



THE MIZORAM GAZETTE

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Part V

GOVERNMENT OF MIZORAM

**Acts of Parliament and Ordinances promulgated by the President;
Bills introduced in the Parliament of India;
Bills published before introduction in the Parliament, and
Reports of Selection Committees presented or to be presented in
the Parliament.**

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**THE MULKI RULES ACT, 1972
ACT**

**AN
ACT**

to provide for certain amendments to the Mulki Rules so as to limit their operation, for the validation of certain appointments and for the repeal, in a phased manner, of the said Rules and for matters connected therewith.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Mulki Rules Act, 1972.
2. In this Act, unless the context otherwise requires,—
 - (a) “appointed day” means the 1st day of November, 1956;
 - (b) “appointment” includes a permanent, quasi-permanent or temporary appointment, but does not include an appointment of a casual nature;

Short
title.
Defini-
tions.

Hydera-
bad Act
II of
1956.

(c) “Capital area” means the area comprising of the cities of Hyderabad and Secunderabad within the meaning of the Hyderabad Municipal Corporations Act, 1955;

(d) “First Schedule post” means a post specified in the First Schedule, but does not include—

Hydera-
bad Act
IX of
1948 F.

- (i) any Second Schedule post;
- (ii) any post of police officer as defined in clause (b) of section 3 of the Hyderabad City Police Act, 1948 F.;

(e) “Hyderabad Civil Service Regulations” means the regulations known as such in English and known in Urdu as the *Zabita Mulazimat Civil Sarkare Ali* (being regulations in Urdu promulgated in obedience to the Firman dated 25th Ramzan 1337H of the then Ruler of Hyderabad and published in the *Jarida e Alamia* dated the 7th of Azur 1329 F.) as in force immediately before the appointed day;

(f) “Mulki Rules” means such of the provisions of the Hyderabad Civil Service Regulations as have continued to be in force on and from the 26th January, 1950, by virtue of clause (b) of article 35 of the Constitution;

(g) "non-gazetted post" means a post under the Government of the State of Andhra Pradesh which is not a Gazetted post;

(h) "pay" means basic pay plus special pay, if any, sanctioned to a post but does not include various allowances.

(i) "Schedule post" means a First Schedule post or a Second Schedule post;

(j) "Schedule post" means a posts specified in the Second Schedule;

(k) "State Government" means the Government of the State of Andhra Pradesh;

(l) "Superior Service" and "Inferior Service" shall have the same meanings as in the Hyderabad Civil Service Regulations;

(m) "Telangana area" means the area comprised in the territories specified in sub-section (1) of section 3 of the State Reorganisation Act, 1956;

(n) "Telangana vacancy", in relation to a Second Schedule post, means the second vacancy in every unit of three vacancies in posts of the same class, being vacancies which are to be filled by direct recruitment.

Limitation during a specified period, of application of Muiki Rules to appointments to certain posts and validation of other appointments

3. (1) During, and in relation to, the period commencing on the appointed day and ending immediately before the commencement of this Act, the Muiki Rules shall be deemed to have applied only to the appointments specified in sub-section (2), as if the said Rules had been amended for the duration of that period so as to limit their application to those appointments

(2) The appointments referred to in sub-section (1) are the following, namely:—

(a) appointment to any non-gazetted post (whether included in the cadre of a Service or not) and whether service therein is Superior Service or Interior Service) within the Telangana area, not being appointment to any of the Secretariat Departments or the offices of the Heads of Departments of the State Government situated in the Capital area;

(b) appointment to the post of Tehsildar, by whatever name designated, within the Telangana area under the State Government;

(c) appointment to any post (whether included in the cadre of a Service or not) under a local authority (other than a cantonment board) in the Telangana area, which carries a scale of pay the minimum of which does not exceed three hundred rupees per mensem or a fixed pay not exceeding that amount;

(d) appointment for the filling of the second vacancy (hereafter in this section and in section 4 referred to as reserved vacancy) in every unit of three vacancies which are to be filled by direct recruitment in non-gazetted posts in the Secretariat Departments and the offices of the Heads of Departments of the State Government situated in the Capital area.

(3) Notwithstanding any judgment, decree or order of any court, tribunal or other authority, no appointment of any person made during the period referred to in sub-section (1) to a post other than a post referred to in clause (a) or clause (b) or clause (c) of sub-section (2) or to a vacancy other than a reserved vacancy in a post referred to in clause (d) of that sub-section and no action taken or thing done by or before such person shall be deemed to be illegal or void or ever to have become illegal or void merely on the ground that such appointment was not made in accordance with the Mulki Rules.

4. Notwithstanding anything contained in sub-section (1) of section 3, during, and in relation to, the period commencing on the appointed day and ending immediately before the commencement of this Act, the Mulki Rules shall, in their application to any post referred to in clause (a) or clause (b) or clause (c) or to appointments for filling reserved vacancies in post referred to in clause (d) of sub-section (2) of section 3, be deemed to have been only directory in nature as if the said Rules had been amended for the duration of the said period so as to be only directory in nature, and notwithstanding, any judgment, decree or order of any court, tribunal or other authority, no appointment of any person made during that period to any such post or reserved vacancy and no action taken or thing done by or before such person shall be deemed to be illegal or void or ever to have become illegal or void merely on the ground that such appointment was not made in accordance with the Mulki Rules.

Validation of certain specified appointment.

5. The Mulki Rules, except in so far as those Rules relate—
 (a) to appointment to any First Schedule post; and
 (b) to appointment to any Second Schedule post for the purpose of filling of a Telangana vacancy,
 are hereby repealed, but such repeal shall not affect the validity of any appointment previously made in pursuance of those Rules.

Repeal of Mulki Rules except as to appointments to certain posts.

6. The Mulki Rules shall, in so far as they relate to appointments to Schedule posts in the Capital area, cease to have effect on the expiration of the 31st day of December, 1977, and accordingly, those Rules shall, in so far as they relate to such appointments, stand repealed on the expiration of that day, but such repeal shall not affect the validity of any appointment previously made in pursuance of those Rules.

Repeal of Mulki Rules in respect of appointments to Schedule posts in the Capital area.

7. The Mulki Rules shall, in so far as they relate to appointments to Schedule posts in the Telangana area other than the Capital area, cease to have effect on the expiration of the 31st day of December, 1980, and shall stand repealed on the expiration of that day, but such repeal shall not affect the validity of any appointment previously made in Pursuance of those Rules.

Repeal of Mulki Rules in respect of appointments to Schedule posts in the remaining areas of Telangana

THE FIRST SCHEDULE

[See section 2 (d)]

(a) Any non-gazetted post (whether included in the cadre of a Service or not and whether service therein is Superior Service or Inferior Service) within the Telagana area, under the State Government.

(b) Any post of Tehsildar, the post of Civil Asst. Surgeon and the post of Junior Engineer, in each case by whatever name designated within the Talagana area, under the State Government.

(c) Any post (whether included the cadre of a Service or not) under a local authority (other than a cantonment board) in the Telagana area, which carries a scale of pay the minimum of which does not exceed three hundred rupees per mensem or a fixed pay not exceeding that amount.

THE SECOND SCHEDULE

[See Section 2 (j)]

Non-gazetted posts in the Telagana area, being posts in—

(i) the Secretariat Departments;

(ii) Offices of the Heads of Departments;

(iii) common offices; and

(iv) common institutions

of the State Government.

Explanation 1.—“Common institution” means an institution which is not solely for Telagana area or any part thereof.

Explanation 2.—“Common office” means an office which is not solely for Telagana area or any part thereof.

THE DELIMITATION ACT, 1972

AN ACT

to provide for the readjustment of the allocation of seats in the House of the People to the States, the total number of seats in the Legislative Assembly of each State, the division of each State and each Union territory having a Legislative Assembly and the Union territory of Delhi into territorial constituencies for elections to the House of the People and Legislative Assemblies of the State and Union territories and Metropolitan Council of Delhi and for matters connected therewith.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Delimitation Act, 1972. Short title.
2. In this Act, unless the context otherwise requires, — Definitions.
 - (a) "article" means an article of the Constitution;
 - (b) "associate member" means a member nominated under section 5;
 - (c) "Commission" means the Delimitation Commission constituted under section 3;
 - (d) "Legislative Assembly" includes the Metropolitan Council of Delhi;

(e) "latest census figures" mean the census figures as ascertained at the census held in 1971;

(f) "member" means a member of the Commission and includes the Chairman;

(g) "State" includes a Union territory having a Legislative Assembly but does not include the State of Jammu and Kashmir.

Constitution of Delimitation Commission.

3. (1) As soon as may be after the commencement of this Act, the Central Government shall constitute a Commission to be called the Delimitation Commission which shall consist of three members as follows:—

(a) two members, each of whom shall be a person who is or has been a Judge of the Supreme Court or of a High Court, to be appointed by the Central Government; and

(b) the Chief Election Commissioner, *ex officio*.

(2) The Central Government shall nominate one of the members appointed under clause (a) of sub-section (1) to be the Chairman of the Commission.

Duties of the Commission.

4 It shall be the duty of the Commission to readjust on the basis of the latest census figures the allocation of seats in the House of the People to the several States, the total number of seats in the Legislative Assembly of each State and division into territorial constituencies for the purpose of elections to the House of the People and to the State Legislative Assembly:

Provided that where on such readjustment only one seat is allocated in the House of the People to a State, the whole of that State shall form one territorial constituency for the purpose of elections to the House of the People from that State:

Provided further that it shall not be necessary for the Commission to readjust the allocation of seats in the House of the People to any Union territory or the total number of seats in the Legislative Assembly of any of the Union territories of Goa, Daman and Diu, Pondicherry and Mizoram or the total number of seats in the Metropolitan Council of the Union territory of Delhi.

Associate members.

5. (1) The Commission shall associate with itself for the purpose of assisting it in its duties in respect of each State, ten persons five of whom shall be members of the House of the People representing that State and five shall be members of the Legislative Assembly of that State:

Provided that where the number of members of the House of the People representing any State is five or less, than all such members shall be the associate members for that State and in the latter case the total number of associate members shall be less than ten by such number as by which the total number of members of the House of the People representing that State is less than five.

(2) The persons to be so associated from each State shall be nominated, in the case of members of the House of the People, by the Speaker of that House, and in the case of members of a Legislative Assembly, by the Speaker of that Assembly, having due regard to the composition of the House or, as the case may be, of the Assembly.

(3) The first nominations to be made under sub-section (2)—

(a) shall be made by the Speakers of the several Legislative Assemblies within one month, and by the Speaker of the House of the People within two months, of the commencement of this Act; and

(b) shall be communicated to the Chief Election Commissioner, and where the nominations are made by the Speaker of a Legislative Assembly, also to the Speaker of the House of the People.

(4) None of the associate members shall have a right to vote or to sign any decision of the Commission.

6. If owing to death or resignation the office of the Chairman or of a member or of an associate member falls vacant, it shall be filled as soon as may be practicable by the Central Government or the Speaker concerned under and in accordance with the provisions of section 3, or, as the case may be, of section 5.

Casual vacancies.

5 of 1908- 7 (1) The Commission shall determine its own procedure and shall in the performance of its functions have all the powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

Procedure and powers of the Commission.

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the production of any document; and

(c) requisitioning any public record from any court or office.

(2) The Commission shall have power to require any person to furnish any information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Commission may authorise any of its members to exercise any of the powers conferred on it by clauses (a) to (c) of sub-section (1) and sub-section (2), and any order made or act done in exercise of any of those powers by the member authorised by the Commission in that behalf shall be deemed to be the order or act, as the case may be, of the Commission.

(4) If there is a difference of opinion among the members, the opinion of the majority shall prevail, and acts and orders of the Commission shall be expressed in terms of the views of the majority.

(5) The Commission as well as any group of associate members, shall have power to act notwithstanding the temporary absence of of a member or associate member or the existence of a vacancy in the Commission or in that or any other group of associate members; and no act or proceeding of the Commission or of any group of associate members shall be invalid or called in question on the ground merely of such temporary absence or of the existence of such vacancy.

(6) The Commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898.

5 of 1898.

Explanation.—For the purposes of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Commission shall be the limits of the territory of India.

Readjustment of number of seats.

8. The Commission shall, on the basis of the latest census having regard to the provisions of articles 81, 170, 330 and 332, and also, in relation to the State of Nagaland clause (2) (h) of article 371A and sub-section (1) of section 11 of the State of Nagaland Act, 1962 in relation to the Union territories except Delhi sections 3 and 39 of the Government of Union Territories Act, 1953 and in relation to the Union territory of Delhi section 3 and sub-section (1) of section 4 of the Delhi Administration Act, 1966, by order determine—

27 of 1962

20 of 1963

19 of 1966

(a) the number of seats in the House of the People to be allocated to each State and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State; and

(b) the total number of seats to be assigned to the Legislative Assembly of each State and the number of seats, if any, to be reserved for the Schedule Castes and for the Schedule Tribes of the State;

Provided that the total number of seats assigned to the Legislative Assembly of any State under clause (b) shall be an integral multiple of the number of seats in the House of the People allocated to that State under clause (a).

Delimitation of constituencies.

9. (1) The Commission shall, in the manner herein provided, then distribute the seats in the House of the People allocated to each State and the seats assigned to the Legislative Assembly of each State to single member territorial constituencies and delimit them on the basis of the latest census figures, having regard to the provisions of the Acts specified in section 8 and also to the following provisions, namely:

(a) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience;

(b) every assembly constituency shall be so delimited as to fall wholly within one parliamentary constituency;

(c) constituencies in which seats are reserved for the Scheduled Castes shall be distributed in different parts of the State and located, as far as practicable, in those areas where the proportion of their population to the total is comparatively large; and

(d) constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total is the largest.

(2) The Commission shall—

(a) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Gazette of India and in the Official Gazettes of all the States concerned and also in such other manner as it thinks fit;

(b) specify a date on or after which the proposals will be further considered by it;

(c) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sittings at such place or place in each State as it thinks fit; and

(d) thereafter by one or more orders determine—

- (i) the delimitation of parliamentary constituencies, and
- (ii) the delimitation of assembly constituencies, of each State.

10. (1) The Commission shall cause each of its orders made under section 8 or section 9 to be published in the Gazette of India and in the Official Gazettes of the States concerned.

publica-
tion of
orders and
their date
of opera-
tion.

(2) Upon publication in the Gazette of India, every such order shall have the force of law and shall not be called in question in any court.

(3) As soon as may be after such publication, every such order shall be laid before the House of the People and the Legislative Assemblies of the States concerned.

(4) Subject to the provisions of sub-section (5), the readjustment of representation of the several territorial constituencies in the House of the People or in the Legislative Assembly of a State and the delimitation of those constituencies provided for in any such order shall apply in relation to every election to the House or to the Assembly, as the case may be, held after the publication in the Gazette of India of that order and shall so apply in supersession of the provisions relating to such representation and delimitation contained in the Representation of the People Act, 1950 and the Delimitation of Parliamentary and Assembly Constituencies Order, 1966 and any final orders of the Election Commission relating to the delimitation of parliamentary constituencies or, as the case may be, of assembly constituencies of any State made in pursuance of the provisions of any other Acts.

43 of 1950

(5) Nothing in this section shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or of the Assembly, as the case may be, existing on the date of publication in the Gazette of India of the final order or orders of the Commission relating to the delimitation of parliamentary constituencies or, as the case may be, of the assembly constituencies of that State and any bye-election to fill any vacancy in such House or in any such Assembly shall be held on the basis of the provisions of the laws and orders superseded by sub-section (4) as if the said provisions had not been superseded.

II. (1) The Election Commission may, from time to time, by notification in the Gazette of India and in the Official Gazette of the State concerned,—

Power to maintain delimitation orders up-to-date.

(a) correct any printing mistake in any of the orders made by the Delimitation Commission under section 9 or any error arising therein from an inadvertent slip or omission; and

(b) where the boundaries or name of any district or any territorial division mentioned in any of the said orders are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the orders up-to-date, so however that the boundaries or areas or extent of any constituency shall not be changed by any such notification.

(2) Every notification under this section shall be laid, as soon as may be after it is issued, before the House of People and the Legislative Assembly of the State concerned.