement is made, the Returning Officer or any other Officer authorised by him in writing in this behalf shall make a list of such persons whose names are to be struck off or reinstated in the electoral roll, as the case may be, and cause it to be hung up in the Court of the Deputy Commissioner or the Subdivisional Officer, as the case may be, or in such other place or places as the Returning Officer may direct:

Any person entered in the list may lodge with the Returning Officer an objection against his name being struck off the electoral roll or a claim against the name of a person being admitted within a period of fifteen days from the date on which the list is hung up. Returning Officer or any other Officer authorised by him in this behalf shall summarily dispose of such objection or claim petitions within a period not exceeding two weeks from the date of submission of the petitions,

Every correction or reinstatement so made or caused to be made in an electoral roll shall be initialled and dated by the officer who makes the correction or reinstatement:

(4) The electoral roll of a constituency of the Mizoram Legislative Assembly or so much of it as relates to the areas

comprised within a constituency of the district Council of an Autonomous District shall, as and where corrected under sub-rule (3), be deemed to be the electoral roll for such constituency of the District Council and shall remain under section 24 of the Representation of the People Act, 1950 in force for the same period as an Assembly Electoral roll (XLIII of 1950)

CHAPTER III

RETURNING OFFICERS 131. LIST OF RETURNING OFFICERS

(1) The Returning Officers for the constituencies mentioned in the first column of Appendix II to these rules shall be the persons respectively specified in the corresponding entry in the second column thereof,

(2) The persons specified in the third column of the said Appendix may, subject to the control of the Returning Officer, perform all or any of the functions of the Returning officer in the constituencies respectively specified in the corresponding entry in the first column thereof,

Provided that such person shall not perform any of the functions of a Returning Officer which relates to the acceptance or scrutiny of a nomination paper

or to the counting of votes and declaration and publication of the results of election unless the Returning Officer is unavoidably prevented from performing the same:

132 APPOINTMENT OF ADDITIONAL RETURNING OFFICER

Notwithstanding anything in the foregoing rule 131 the Government may by notification in the Gazette, appoint such other Officer or officers as Returning Officers (s) for the purpose of elections to the District Council of an Autonomous District.

133 DECISION OF RETURNING OFFICER IS FINAL

The decision of the Returning Officer shall be final but while there is time, the Returning Officer may refer to the Government any difficult question as to the interpretation of any electoral roll or any provisions of the constitution.

CHAPTER IV

NOMINATION OF CANDIDATES

134 NOMINATION & STEPS TO BE TAKEN THEREUNDER

(1) No person shall be nominated as a candidate for election to fill a seat in the constituency if he is not qualified to be elected to fill the seat.

(2) The Government shall appoint for each constituency —

(a) a date, not later than three weeks

after the date of the notification calling upon the constituency to elect a member or members, for the nomination of candidates and for the scrutiny of nominations:

(b) a further date or dates on which a poll shall if necessary, be taken; and the dates so fixed shall be notified in the constituency in such manner as the Returning Officer thinks fit,

(3) On or before the date so appointed for the nomination of candidates, each candidate shall, either in person or by his proposer or seconder, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon deliver to the Returning Officer, or to such other person as may be authorised in this behalf by the Returning Officer a nomination paper completed in the form specified in Appendix III and subscribed by the candidate himself as assenting to the nomination and by two persons referred to in sub-rule (4) as proposer and seconder:

(4) Any person whose name is included in the electoral roll of the constituency and who is not subject to any disabilities for being so included under the Constitution or any rules made thereunder may subscribe as proposer or seconder as many nomination papers as there are vacancies to be filled but not

more.

(5) Every nomination paper delivered under sub-rule (3) shall contain a declaration in writing subscribed by the candidate that the candidate has appointed or does thereby appoint as his election agent for the election either himself or some one other person who is not disqualified under rule 213 for the appointment & who shall be named in the declaration and no candidate shall be deemed to be duly nominated unless such declaration is made on the nomination paper.

Provided that notwithstanding that more than one nomination paper is presented by or on behalf of a candidate, only one such declaration by the candidate shall be necessary

(6) Every nomination paper shall also contain a declaration in writing subscribed by the candidate that he has selected a particular symbol from the list specified in Appendix IV to these rules and no candidate shall be deemed to be duly nominated unless such declaration is made on the nomination paper.

(7) Any nomination paper which is not received before three o'clock in the afternoon on the date fixed by the Government for the nomination of candidates shall be rejected.

(8) The Returning Officer or any other Officer authorised by the Returning Officer in writing shall, on receiving a nomination paper under sub-rule

(3) sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him, and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of all the nomination received containing descriptions, same as those contained in the nomination papers, both of the candidates and of the persons who have subscribed the nomination paper as proposers and seconders.

(9) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered by him either in person or by his proposer or seconder to the Returning Officer at any time before the Returning Officer has completed the preparation of the list of valid nominations under sub-rule (4) of rule

135. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election;

Note — A telegram addressed to the Returning Officer, purporting to come from a candidate giving notice of withdrawal of his candidature may be

provisonally accepted as a notice in writing Unless, however such telegram is followed up as soon as possible by a notice of withdrawal subscribed by the candidate himself the telegram should be disregarded & the candidate should be deemed not to have withdrawn his candidature

(10) The Returning Officer or any other person authorised in this behalf shall, on receiving a notice of withdrawal under sub-rule (9) as soon as may be, cause a notice of the withdrawal to be affixed in some conspicuous place in the office.

135. DEPOSIT ON NOMINATION

(1) At the time of delivery of a nomination paper under sub-rule (3) of rule 134, each candidate shall submit with the nomination paper a Treasury Chalan showing that a deposit of Rs 150 (Rupees one hundred & fifty) has been made by him in the Treasury, & no candidate shall be deemed to be duly nominated unless such deposit has been made:

(2) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made withdraws his candidature or if the nomination of any such candidate is refused, the deposit should be returned to the candidate ; & if any candidate dies before the commencement of the poll any such deposit shall be returned to his legal representative.

(3) If in a constituency, a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, is not declared elected & the number of votes polled by him does not exceed one-eight of the total number of votes polled, the deposit shall be forfeited to Government.

(4) The deposit made by or on behalf of a candidate who is not elected ; shall, if it is not forfeited under sub-rule (3), be returned to the candidates as soon as may be after the publication of the result of the election in the Gazette, and the deposit made by or on behalf of a candidate who is elected shall be so returned as soon as may be after the publication of the result of the election in the Gazette.

136. SCRUTINY OF NOMINATION

(1) After 3 p. m. on the date fixed by the Government for the nomination of candidates under sub-rule

(2) of rule 134 the candidates, their election agents, one proposer & one seconder of each candidate, & one other person duly authorised in writing by each

candidate but no other person, may attend at such place the Returning Officer may appoint & the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time & in the manner laid down in rule 134.

(2) a) The Returning Officer shall then examine the nomination papers & shall decide all objections which may be made to any nomination & may, either on such objection or on his own motion, after such summary inquiry if any, as he thinks necessary refuse any nomination on any of the following grounds

(i) that the candidate is not qualified to be elected to fill the seat under the Constitution or any rules thereunder;

ii) that a proposer or seconder is disqualified from subscribing a nomination paper under subrule (4) rule 133.

(iii) that there has been a substantial failure to comply with any of the provisions of rule 134 or rule 135;

(iv) that the candidate or any proposer or seconder is not substantially identical with the person whose number or name of the electoral roll is given in the nomination paper as the number or name of such candidate's proposer or seconder.

(v) that the signature of the candidate or any proposer or seconder, is not genuine or has been obtained by fraud,

The Returning Officer shall not, however, refuse any nomination paper on the ground of a slight technical defect such as the wrong spelling of a name, and shall accept any nomination paper in respect of which he is satisfied that the candidate is qualified to be chosen to fill the seat and has been proposed and seconded by persons who are qualified to do so,

(b) For the purpose of this rule, the production of a certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any voter named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate or the proposer or seconder is otherwise disqualified.

(3) (a) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing in a brief statement of his reasons for such rejection;

(b) The scrutiny shall be complete, if possible, on the day fixed for the nomination

of candidates but if it cannot be completed on that day it may be adjourned to the following day or, if the following day is a holiday, to the next working day,

(4) On completion of the scrutiny of nominations, the Returning Officer shall forthwith examine the symbols selected by the candidates, and if such symbols are found to conflict with each other or with any symbols already assigned, he shall allocate the symbols in conformity, as far as possible, with the wishes of the candidates and if necessary by lot, and his decision in this respect shall be final. Each candidate or his election agent shall at the same time be informed of the symbol assigned to him and shall be given a specimen thereof. The Returning Officer shall then prepare a list of valid nominations indicating therein the symbols assigned to each candidate and shall cause such list to be affixed in some conspicuous place in his office.

137. DEATH OF CANDIDATE BEFORE POLL ;

If a candidate who has been duly nominated under these rules dies after the date fixed for the scrutiny of nominations and before the commencement of a poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Government and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election ; provided that no fresh nomination shall be necessary in the case of a candidate whose nomination had been valid at the time of the countermanding of the poll.

138. EFFECT OF NOMINATIONS ;

(1) If the number of candidates who have been duly nominated and who have not withdrawn their candidature exceeds that of the seats to be filled, the Returning Officer shall forthwith publish in the Gazette and in such other manner and in such places in the constituency as the Returning Officer may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order and the symbols assigned to each candidate, and a poll shall be taken in the manner provided in the succeeding rules.

(2) If the number of such candidates is equal to the number of seats to be filled, the Returning Officer shall declare all such candidates to be duly elected to fill those seats:

(3) If the number of such candidates is less than the number of seats to be filled,

the Returning Officer shall declare all such candidates, if any, to be elected to fill as many of those seats as possible and the Government shall, by a 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.

Provided that where the constituency having already called upon under this sub-rule, has failed to elect a person or the requisite number of persons, to fill the seat or seats, the Administrator shall not be bound again to call upon the constituency to elect a person or persons until such time, if any as he thinks fit.

CHAPTER V

VOTING AT ELECTIONS

139. SYSTEM OF VOTING SYMBOL SYSTEM.

(1) Voting at elections to a District Council shall be conducted by symbol system, The symbols to be utilised for the purpose shall be those as specified in Appendix IV to these rules :

(2) At elections in every constituency where a poll is taken votes shall be given by ballot in the manner hereinafter provided in these rules, and no votes shall be received by proxy.

140. RIGHT TO VOTE ;

(1) No person who is not, and except as expressly provided by these rules, every person who is, for the time being, included in the electoral roll of any constituency shall be entitled to vote in that constituency,

(2) No person shall vote at any election in any constituency if he is for the time being not entitled to vote under the provisions of rule 129 read with rules 211, 212 and 213.

(3) No person shall vote at an election in more than one constituency, and if a person votes in more than one constituency his vote in all such constituencies shall be void.

(4) No person shall vote at any election in the same constituency more than once, notwithstanding that his name may have been included in the electoral roll for that constituency more than once; and if he does so vote, all his votes in that constituency shall be void.

(5) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police.

141. HOURS OF COMMENCEMENT AND CLOSE OF POLL :

(1) The Government shall, by notification in the Gazette, fix the hour at which the poll shall commence and the hour at which it shall close on the date or dates fixed for the poll.

The hours fixed for polling shall also be published in the constituency in such manner as the Returning Officer may consider necessary.

(2) The Returning Officer may, for sufficient cause & with the previous approval of the Government, postpone the date or extend the period fixed for polling.

142 SELECTION OF POLLING STATIONS

(1) The Returning Officer shall select for each constituency such number of polling stations as he may deem necessary & shall allot a distinctive number to each of them.

(2) Not less than seven days before the date or the first date of the dates fixed for the election the Returning Officer shall post at his office & publish in such manner as he may consider necessary, a list showing the polling stations as selected, the polling area for which each such station has been selected & the hours during which each such station shall remain open for the recording of votes.

(3) No person shall be permitted to record his vote except at the polling station of the area to which according to the electoral roll he belongs & within the fixed hours for which the polling station remains open.

143 APPOINTMENT OF PRESIDING OFFICERS & POLLING OFFICERS

(1) The Returning Officer shall appoint a presiding officer for each polling station & such other persons (hereinafter referred to as polling officers) to assist the presiding officer as he thinks necessary.

Provided that if a polling officer is absent from the polling station the presiding officer may appoint any person who is present at the polling station to be the polling officer during the absence of the former officer & inform the Returning Officer accordingly.

(2) A polling officer may, if so directed by the presiding officer, perform all or any of the duties assigned to a presiding officer under these rules.

(3) If the presiding officer, owing to illness or other unavoidable cause is obliged to absent himself from the polling station, his duties shall be performed by such polling officer as has been previously authorised by the Returning Officer to perform such duties during any such absence.

143: DUTIES OF PRESIDING OFFICERS AT POLLING STATIONS :

(1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of voters to be admitted at one time and shall exclude all other persons except

(a) the polling officers, the candidate and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate, and authorised in this behalf by the Returning Officer.

(b) police officers or other public servants on duty, and

(c) such persons as the presiding officer may from time to time admit for the purpose of identifying electors.

(2) At least seven days before the date fixed for the poll every candidate shall forward to the Returning Officer of the constituency the names of one agent & two relief agents appointed in writing by the candidate, to act as his polling agents at each polling station or polling booth.

Provided that in case of the revocation of appointment of, or the death of polling agent, the Returning Officer may allow the appointment of another agent in his place at any time before the poll is taken,

(3) The presiding officer shall close the polling station at the hour fixed in that behalf under rule 14 (1) so as to prevent the admission thereto of any other voter after that hour provided that all votes admitted within the polling station before it is so closed shall be entitled to have their votes recorded.

(4) In emergencies such as disturbance of the public peace or the occurrences of any natural calamity the presiding officer may, with the approval of the Returning Officer close the poll & announce the adjournment of the poll to a subsequent day. The Returning Officer shall immediately report the circumstances to the Government:

145 ARRANGEMENT FOR SECRECY OF VOTING :

Each polling station shall be furnished with a compartment in which voters can record their votes screened from observation.

146. PROVISION OF BALLOT BOXES AND SYMBOLS AT POLLING STATION

(1) The Returning Officer shall provide at each polling station one ballot box for each candidate.

(2) The symbol assigned to a candidate shall be fixed to the ballot box provided for the candidate. The ballot box of each candidate shall also be clearly marked, with his name in English and such other local language or languages as may be decided by the Returning Officer.

(3) Outside and inside each such polling station there shall be affixed in a conspicuous place by the presiding officer before the commencement of the poll a notice showing the name of each candidate in English and such other local language or languages as may be decided by the Returning Officer together with a copy of the symbol affixed to each candidate's ballot box.

(4) The Returning Officer shall provide at each polling station instruments for stamping the official mark on ballot papers, as many ballot papers as may be necessary & copies of the electoral roll or of such part thereof as contains the names of the voters entitled to vote at such station. The official mark shall be kept secret & shall not be used for a period of five years at election for the same constituency.

147. BALLOT BOXES TO BE LOCKED UP & SEALED BEFORE COMMENCEMENT OF POLL :

Every ballot box shall be so constructed that ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present at such station so that they may see that it is empty, & shall then lock it up, & place his seal upon it in such manner as to prevent its being open without breaking such seal, & shall keep it so locked & sealed.

141. MAINTENANCE OF SECRECY OF VOTING :-

Before the polling station is open for the recording of votes, the presiding officer shall read to such persons as may be present the provisions of rule 199 & shall explain the substance thereof in the language or languages as may be understood by such persons.

149 PROCEDURE BEFORE RECORDING OF VOTES :

(1) The voter on entering the polling station shall first approach the polling officer in charge of that portion of electoral roll in which the voter's name appears. Such polling officers shall ascertain the voter's name, address, his father's name, or her father's name or her husband's name and such other particulars as appear on the roll, and having checked those with the roll, call out the number, name and description of the voter as printed. He shall then place against the number of the voter in the roll a short horizontal line to denote that the voter has received the allot paper or papers to which he or she is entitled. No other marks shall be made on the roll.

(2) If a voter's name, address or any other particular given in the roll is found to be incorrect owing to a misprint or clerical error, the presiding officer may interpret the entry in the roll so as to overlook any such clerical or printing error but shall record his reasons in writing for so doing in each case.

(3) On the voter's name being called out one of the polling Officers in charge of the ballot paper shall enter on the counterfoil of as many ballot papers as the voter is entitled to receive the voter's number (as given in the electoral roll) and if this has not been printed) the distinctive number of the polling station. He shall then detach each ballot paper from the counterfoil and, after stamping it with the official mark, deliver to the voter the number of ballot papers which he or she is entitled to receive.

150. PERSONS TO BE PRESENT AT THE POLLING STATION TO ASSIST THE POLLING OFFICERS IN IDENTIFYING VOTERS :

At every polling station arrangements shall be made for a suitable village or town officer such as Village Council president, Government officials to be present when the voters of such village appear to record their votes. Such officers shall sit in close proximity to the Polling Officer in charge of the electoral roll and shall assist him in identifying the voter calling his attention to any case of impersonation or misrepresentation when the matter shall at once be referred to the presiding officer.

151: MANNER OF RECORDING VOTES AFTER RECEIPT OF THE BALLOT PAPERS :

The voters on receiving the ballot paper shall record his vote by dropping the ballot paper in to the box containing the symbol assigned to the candidate of his choice. Every voter shall vote without undue delay and shall quit the polling station as soon

as he/she has put his/her ballot paper into the ballot box. The voter before recording his vote shall show the presiding officer the official mark on his or her ballot paper.

152 RECORDING OF VOTES OF INFIRM VOTERS :

The presiding Officer shall give such assistance as may be required to any voter who by reason of infirmity, or ignorance is unable to vote in the manner prescribed.

153 BALLOT PAPER WHEN INVALID

Any ballot paper on which any mark has been made by which the voter may be identified shall be invalid.

154. FORM OF BALLOT PAPER

The ballot paper shall be in the form in Appendix V and shall be printed in such language or languages as the Returning Officer may direct. The ballot papers shall be serially numbered, the serial number being printed on the foil and counterfoil.

153 TENDERED VOTES

If a person representing himself to be a particular voter named on the electoral roll applies for a ballot paper after another person has voted as such voter, the applicant shall after duly answering such question as the presiding officer may ask, be entitled to cast a ballot paper in the same manner as any other voter. Such ballot paper (hereinafter referred to as a tendered ballot paper) shall be of a colour different from the other ballot papers, and, instead of being put into the ballot box shall be given to the presiding Officer and endorsed by him with the name of the voter, constituency, and his number on the electoral roll and shall be set aside in a separate packet and shall not be counted by the Returning Officer. The name of a voter and his number in the electoral roll and the name and distinctive number of the polling station to which the roll relates shall be entered in a list in the form at Appendix VI which shall bear the heading TENDERED VOTES LIST. The person tendering such ballot paper shall sign his or her name and address thereon, affix his or her thumb impression against the relevant entry in the list. The tendered ballot paper shall be in the form in Appendix XI.

156. CHALLENGED VOTES :

(1) If any candidate, election agent or polling agent declares and undertakes to prove that any person by applying for a ballot paper and obtaining to be particular voter, has committed the offence of false personation, the presiding Officer shall

require such person to enter in the list of Challenged Votes which shall be in the form in Appendix VII, his name and address; or he is unable to write, to affix his thumb impression thereto, and may further request such person to produce evidence of identification:

provided that no action shall be taken by the presiding Officer under this sub-rule unless a sum of ten rupees has been deposited in cash with the presiding Officer by the candidate or such agent for each challenge he makes:

(2) If the person so challenged refuses to comply with such requisition he shall not be allowed to vote, but if he does so comply and on being questioned whether he is the person enrolled in the electoral roll in force and whether he has already voted at the present election in this Constituency, answers the former question in the affirmative and the latter in the negative, he shall be allowed to vote after he has been warned of the penalty for personation.

(3) If the presiding Officer after such inquiry on the spot as he thinks necessary is of opinion that the challenge made by the candidate or his agent under sub-rule

(1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to Government and order in this respect shall be final.

(4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3) it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The presiding Officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of Challenged Votes.

157. SUPPLY OF DUPLICATE BALLOT PAPER WHEN IT IS SPOILT THROUGH INADVERTENCE :

A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding Officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper. The latter shall, together with its counterfoil be marked as cancelled.

158 PROVISION FOR VOTING BY PERSONS ON DUTY AT POLLING STATIONS :

A presiding officer, polling officer, other public servant or polling agent who, being entitled to vote in the constituency is duly appointed or authorised for duty at a polling station at which he is not ordinarily entitled to vote may apply to the Returning Officer for a certificate entitling him to record his vote at the polling station where he is employed. The Returning Officer shall, if satisfied that the application is in order, grant a certificate in the following form :

Certified that is registered as an elector No at polling station in the constituency of the District Council and, as he is prevented from voting at the said station by reason of his employment at the polling station in the constituency, I hereby authorise him to vote at the last named polling station.

Date

Signature of the
Returning Officer

159 METHOD OF VOTING BY PERSONS ON DUTY AT POLLING STATIONS

(1) A person in possession of a certificate in the form mentioned in the rule 157 shall deliver it to the presiding officer of the station where he is employed on duty & the presiding officer shall thereupon issue to such person a ballot paper duly stamped with the official mark & shall enter in the counterfoil of the ballot paper the name of the polling station at which such person would otherwise have been entitled to vote & his number in the electoral rolls as given in the Returning Officer's certificate.

If such person is entitled to vote in a constituency other than that in which he is on duty, the presiding officer shall also take such action as may be necessary to inscribe the name of such constituency on the ballot paper (including its counterfoil).

(2) Persons voting under the provisions of sub-rule (1) shall record their votes as follows

(i) If the polling station at which the person is on duty be in the same constituency as the one in which he is entitled to vote he shall record his vote in such station in accordance with the provisions of rule 151.

(ii) If the polling station at which the person is authorised or appointed for duty

is not in the same constituency as the one in which he is entitled to vote, then the presiding officer shall along with the ballot paper issue to the person as many envelopes as there are candidates for the constituency in which he is entitled to vote; in each envelope having on its outside the symbol or the name of the symbol assigned to the respective candidate written. The person shall then go inside the polling compartment & place the ballot paper or papers in the envelope or envelopes according to his choice, close the envelopes, & enclose them in a cover to be supplied to him by the Presiding Officer, & then hand the cover over to the Presiding Officer. The presiding officer shall as soon as practicable after the close of the poll, despatch the cover together with the certificate delivered to him under sub-rule (1) to the Returning Officer concerned.

160 DELIVERY OF BALLOT BOXES ETC TO THE RETURNING OFFICER AFTER THE CLOSE OF THE POLL

The presiding officer of each polling station, as soon as practicable after the close of the poll, shall in the presence of the candidates or polling agent who may be present make up into separate parcels & seal with his own seal & the seal of the candidate or agents as may desire to affix their seal:

(1) each ballot box in use at each station unopened but with the key attached & the slit in the lid sealed up;

(2) the unused ballot papers; (3) the tendered ballot papers; (4) the spoilt ballot papers; (5) the marked copy of the electoral roll; (6) the counterfoils of the ballot papers; (7) the tendered votes list; (8) the list of challenged votes; & (9) the envelopes referred to in rule 158; & shall deliver such packet or cause them to be delivered to the Returning Officer.

161 STATEMENT BY PRESIDING OFFICER AFTER CLOSE OF THE POLL

The packets shall be accompanied by a statement in the form given in Appendix VIII by the presiding officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers issued, unused spoilt and tendered ballot papers and ballot papers dealt with under rule 158 (2)

CHAPTER VI

Counting of Votes

162 APPOINTMENT OF TIME PLACE & DATE FOR COUNTING OF VOTES

(1) The Government shall appoint a time and place for the counting of votes, and the Returning Officer shall give notice thereof in writing to all candidates and their election agents.

(2) If, at the time appointed, all the ballot boxes have not been received by the Returning Officer, or due to any other unavoidable cause he is unable to proceed with the counting of votes, he shall with the previous approval of the Government postpone the counting to some other date and time appointed by the Government. Returning Officer shall give notice thereof in writing to all candidates and election agents.

163. PERSONS WHO MAY BE PRESENT AT THE COUNTING OF VOTES .

No person shall be allowed to be present at the counting of votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes. The candidates and either their election agent or one representative of each candidate authorised in writing by the candidate, shall have a right to be present at the time of counting.

164. PROCEDURE TO BE FOLLOWED AT THE COUNTING OF VOTES :

On the day and the time appointed under rule 162 the Returning Officer shall, before he commences to count the votes, read the provisions of rule 199 to such persons as may be present and shall then proceed as follows .

(a) All the ballot boxes allotted to a particular candidate shall be separated from those allotted to any other candidate and numbered and placed together, and the counting of all the ballot papers contained in the boxes allotted to the same candidate shall be completed before the counting of the ballot papers contained in the boxes allotted to any other candidate is commenced. The Returning officer or a person authorised by him shall distribute ballot papers in convenient bundles to the persons appointed to assist in the counting of votes.

(b) When the ballot papers have been so distributed but not before, the Returning Officer shall allow the candidates and their election agents, or representatives as may

be present, reasonable opportunity to inspect without handling the ballot papers; and shall on every ballot paper which is rejected endorse the word "rejected". If any candidate or his agent or representative present questions the correctness of the rejection, he shall also record on the ballot paper the grounds for the rejection:

(c) The Returning officer shall, as far as practicable, proceed continuously with the counting of the votes, and shall during any necessary intervals during which the counting has to be suspended; place the ballot papers, packets and other documents relating to the election under his own seal and the seal of such candidates, or election agents as may desire to affix them; and shall cause adequate precautions to be taken for their custody;

(d) After the counting of ballot papers contained in all the ballot boxes has been completed, the Returning Officer shall record the number of the ballot papers contained in the ballot boxes allotted to each candidate in a statement in which he shall also show the number of votes received by each candidate in accordance with the provisions of rule 159 (a) (ii) & shall seal in a separate packet all the ballot papers in support of each candidate.

165 GROUNDS FOR REJECTION OF BALLOT PAPER

(1) A ballot paper shall be rejected if :- (a) it does not contain the official mark referred to in rule 148 (3); (b) it bears any mark by which the voter can be identified other than the name of the candidate written by the voter in the manner provided by rule 158

(c) in the case where it is despatched in a cover under clause (ii) of sub-rule (2) of rule 158 to the Returning Officer the cover does not contain the certificate issued under rule 157 to the voter whose vote is recorded on such ballot paper

(2) The decision of the Returning Officer as to the validity of a ballot paper shall be final subject only to the reversal on an election petition claiming the seat

166 DECLARATION OF CANDIDATE ELECTED

When the counting of votes has been completed the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of valid votes has been given to be elected

Provided that upto the application of any candidate or his election agent or his duly authorised representative a recount shall be made before the Returning Officer makes the declaration but the Returning Officer may reject any such application as may appear to him to be frivolous, recording at the same time the grounds for such rejection.

(2) If an equality of votes is found to exist between the candidates, and addition of one vote will entitle any of the candidates to be declared elected one additional vote shall be given by the Returning Officer to the candidate, or, as the case may be, the candidates, selected by lot drawn in the presence of the Returning Officer in such manner as he may determine.

167 REPORT OF RESULT OF ELECTION TO GOVERNMENT AND PUBLICATION OF RESULT IN THE GAZETTE :

The Returning Officer shall without delay report the result of every election in a constituency of which he is the Returning Officer to the Secretary to the Government of Mizoram Local Administration Department & to such other officers as the Govt may direct & the name or names of the candidates elected shall be published in the Gazette under the signature of the Returning Officer.

168 VERIFICATION OF STATEMENT BY THE PRESIDING OFFICER

The Returning Officer shall not open the sealed packets of the tendered votes the marked copy of the electoral roll or the counterfoil of the ballot papers. He shall verify the statements submitted by the presiding officer under rule 161 by comparing with the statements prepared under clause (d) of rule 164 & the latter with the number of counted votes & rejected ballot papers the unused ballot papers in his possession & the tendered votes list, shall then reclose & reseal each packet which has been opened by him, shall record on each packet a description of its contents & the date of the election to which it refers.

169 RETURN BY THE RETURNING OFFICER

The Returning Officer shall then prepare & certify a return setting forth
1) the result of the verification referred to in rule 168. (2) the name of the candidates for whom valid votes have been given ; (3) the number of valid votes given for each candidate ; (4) the names of the candidates declared elected ; [5] the number of votes declared invalid & (6) the number of tendered votes given ; & shall permit any candidate or his election agent or his authorised representative to take a copy of, or & extract from such return:

170. Return to be sent to Government :

The Returning Officer shall, after reporting the result of the election under rule 167, forward the return mentioned in the preceding rule to the Secretary to the Government of Mizoram, Local Administration Department:

(2) Copies of returns by the Returning Officer shall be furnished by the Secretary to the Government of Mizoram, Local Administration Department on payment of a fee of Rs 2-- per copy.

CHAPTER VII**Election Agents And Expenses****171. ELECTION AGENT :**

As provided for in sub-rule (5) of rule 134, every person nominated as a candidate at an election, shall appoint either himself or some other person who is not disqualified for such appointment to be his election agent.

172. REVOCATION OF APPOINTMENT OF ELECTION AGENT :

(1) The appointment of an election agent, whether he be the candidate himself or not, shall only be revoked in writing signed by the candidate and lodged with the Returning Officer and shall operate from the date on which it is so lodged:

(2) In the event of such a revocation or of the death of any election agent whether that event occurs before or during election, or after the election but before a return of the candidate's election expenses has been lodged in accordance with the provisions of rule 174, the candidate shall appoint for with either himself or some other person to be his election agent, and shall give notice in writing of the appointment to the Returning Officer.

173. ACCOUNTS OF AGENTS :

Every election agent shall, for each election for which he is appointed election agent keep separate and regular books of account, and shall enter therein all the particulars of expenditure referred to in rule 174.

174. RETURN OF ELECTION EXPENSES :

(1) Within sixty days from the date of the publication of the result of an election under rule 167, there shall be lodged with the Returning Officer in respect of each person who has been nominated as a candidate for the election, a return of the election expenses of that person signed both by him and his election agent.

(2) The return of election expenses shall be in the form given in Appendix IX & shall contain the particulars as prescribed therein. Every such return shall be accompanied by declarations by the candidate & his election agent, which shall be in the forms contained in the said Appendix IX & shall be made on oath before a Magistrate.

(3) Notwithstanding anything contained in this rule where a candidate is owing to absense from India unable to sign the return of election expenses & to make the required declaration, the return shall be signed & lodged by the election agent only & shall be accompanied by a declaration by the election agent only, & the candidate shall, within fourteen days after his return to India cause to be lodged with the returning officer a declaration made on oath in the form prescribed in Appendix IX.

(4) If a candidate or election agent who is required to sign the return of election expenses & declarations referred to in this rule is unable to write his name, "sign" in relation to such person means authenticate by making a mark as prescribed in rule 216.

(5) Every such return shall also bear non-judicial stamps of the value of two rupees without which the Returning Officer shall not accept the return.

(6) The Returning Officer shall report to the Govt. within fifteen days from the date by which the return of election expenses of candidates ought to have been lodged with him whether or not, the candidates & their election agents have complied with the requirements of these rules.

(7) On receipt of a report under sub-rule (6) the Govt. shall decide whether the disqualification under clause (g) of sub-rule (1) of rule 18 has, in fact been incurred in any election to fill a seat with the result that the seat shall be declared vacant.

175 INSPECTION & COPY OF RETURN OF ELECTION EXPENSES

When any return & declarations made in respect thereof have been lodged with the Returning Officer shall as soon as may be, cause notice of the date on which the return & the declaration in question have been lodged & of the time & place at which they can be inspected, to be posted in some conspicuous place in his office & to be published in the Gazette, & any person shall on payment of a fee of one rupee, be entitled to inspect any such return or declaration & , on payment of such fee as the Govt. may direct, to obtain a copy or copies thereof or of any part thereof.

176 Maintenance of regarding return of election expenses

The Govt. shall cause to be prepared in such manner, and maintained for such

time as it may direct, a record showing the names of all candidates at every election under the election and the name of the election agent of each such candidate & the date in which the return of election expenses of each candidate has been lodged with the Returning Officer:

177 MAXIMUM OF ELECTION EXPENSES

The maximum scale of election expenses (including the personal expenses of a candidate) which may be incurred by a candidate for election in a constituency of the District Council shall be Rs 4,000:

178. MAXIMUM NUMBERS AND DESCRIPTION OF PERSONS TO BE EMPLOYED FOR PAYMENT IN CONNECTION WITH ELECTION :

The maximum numbers of persons who may be employed for payment by a candidate in connection with an election and their description shall be as shown hereunder. Description of persons Maximum number of persons who may be employed for payment :

Election Agent One

Sub-Agent 1: For each polling station or booth -three (two for relief) or alternatively : 2. For each polling booth-Two (one for relief):

Clerk and Messengers For each polling station (a) One clerk and one messenger for any number upto 1,000 registered electors, (b) One additional clerk and one additional messenger for every extra 1,000 registered electors or part thereof.

CHAPTER VIII :

DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

179. DEFINITIONS :

In this Chapter, unless there is anything repugnant in the subject or context

(a) "agent" includes an election agent and any person who, on the trial of an election petition is held by the Commissioner to have acted as an agent in connection with the election with the knowledge or consent of the candidate: (b) "candidate" means a person who has been or claims to have been duly nominated as a candidate at an election: and a candidate who, with election in prospect, has held himself out as a prospective candidate, shall be deemed to have been a candidate as from the time

when he began so to hold himself out; (c) "cost" means all costs, charges and expenses of or incidental to a trial of election petition; (d) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being a candidate, or to vote or refrain from voting at an election; (e) "returned candidate" means a candidate whose name has been published under these rules as duly elected.

120 ELECTION PETITION

Save as provided in rule 17 or in rule 128, no election shall be called in question except by an election petition presented in accordance with the provisions of this chapter.

181 PRESENTATION OF THE PETITION

(1) An election petition against any returned candidate may be presented to such authority as may be prescribed by the Govt in this behalf

a) by any candidate or elector on any ground within sixty days from the date on which the result of the election is published in the Gazette [b] within thirty days from that date by an officer empowered by the Govt on the ground that the election has not been a free election by reasons of the large number of cases in which undue influence or bribery has been exercised or committed.

Explanation—In these sub-section "elector" means a person who was entitled to vote at the election to which the election petition relates whether he voted at such election or not

(1) The petitioner may, if he so desires in addition to calling in question the election of a returned candidate claim a declaration that he himself has been duly elected, but such a declaration shall only be claimed on one of other of the following grounds

(a) that the fact the petitioner received a majority of the valid votes; or (b) that, but for votes obtained for the returned candidate by corrupt or illegal practices the petitioner would have obtained a majority of the valid votes

(2) An election petition shall be deemed to have been presented to the Govt: when it is delivered to the Secretary to the Govt. of Mizoram, Local Administration Department or the Deputy Commissioner, Chhimalput District:

(a) by the person making the petition, or (b) by the person authorised in writing in this behalf by the person making the petition, or (c) by registered post.

182 CONTENTS OF THE PETITION

(1) The petition shall contained a statement in enclose form of the material facts

on which the petitioner relies & shall be signed by the petitioner.

(2) The petition shall be accompanied by a list signed by the petitioner setting forth full particulars of any corrupt or illegal practice which the petitioner alleges, including as full a statement as possible to the names of the parties alleged to have been committed by corrupt or illegal practice & the date & place of the commission of each such practice.

183 DEPOSIT OF SECURITY

At the time of the presentation of the petition the petitioner shall, except where the petition is presented under clause (b) of sub-rule [1] of rule 181, enclose with the petition a Govt Treasury Chalan showing that a deposit of Rs 100 [Rupees one hundred] has been made by him in the Treasury as security for the cost of the petition.

184 PETITION WHEN TO BE DISMISSED

If the provisions of the rules 181, 182 or 183 are not complied with, the petition shall be dismissed.

185 APPOINTMENT OF COMMISSIONER

(1) If the petition is not dismissed under foregoing rule 184 the Govt shall appoint as Commissioner for hearing & disposing of the petition a person who is or has been discharging the function of a Subordinate Judge & thereafter all application & proceedings in connection therewith shall be dealt with & held by such Commissioner.

(2) When in respect of an election in a constituency more petitions than one are presented, the Govt shall refer all those petitions to the same Commissioner who may at his discretion inquire into the petitions either separately or in one or more groups, as he thinks fit.

(3) Where election petitions relate to different constituencies of a District Council the Govt may refer all those petitions to the same Commissioner or may appoint one Commissioner in respect of petitions from each constituency or a group of constituencies & the provisions of sub-rule (2) shall apply to the enquiry thereto.

186 HEARING BY COMMISSIONER

(1) The Commissioner shall fix the time & place of hearing & shall cause a notice thereof to be served on the petitioner & on each respondent.

(2) As regards the procedure for hearing the petition, the Commissioner shall be guided by the spirit, but not by the letter, of the code of Civil Procedure 1908 as

applicable to Mizoram provided that (a) he shall not be required to record or have recorded the evidence in full, but shall make a memorandum of the evidence sufficient in his opinion for the purpose of deciding the case. (b) he shall only be required to make such inquiry and to take such evidence as may be considered necessary for the purpose of deciding the issues.

187. WITHDRAWAL OF PETITION.

(1) An election petition may be withdrawn only by leave of the Commissioner or if an application for withdrawal is made before any Commissioner appointed, as such by the Government,

(2) If there are more petitioners than one, no application to withdraw a petition shall be made, except with the consent of all the petitioners :

(3) When an application for withdrawal is made to the Commissioner, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition.

(4) No application for withdrawal shall be granted if in the opinion of the Government or the Commissioner, as the case may be, such application has been induced by any bargain or consideration which ought not to be allowed.

(5) If the application is granted,

(a) the petitioner shall, where the application has been made to the Commissioner be ordered to pay the cost of the respondent theretofore incurred or such portion thereof as the Commissioner may think fit. (b) any person who might himself have been a petitioner may, within fourteen days of the grant of such withdrawal apply to be substituted as petitioner in place of the party withdrawing, and, upon compliance with the conditions of rule 183 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

(6) When an application for withdrawal is granted by the Commissioner and no person has been substituted as petitioner in place of the party withdrawing under clause (b) of sub-rule (5) the Commissioner shall report the fact to the Government :

188. ABATEMENT OR SUBSTITUTION ON DEATH OF PETITIONER.

(1) An election petition shall abate only on the death of a sole petitioner or of

the survivor of several petitioners. Provided that, where such sole petitioner was an officer empowered under clause (b) of sub-rule (1) of rule 181 the proceedings may be continued by any other officer empowered in this behalf by the Government

(2) Any person who might himself have been a petitioner may, within fourteen days of such abatement apply to be substituted a petitioner, and upon compliance with the conditions of rule 183 as to security; shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

189 ABATEMENT OR SUBSTITUTION ON DEATH OF RESPONDENT

If before the conclusion of the trial of an election petition the Respondent dies or gives notice that he does not intend to oppose the petition the commissioner shall cause notice of such event to be published in the Gazette & thereupon any person who might have been a petitioner may within fourteen days of such publication apply to be substituted for such respondent to oppose the petition & shall be entitled to continue the proceedings upon such terms as the Commissioner may think fit.

190 RECRIMINATION WHEN SEAT CLAIMED

(1) Where at an inquiry into an election petition any candidate, other than the returned candidate claims these as for himself the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate & a petition had been presented complaining of his election

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has within fourteen days from the date of submission of the election petition given notice of his intention to the Commissioner & made the deposit

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement & list of particulars required by rule 182 in the case of an election petition & shall be signed & verified in like manner

191 GROUNDS FOR DECLARING ELECTION VOID

[1] Subject to the provisions of this rule, if in the opinion of the Commissioner
[a] the election of a returned candidate has been procured or induced, or the result of the election has been materially affected by any corruption, illegal practice; or

(b) any corrupt or illegal practice has been committed in the interest of a returned candidate, or (c) the result of the election has been materially effected by the improper acceptance or rejection of any nomination or by reason of the fact that any person nominated was not qualified or was disqualified for election, or by the improper reception or refusal of a vote, or by the reception of any vote which is void, or by any non-compliance with the provisions of the rules relating to the election, or by any mistake in the use of any prescribed form, or (d) the election has not been a free election by reason of the large number of cases in which bribery or undue influence has been exercised or committed, the election of the returned candidate shall be void.

(2) If the Commissioner reports that a returned candidate has been guilty by an agent other than his election agent of any corrupt or illegal practice but further reports that the candidate has satisfied him that

(a) no corrupt or illegal practice was committed at the election by the candidate or election agent, and the corrupt, or illegal practices mentioned in the report were committed contrary to the orders, and without the sanction or connivance, of the candidate or his election agent, (b) the candidate and his election agent took all reasonable means for preventing the commission of corrupt or illegal practices at the election, (c) the corrupt or illegal practices mentioned in the report were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election, and (d) in all other respects the election was free from any corrupt or illegal practice on the part of the candidate or any of his agents,

(3) If a person (not being entitled so to do) votes more than once at the same election, all his votes shall be deemed for the purposes of this rule to be void.

192. REPORT OF COMMISSIONER AND PROCEDURE THEREON

(1) At the conclusion of the inquiry, the Commissioner shall report whether the returned candidate, or any other party to the petition who has under the provisions of these rules claimed the seat, has been duly elected, and in so reporting shall have regard to the provisions of rule 191;

(2) The report shall further include a recommendation by the Commissioner as to the total amount of costs which are payable and the persons by and to whom such

costs should be paid

3) The report shall be in writing & shall be signed by the Commissioner. The Commissioner shall forthwith forward his report to the Govt. who, on receipt thereof shall issue orders in accordance with the report & publish the report in the Gazette & the orders of the Govt. shall be final

193 FINDING AS TO CORRUPT PRACTICES & PERSONS GUILTY THEREOF

Where any charge is made in an election petition of any corrupt or illegal practices the Commissioner shall record in his report

a) a finding whether a corrupt or illegal practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, & the nature of such corrupt or illegal practice & (b) the names of the persons [if any] who have been proved at the inquiry to have been guilty of any corrupt or illegal practice with any such recommendations as the Commissioner may desire to make for the exemption of any such persons from any disqualification they may have incurred in these connection under these rules

provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

CHAPTER--IX

Corrupt & Illegal practices

194 MAJOR CORRUPT PRACTICES

The following shall be deemed to be corrupt practices for the purposes of election to the District Council of an Autonomous District :

(1) Bribery, that is to say, any gift, offer or promise by a candidate or his agent or by any other person with the connivance of a candidate or his agent, or any gratification to any person whomsoever;

(a) with the object, directly or indirectly inducing (i) a person to stand or not to stand as, or to withdraw from being a candidate at an election, or (ii) an elector to vote or refrain from voting at an election or (b) as a reward to

(i) a person for having so stood or not stood or for having withdrawn his candidature or (ii) an elector for having voted or refrained from voting;

Explanation—The term "gratification" is not restricted to pecuniary gratifications or

gratifications estimable in money and includes all forms of employment for reward, but it does not include the payment of any expenses bonafide incurred at or for the purpose of any election.

(2) **Undue influence.** Undue influence that is to say any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right,

Explanation

(a) without prejudice to the generality of the provisions of this clause, any such person as is referred to therein who (i) threatens any candidate or elector, or any person in whom a candidate or elector is interested, with any injury of any kind, or

(ii) induces or attempts to induce a candidate, or elector to believe that he, or any person in whom he is interested, will become or will be rendered and object of displeasure of spiritual censure, shall be deemed to interfere with free exercise of the electoral right of that candidate or elector within the meaning of this clause

(b) a declaration of public policy, or a promise of public action, or the same exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause ;

(3) Personation

The procuring or abetting or attempting to procure by a candidate or his agent or by any other person with the connivance of a candidate or his agent the application by a person for a ballot paper in the name of any other person whether living or dead, or in a fictitious name or by a person for a ballot paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote;

4) Removal of voting paper

The removal of a ballot paper from the polling station during polling hours by any person with the connivance of a candidate or his agent;

[5] Publication of false statement

The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false & which he either believes to be false or does not believe to be true, in relation to the personal

character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(6) The hiring or procuring, whether on payment or otherwise of any vehicle or vessel by a candidate or his agent by any other person with the connivance of a candidate or his agent for the connivance of a candidate or agent the connivance of any elector (other than the candidate himself the members of his family or his agent) to or from any polling station provided under rule 142

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power

Provided further that the use of any public transport vehicle or vessel or any railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause

Explanation—In this clause, the expression vehicles means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(7) The incurring or authorising by a candidate or his agent of expenditure or the employment of any person by a candidate or his agent in contravention of the provisions of these rules.

(8) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any other person with the connivance of a candidate or his agent by assistance for the furtherance of the prospects of the candidate's election from any person serving under the Govt of India or the Govt of any state or union Territory or the District Council of an Autonomous District other than the giving of vote by such person

195 MINOR CORRUPT PRACTICES

The following shall also be deemed to be corrupt practices for the purposes of election to the District Council of an Autonomous District.

(1) Any act specified in rule 194 when done by a person who is not a candidate or

to which elector are admitted or any building room or other place where intoxicating liquor is sold to the public.

(3) Issue of circular, etc, without address ;

The issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

CHAPTER X

ELECTORAL OFFENCES

191. PROHIBITION OF PUBLIC MEETINGS ON THE ELECTION DAY ;

(1) No person shall convene, hold or attend any public meeting within any constituency on the date or dates on which a poll is taken for an election in that constituency

(2) Any person who contravenes the provisions of sub-rule [1] shall be punishable with fine which may extend to five hundred rupees.

198. DISTURBANCES AT ELECTION MEETINGS

(1) Any person who at a public meeting to which this rule applies acts, or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be punishable with fine which may extend to one thousand rupees

[2] This rule applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under these rules calling upon the constituency to elect a member or members & the date on which such election is held

[3] If any police officer reasonably suspects any person of committing an offence under sub-rule [1] he may, if required so to do by the Chairman of the meeting require that person to declare to him immediately his name & address & if that person refuses or fails so to declare his name & address or if the police officer reasonably suspects him of giving false name or address, the police officer may arrest him without warrant:

199. MAINTENANCE OF SECRECY OF VOTING

[2] Every officer clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, & aid in maintaining, the secrecy of voting & shall not (except for some authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with imprisonment for term which may extend to three months or with fine up to one thousand rupees or with both:

**200; OFFICERS ETC AT ELECTIONS NOT TO ACT FOR CANDIDATES
OR TO INFLUENCE VOTING .**

(1) No person who is a Returning Officer, or an Additional Returning Officer, or a Presiding or Polling Officer at an election or an officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

- (a) to persuade any person to give his vote at an election, or
- (b) to dissuade any person from giving his vote at an election, or
- (c) influence the voting or any person at an election in any manner,

(3) Any person who contravenes the provisions of sub-rule (1) or sub-rule (2) shall be punishable with imprisonment which may extend to six months or with fine upto one thousand rupees or with both

201 PROHIBITION OF CANVASSING IN OR NEAR POLLING STATIONS

(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station namely

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- [c] persuading any elector not to vote for any particular candidate or
- [d] persuading any elector not to vote at the election; or
- [e] exhibiting any notice or sign (other than an official notice) relating to the election

[2] Any person who contravenes the provisions of sub-rule [1] shall be punishable with fine which may extend to five hundred rupees.

[3] An offence punishable under this rule shall be cognizable.

**202 PENALTY FOR DISORDERLY CONDUCT IN NEAR
POLLING STATION**

[1] No person shall on the date or dates on which a poll is taken at any polling station.

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker, or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-rule [1] shall be punishable with imprisonment which may extend to three months or with fine upto five hundred rupees or with both.

[3] If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this rule, he may direct any police officer to arrest such person and thereupon the police officer shall arrest him.

[4] Any Police Officer may take such steps, and use force, as may be reasonably necessary for preventing any contravention of the provisions of sub-rule [1] & may seize any apparatus used for such contravention;

203 PENALTY FOR MISCONDUCT AT THE POLLING STATION

[1] Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the Presiding Officer may be removed from the polling station by the Presiding Officer or any Police Officer on duty or by any person authorised in this behalf by such Presiding Officer.

[2] The powers conferred by sub-rule [1] shall not be exercised so as to prevent any election who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

[3] If any person who has been so removed from a polling station re-enters the polling station without the permission of the Presiding Officer he shall be punishable with imprisonment for a term which may extend to three months or with fine upto five hundred rupees or with both.

[4] An offence punishable under sub-rule [3] shall be cognizable.

204 PENALTY FOR ILLEGAL HIRING OR PROCURING OF CONVENANCE AT ELECTION

[1] If any person is guilty of any such corrupt practice as is specified in rule 194 at

or in connection with an election, he shall be punishable with fine which may extend to five hundred rupees.

205 BRANCHES OF OFFICIAL DUTY IN CONNECTION WITH ELECTION

(1) If any person to whom this rule applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this rule applies are the Returning Officers, Additional Returning Officers, Presiding Officers, polling Officers and any other person appointed to perform any duty in connection with the preparation of an electoral roll, the receipt of nominations or withdrawal of candidature or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this rule be construed accordingly, but shall not include duties imposed otherwise than by or under the rules of this part.

206 REMOVAL OF BALLOT PAPERS FROM POLLING STATION TO BE AN OFFENCE

(1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

(2) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-rule (1) such officer may, before such person leaves the polling station arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer, by the Presiding Officer, or when the search is made by a police officer, shall be kept by such officer in safe custody:

(4) An offence punishable under sub rule (1) shall be cognizable.

207. OTHER OFFENCES AND PENALTIES THEREFOR :

(1) A person shall be guilty of an electoral offence if at any election he

- (a) fraudulently defaces or fraudulently destroys any nomination paper, or
- (b) fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of a Returning Officer, or (c) fraudulently defaces or fraudulently destroys any ballot paper or any declaration of identity or
- (d) without due authority supplies any ballot paper to any person; or (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or (f) without the authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or (g) fraudulently or without due authority as the case may be attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this rule shall —

- (a) if he is a Returning Officer or an Additional Returning Officer or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election be punishable with imprisonment for a term which may extend to two years or with fine upto two thousand rupees or with both;
- (b) if he is any other person be punishable with imprisonment for a term which may extend to six months or with fine upto one thousand rupees or with both.

(3) For the purposes of this rule, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers & other documents in connection with such election but the expression "official duty" shall not include any duty imposed otherwise than by or under the rules of this part.

(4) An offence punishable under clause (b) of sub-rule (2) shall be cognizable.

208 PROSECUTION REGARDING CERTAIN OFFENCES ;

(1) If the Government have reasons to believe that any offence punishable under rule 200 or under rule 205 or under clause (a) of sub-rule [2] of rule 207 has been committed in reference to any election within an Autonomous District, the Government shall cause such inquiries to be made and such prosecutions to be instituted as the circumstances of the case may require.

[2] No court shall take cognizance of any offence punishable under rule 200 or

under rule 205 or under clause [a] of sub-rule [2] of rule 207 unless there is a complaint made by order of, or under Authority from the Government,

CHAPTER XI

DISQUALIFICATIONS

DISQUALIFICATION FOR MEMBERSHIP ;

209 OFFENCES ENTAILING DISQUALIFICATION

[1] The offences punishable with imprisonment under section 171 E or section 171 F of the Indian penal Code [Act XLV of 1860] and offences punishable under rule 206 or clause [a] of sub-rule [2] of rule 207 shall entail disqualification for membership of the District Council of an Autonomous District,

[2] The period of such disqualification shall be six years from the date of the conviction of the offence.

210 CORRUPT AND ILLEGAL PRACTICES ENTAILING DISQUALIFICATION .

[1] The corrupt practices specified in rule 194 or rule 195, and the illegal practices specified in rule 196, shall entail disqualification for membership of the District Council of an Autonomous District

[2] The period of such disqualification shall be six years in the case of a corrupt practice, and four years in the case of an illegal practice, counting from the date on which the finding of the Commissioner as to such practice takes effect under Chapter VIII of this part:

DISQUALIFICATION FOR VOTING

211 DISQUALIFICATION ARISING OUT OF CONVICTION AND CORRUPT PRACTICES ;

If any person after the commencement of these rules [a] is convicted of an offence punishable under section 171 E or section 171 F of the Indian penal Code (Act XLV of 1860) or of an offence under rule 206 or clause (a) of sub-rule (2) of rule 207, or

(b) is upon the trial of an election petition under Chapter VIII of this part, found guilty of any corrupt practice ; he shall, for a period of six years from the date of the conviction or from the date on which such finding takes effect, be disqualified for voting at any election,

212 DISQUALIFICATION ARISING OUT OF ILLEGAL PRACTICES.

If in relation to any election any person is upon the trial of an election petition under Chapter VIII of this part, found guilty of any illegal practice, he shall be disqualified for voting at any election for a period of four years from the date on which such finding takes effect.

213 DISQUALIFICATION FOR FAILURE TO LODGE RETURN OF ELECTION EXPENSES

If default is made in making the return of the election expenses of any person who has been nominated as a candidate at an election to which the provisions of Chapter VII of this part apply, or if such a return is found, either upon the trial of an election petition under Chapter VIII of this part or by any Court in a judicial proceeding to be false in any material particular, the candidate and his election agent shall be disqualified for voting at any election for a period of five years from the date by which the return was required to be lodged.

OTHER DISQUALIFICATIONS**214 DISQUALIFICATION FOR BEING AN ELECTION AGENT**

Any person who is for the time being disqualified under the foregoing provisions of this Chapter for being a member of the District Council of an Autonomous District or for voting at elections shall, so long as the disqualification exists, also be disqualified for being an election agent at any election.

215 REMOVAL OF DISQUALIFICATION.

Any disqualification under this Chapter shall be removed by the Government for reasons to be recorded in writing.

CHAPTER XII**MISCELLANEOUS****216 INTERPRETATION.**

In this part, unless the context otherwise requires— (a) "Serial number of an elector in an electoral roll" includes such particulars regarding the name or description of the electoral area in reference to which the said electoral roll has been prepared as will identify the entry relating to such elector in that electoral roll.

(b) "Sign" in relation to a person who is unable to write his name means authenticating in the manner prescribed below;

A person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper if he has placed a mark on such instrument or other paper in the presence of the Returning Officer or the Presiding Officer or such other as may be specified in this behalf by the Government and such Officer on being satisfied as to his identity has attested the mark as being the mark of such person.

217 REQUISITIONING OF PREMISES VEHICLES, ETC FOR ELECTION

The provision of sections 160, 161, 162, 163, 164, 165, 166 & 167 of Representation of the People Act 1951 (No XLIII of 1951) & of rules 142 & 143 of the Representation of the People (Conduct of elections & election petitions) Rules, 1951 shall apply mutatis mutandis in respect of elections of the District Council of an Autonomous District

Note—The sections of the Representation of the People Act 1951 (No XLIII of 1951) & the rules of the Representation of the people (conduct of elections & election petitions) Rules 1951 referred to in this rules are reproduced in Appendix X

218 Jurisdiction of civil courts barred

No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Returning Officer or by any other person appointed under these rules in connection with an election

APPENDIX — I

(RULE 11(3))

BUDGET ESTIMATE

Showing the probable receipt & expenditure of District Council of

District For the year 19... ..

Heads of Receipt	Estimate for the year... 19	actual receipt for 9 months of current year 19	actual receipt for previous year 19	sanctioned estimate for current year 19
probable balance at the commencement of the year—				
I — Land Revenue—				
Ordinary Revenue				
Sale proceeds of waste land ...				
Rents etc of fisheries ...				
Rates and cesses on land ...				
Land Registration & mutation fees ...				
Stone quarries ...				
Coal mines ...				
Mineral Oil including petroleum oil/revenue...				
Grazing Tax —				
Poll. capitation, house and hoe taxes...				
Fees, fines and forfeitures in revenue Courts ...				
Fees of tax for use of Canal or water course for the purpose of agriculture ...				
II. Stamp —				
A, Non-Judicial —				
Sale of other Non Judicial stamps Duty or impressing documents ...				
Fines and penalties ...				
Miscellaneous ...				
Deduct — Refunds —				
Judicial Courts fees				
Court fees realised in stamps —				
Sale of stamps —				
Fines and penalties —				
Miscellaneous —				

Heads of Receipt	Estimate for the year... 19	actual receipt for 9 months of current year 19	actual receipt for previous year 19	sanctioned estimate for current year 19
Deduct Refunds ...				
III. FOREST —				
(a) Royalty, etc, on —				
Timber	—			
Firewood	—			
Bamboos	—			
Elephants	—			
Other Forest produce	—			
(b) Miscellaneous				
Fees for registering documents	—			
Fees for copies of registered documents ..				
IV— REGISTRATION—				
Fees for registering documents	—			
Fees for copies registered documents .				
Deduct — Refunds ...				
V—ADMINISTRATION OF JUSTICE—				
Court fees realised in cash	—			
General fees, fines and for fetures	—			
Miscellaneous fees and finds	...			
VI, Marriage license fees	—			
VII Taxes on animals, vehicles and boats	...			
VIII Taxes on profession trades, callings and employment				
IX Taxes on entry of goods into makers for sale therein				
X Tolls on passengers & goods carried in ferries				
XI Taxes for the maintenance of schools—				
XII Taxes for the maintenance of dispensaries	—			
XIII Taxes for the maintenance of roads—				
XIV Royalties on minerals	...			
XV Income from cattlepounds	...			
XVI Loans advances & suvention from Government of Mizoram	...			
XVII Extraordinary receipts	—			
1 Pay of officers				
1 Members of executive committee	—			
2 Secretary	—			
3 Judicial officers	—			
2 Pay for establishment	...			

Heads of Receipt	Estimate for the year... 19	actual receipts for 9 months of current year 19	actual receipts for previous year 19	sanctioned estimate for current year 19
1 Primary schools teachers 2 Doctors ... 3 Road Overseers ... 4 Road Mohorers ... 5 Tax Collectors ... 6 Clerks ... 7 Servants ... 3 Allowances & monoraria travelling allowance of officer travelling allowance of establishment 4 Contingencies Pay of contingency menials purchase of stationery revenue collection charges 6 Grant-in-aid to primary schools 6 Miscellaneous expenditure in connection with the maintenance etc. of primary schools, dispensaries, makers, cattle pounds ferries, fisheries, road & water ways 7 Other miscellaneous expenditure				

A P P E N D I X II
List of Returning Officers
(RULE 131(1))

Constituencies	Returning Officers	Other persons authorised to perform the function of Returning Officer
1 Constituencies in Pawi Autonomous District	Deputy Commissioner Lunglei District	Asst to Deputy Commissioner, Lunglei
2 Constituencies in Lakhher Autonomous District	Deputy Commissioner Ch-himtuipui District	Asst to Deputy Commissioner, Saiha
3 Constituencies in Chakma Autonomous District	Deputy Commissioner Ch-himtuipui District	P. A, & A. D. C. Demagiri

APPENDIX III
(Rule 134 (3))
NOMINATION PAPER

Name of the constituency for which the candidate is nominated					
Name of candidate	"	"	"	"	"
Father's or husband's name	"	"	"	"	"
Age	"	"	"	"	"
Address	"	"	"	"	"
Constituency on the electoral roll of which the name of the candidate is included	"	"	"	"	"
No of the candidate in the electoral roll of the constituency in which his name is included	"	"	"	"	"
Name of proposer	"	"	"	"	"
Number of the proposer in the electoral roll of the constituency	"	"	"	"	"
Signature of the proposer	"	"	"	"	"
Name of the seconder	"	"	"	"	"
Number of the seconder in the electoral roll of the constituency	"	"	"	"	"
Signature of the seconder	"	"	"	"	"

DECLARATION BY CANDIDATE

I hereby declare that I agree to his nomination

Date.....

I hereby declare that I have appointed

Signature of candidate
to be my election agent

Signature of candidate

I hereby declare that I
selected as the symbol for my election

(To be filled in by the Returning Officer or other authorised person)

Certificate of delivery

Serial No

This nomination paper was delivered to me at my office, at (date and hour)

Returning Officer

CERTIFICATE OF SCRUTINY

I have scrutinised the eligibility of the candidate the proposer & the seconder & find that they are respectively qualified to stand for election to oppose & to second the nomination

Dated

Returning Officer

APPENDIX IV
LIST OF SYMBOLS
(Rule 134 (6))

- | | | | | | | | |
|----------------------------|--------------------------|---|---------|-----------|--------|--------|----------|
| 1 Umbrella | 2 Cock | 3 Elephant | 4 Tiger | 5 Lantern | 6 Tree | 7 Cart | 8 Plough |
| 9 Flower | 10 Hut | | | | | | |
| 11 Two bulls with yoke on | Indian National Congress | | | | | | |
| 12 Standing Lion | " " | All India forward block (Marxist group) | | | | | |
| 13 Human Hand | " " | All India forward block (Ruibar group) | | | | | |
| 14 Horse & rider | " " | Akhil Bharatiya Hindu Mahasabhas | | | | | |
| 15 Rising Sun | " " | Akhil Bharatiya Ran Rajya Parisad | | | | | |
| 16 Ears of corn & a sickle | Communist | | | | | | |

- 17 Spade & Stoker " " Revolutionary Socialist party
- 18 Flaming Torch (marshal) Revolutionary Communist party of India
- 19 Star " " Bolshevik party of India
- 20 A Cultivator winnowing grain Kriśikar Lok Party
- 21 Lamp [Dupa] " " All India Bharatiya Jan Sangh

APPENDIX V
 Form of Ballot Paper
 Rule 154 (Front)

Outer foil
 Serial No—
 ... District Council
 Election 19
 Constituency No
 Polling Station No—
 Vote's No—

Outer foil
 Serial No—
 ... District Council
 Election 19
 Constituency No—

[On the back of outerfoil
 Instructions to voters]

You have only one vote Place the ballot paper in the ballot box of the candidate for whom you wish to vote,

APPENDIX VI
 Tender votes list
 Rule 155

Name & number of polling station

Name of constituency	Name of voter	No in electoral roll	Signature or thumb impression of voters & address

Appendix VIII
 List of challenged votes
 Rule 156

No of electoral roll	Name	Sign of voter if literate or thumb impression if illiterate & address	Sign & address of identifier if any	Order of presiding officer in each case	Remarks

APPENDIX VIII
Ballot paper account
Rule 161

	Ordinary ballot paper	Tenderd ballot paper
No of ballot papers received by the presiding officer		
2 No of unused ballot papers returned		
3 No of spoilt ballot papers		
4 No of tenderd ballot paper used		
5 No of ballot papers dealt with under rule 158 (2)		
6 No of ballot paper issued		

APPENDIX IX

**Form of return of election expenses & of declaration of candidates & his agent
(Rule 174.(2) and (3))**

For the constituency Part I — Receipts— Including all monies securities & equivalents of money received from any person (including the candidate himself) club, society, association in respect of any expenses whether paid or remaining unpaid incurred on account or in connection with or incidental to the election The name of each such person etc & the amount received shall be shown seperately

Date of receipt	Name & description of prayer	Amonut of value
Total		

Part II—Expenses — Including all payments made by the candidate or by his election agent or by any person on behalf of or in the interests of the candidate in respect of any expenses incurred on account of or in connection with or iudcidental to the election & all unpaid claims in respect of any such expenses of which the candidate or his election agent is aware—

N B — Vouchers shall be attached to the return for all items of expenditure amounting to Rs 5/- & over unless from the nature of the case of a receipt cannot be obtained the voucher shall be numbered & arranged in serial order & the number of the vouchers entered in the return against the item of expenditure

2 Each payment made shall be entered seperately except payments on account of postage & telegrams for which lump sums may be shown. The name & description of each person paid & the work done or the nature of the goods supplied shall be shown in respect of each payment.

A— Under head A shall be shown the personal expenditure of the candidature incurred or paid by him or by his election agent on his behalf including all payments for personal services rendered for hotel bill, for traveling expenses & for the purchase of books or election literature

Name & description of payee	On what account	Date of payment	Voucher No	Amount paid	Amount unpaid

Total

B Under head B shall be shown expenditure incurred by the candidate or his election agent for the remuneration of agents (including the election agent) clerks or messengers. The name & description of each agent, clerk or messenger employed & the rate of remuneration & the amount paid to each shall be shown separately

Name & description of payee	On what account	Rate of payment	Date of payment	Voucher No	Amount paid	Amount Remaining unpaid

Total

C Under head C shall be shown expenditure (including travelling expenses & cost of refreshments provided) incurred by the candidate or his election agent on account of agents (including the election agent) clerks or messengers. The name & description of each agent, clerk or messenger & the amount paid to each shall be shown

Name & description of payee	On what account	Date of payment	Voucher No	Amount paid	Amount remaining unpaid

Total

D Under head D shall be shown the amounts paid for the hiring or employment of any conveyance for the purpose of taking voters to the poll & traveling expenses of persons (not being agents, clerks or messengers) whether in receipt of salary or not incurred or paid by the candidate, his election agent or the person so traveling.

Name & description of payee	On what account	Date of payment	Voucher No	Amount paid	Amount remaining unpaid

Total

E Under head E the cost of printing shall be shown

Name & description of payee	On what account	Date of payment if any	Voucher No	Amount paid	Amount Remaining unpaid
Total					

F Under head F the cost of advertising shall be shown

Name & description of payee	On what account	Rate of payment if any	Voucher No	Amount paid	Amount unpaid
Total					

G Under head G the cost of stationary shall be shown

Name & description of payee	On what account	Date of payment if any	Voucher No	Amount paid	Amount unpaid
Total					

H Under head H the cost of postage & telegrams may be shown in lump sums

Expenditure incurred	Date of payment if separate payments are shown	Amount paid

I Under head I the cost of rooms hired for public meetings or as committee rooms or as an office shall be shown

Name & description of payee	Locality & description of rooms	Date of payment	Voucher No	Amount paid	Amount unpaid
Total					

J Under head J shall be included every disputed claim remaining unpaid

Name & description of claimant	Nature & alleged ground of claim	Amount of claim
Total		

K Under head K all expenditure incurred & payments made by the candidate or by his election agent or by any person on behalf of or in the interests of the candidate in connection with the election & not included in any of the foregoing parts shall be shown

Name & description of payee	On what account	Date of payment if any	Voucher No	Amount paid	Amount unpaid
Total					

L Under head L the total expenditure incurred under each of the previous heads shall be shown

Head	Paid	Unpaid	Total
A			
B			
C			
D			
E			
F			
G			
H etc			
Total			

Part III—Declaration by candidates & their agents — the form of the declaration shall be as follows

Form of declaration by election agent.

I being the appointed election agent for a candidate for election in the constituency, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge & belief & that, except the expenses herein set forth no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purpose of 's candidature

Solemnly affirmed before me

Election Agent

(Magistrate)

Form of declaration by candidate

I being a candidate for election in the constituency, do hereby solemnly affirm that the above return of expenses is true to the best of my knowledge & belief that except the expenses herein set forth no expenses of any nature whatsoever have to my knowledge or belief been incurred in or for the purpose of my candidature

Solemnly affirmed before me

Candidate

(Magistrate)

Form of declaration by a Candidate under rule 173 (3)

I being a candidate for election in the constituency do here by solemnly affirm that the return of election expenses signed by my election agent is (with the exceptions notes below) true to the best of my knowledge & belief & that (with the exceptions noted below) no expenses of any nature whatsoever other than the expenses therein set forth have to my knowledge or belief been incurred in or for the purposes of my candidature

Particulars & exceptions
Solemnly affirmed before me

Sd/
(Candidate)
Sd/
(Magistrate)

APPENDIX X (Rule 217)

A Extract from the Representation of the People Act, 1951 (No XLIII of 1951)
160 Requisitioning of premises vehicles etc for election purposes

I If it appears to the State Govt. that in connection with an election held within the state

a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken or
b) any vehicle vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining order during the conduct of such election or transport of any officer or other person for performance of any duties in connection with such election, that Govt may by order in writing requisition such premises or such vehicle, vessel or animal as the case may be & may make such further order as may appear to it to be necessary or expedient in connection with the requisitioning :

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election

2 The requisition shall be effected by an order in writing addressed to the person deemed by the state Govt. to be the owner or person in possession of the property & such order shall be served in the prescribed manner on the person to whom it is addressed.

3 Whenever any property is requisitioned under sub-sectioned (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section

4 In this section - (a) "premises" means any land, building or part of a building & included a hut & or other structure or any part thereof. (b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise.

161 PAYMENT OF COMPENSATION— (1) Whenever in pursuance of section 160 the State Govt requisitions any premises there shall be paid to persons interested compensation the amount of which shall be determined by taking into consideration the following namely (i) the rent payable in respect of the premises or if no rent payable for similar premises in the locality ; (ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business the reasonable expenses (if any) incidental to such change

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Govt for referring the matter to an arbitrator the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Govt may determine

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation it shall be referred by the State Govt to an arbitrator appointed in this behalf by that Govt for determination & shall be determined in accordance with the decision of such arbitrator

Explanation— In this sub-section the expression 'person interested' means the person who was in actual possession of the premises requisitioned under section 160 immediately before the requisition or where no person was in such actual possession, the owner of such premises

2 Whenever in pursuance of sec 160 the State Govt requisition any vehicle vessel or animal there shall be paid to the owner thereof compensation the amount of which shall be determined by the State Govt on the basis of the fares or rates prevailing in the locality for the hire of such vehicle vessel or animals

Provided that where the owner of such vehicle vessel or animal being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Govt for referring the matter to an arbitrator the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Govt may determine

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person & the owner in such manner as they may agree upon & in default of agreement in such manner as an arbitrator appointed by the State Govt in this behalf may decide

162 Power to obtain information— The State Govt may, with a view to the requisitioning any property under sec 160 or determining the compensation payable under sec 161 by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified

163 Powers of entry into and inspection of premises etc—

(1) Any person authorised in this behalf by the State Govt may enter into any premises & inspect such premises & any vehicle, vessel or animal therein for the purpose of determining whether & if so in what manner an order under section 160 should be made in relation to such premises vehicle, vessel or animal or with a view to securing compliance with any order made under that section

(2) In this sec the expression "premises" & "vehicle" have the same meanings as in section 160

164 Eviction from requisitioned premises — (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under sec 160 may be summarily evicted from the premises by any officer empowered by the State Govt in this behalf

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning & facility to withdraw, remove or open any lock or bolt, or break open any door of any building or do any other act necessary for effecting such eviction

165 Release of premises from requisition — (1) When any premises requisitioned under sec 160 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned or if there were no such person to the person deemed by the State Govt to be the owner of such premises, & such delivery of possession shall be a full discharge of the State Govt from all liabilities in respect of such delivery but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered

(2) Where the person to whom possession of any premises requisitioned under sec 160 is to be given under sub-sec (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf the State Govt shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises & publish the notice in the Official Gazette

(3) When a notice referred to in sub-sec (2) is published in the Official Gazette the premises specified in such notice shall cease to be subject to requisition on & from the date of such publication shall be deemed to have been delivered to the person entitled to possession thereof & the State Govt shall not be liable for any compensation or other claim in respect of such premises for any period after the said date

166 Delegation of functions of the State Govt with regard to requisitioning— The Govt may by notification in the Official Gazette, direct that any powers conferred or any duty imposed on that Govt by any of the provisions of sections 160 to 165 shall under such conditions, if any as may be specified in the direction be exercised or discharged by such officer or class of officers as may be so specified

167 Penalty for contravention of any order regarding requisitioning—If any person contravenes any order made under sec 160 or sec 162, he shall be punishable with imprisonment for a term which may extend to one year or, with fine or with both

B— Extracts from the Representation of the people (Conduct of Elections and Election petitions) Rules 1951

122 Manner of serving the order of requisition of premises, vehicle etc— An order of requisition under sec. 160 shall be served— (a) Where the person to whom such order is addressed is a corporation or firm, in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be in the First Schedule to the Code of Civil Procedure 1908 (Act V of 1908) (b) Where the person to whom order is discharged addressed is an individual i) personally by delivering or tendering the order ; or ii) by registered post or iii) where the person cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain

123 Time within an application for reference to arbitration is to be made under sec 161— The time within which any person interested who is aggrieved by the amount of compensation determined under sub-sec. (1) of sec. 161, or within which the owner of a vehicle, vessel or animal who is aggrieved by the amount of compensation determined under sub-sec (2) of that sec, may make referring the matter to an arbitrator shall be fourteen days from the date of determination of the amount of such compensation.

A P P E N D I X — X I
FORM OF TENDERED BALLOT PAPER
 (Rule 155)

Polling Station No _____
 Constituency _____
 Name of voter _____
 Number of voter on electoral Roll _____
 Name of candidate for whom this is tendered _____

Date.....

Signature of Presiding Officer