

Assembly Bill No. 37.....  
of 9<sup>th</sup> Assembly.....

**SIALKAL RANGE DEVELOPMENT COUNCIL BILL, 2026**

**GOVERNMENT OF MIZORAM  
GENERAL ADMINISTRATION DEPARTMENT**

## **SIALKAL RANGE DEVELOPMENT COUNCIL BILL, 2026**

### **A BILL**

to provide for the constitution of an authority to be known as “**The Sialkal Range Development Council**” and for matters connected therewith or incidental thereto.

**WHEREAS** it is expedient to provide for the establishment of a statutory authority under the name of *The Sialkal Range Development Council* for securing the social, economic, educational, and cultural advancement and integrated development of the people residing in certain specified areas in the eastern part of the State of Mizoram;

**AND WHEREAS** it is considered necessary to confer upon such authority such powers, functions and responsibilities as may be prescribed by the State Government to ensure meaningful governance and effective participation of the people in the developmental process within the framework of the Constitution.

**BE** it enacted by the Legislative Assembly of Mizoram in the Seventy-Seventh Year of the Republic of India as follows:-

### **CHAPTER -I PRELIMINARY**

**1. Short title, extent and commencement .-**

- (1) This Act may be called the Sialkal Range Development Council Act, 2026.
- (2) It shall extend to such area or areas as the Government may, by notification in the Official Gazette, specify from time to time.
- (3) It shall come into force on the date of publication in the Official Gazette.

**2. Definitions .-** In this Act, unless the context otherwise requires,-

- (a) “Bye-law” means a bye-law framed by the General Council under this Act;
- (b) “Commission” means the State Election Commission, Mizoram;
- (c) “Constitution” means the Constitution of India;

- (d) "Council" means the Sialkal Range Development Council;
- (e) "Constituency" means a constituency as referred to in section 29 of this Act;
- (f) "Council Area" means the Sialkal Range Development Council Area as notified by the Government;
- (g) "Executive Council" means the Executive Body of the General Council of the Sialkal Range Development Council referred to under sub-section (1) of section 3 and section 22 of this Act;
- (h) "Elector", in relation to a constituency, means a person whose name is entered in the electoral roll for that constituency;
- (i) "Fund" means the General Council fund constituted under Section 41 of this Act;
- (j) "Government" means the Government of Mizoram;
- (k) "General Council" means the General Council of the Sialkal Range Development Council constituted under this Act;
- (l) "Member" means a member of the General Council or the Executive Council, as the case may be;
- (m) "notification" means a notification issued under this Act and published in the Official Gazette;
- (n) "Official Gazette" means the Official Gazette of the Government of Mizoram;
- (o) "prescribed" means prescribed by rules made under this Act;
- (p) "Village Council" means a Village Council constituted under the Mizoram (Village Councils) Act, 2025.

### **3. Constitution of Sialkal Range Development Council .-**

- (1) There shall be constituted, within the State of Mizoram, a statutory authority to be known as the Sialkal Range Development Council, which shall comprise such areas and territorial jurisdictions of the Village Councils as may, from time to time, be specified by the Government by notification in the Official Gazette.
- (2) The Council shall function within the framework of the Constitution of India and shall exercise such powers and discharge such functions as may be conferred upon it under this Act or under rules made thereunder.
- (3) The Council shall consist of.-
  - (a) a General Council, which shall be the deliberative body; and

(b) an Executive Council, which shall be the executive arm of the Council.

## **CHAPTER - II THE GENERAL COUNCIL**

### **4. Incorporation of the General Council.-**

The General Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power-

- a) to acquire, hold and dispose of property, both movable and immovable;
- b) to enter into contracts, with the prior approval of the Government; and
- c) to sue and be sued in its corporate name:

Provided that all such powers shall be exercised subject to the provisions of this Act and the rules made thereunder.

### **5. Constitution and composition of the General Council.-**

(1) The General Council shall consist of seven members, of whom.-

- a) six members shall be elected by direct election in such manner as may be prescribed; and
- b) one member who shall be nominated by the Government.

(2) The first sitting of the General Council shall be convened by an officer duly authorized in this behalf by the Government. At such sitting.-

- a) the elected members shall, from among themselves and by secret ballot, elect a Pro-tem Chairman, who shall preside over the proceedings of the Council after making and subscribing an oath of affirmation in the form prescribed under section 13 of this Act;
- b) The General Council shall, under the chairmanship of the Pro-tem Chairman, elect from among the elected members a Chairman on the same day. Immediately thereafter, and under the chairmanship of the newly elected Chairman, the General Council shall elect, from among the elected members, a Chief Executive Member;

Provided that in the event of a tie in the election of the Pro-tem Chairman, the Deputy Commissioner or the officer authorized to administer the oath of affirmation under this sub-section shall have a casting vote to decide the result of the election.

- (3) The Chief Executive Member so elected shall nominate one elected member for appointment by the Government as an Executive Member of the Executive Council.
- (4) Every member of the General Council shall be entitled to receive such allowances or other benefits as may be recommended by the General Council and approved by the Government.

**6. Term of office.-**

- (1) The term of office of the General Council shall be five years from the date of its first meeting, which shall be appointed by the Government following the constitution of the Council after the election of its members:

Provided that the Council may be dissolved earlier in accordance with the provisions of section 48 of this Act.

- (2) Notwithstanding anything contained in sub-section (1), the Chief Executive Member shall cease to hold office forthwith if, for any reason, he ceases to be a member of the General Council.
- (3) Notwithstanding anything contained in sub-section (1), where the Government is satisfied that the holding of elections to the General Council is, for any reason, impracticable, it may, by notification, extend the term of the General Council for a period not exceeding six months at a time, but in any case, such extension shall not exceed one year in the aggregate.

**7. Resignation of members.-**

- (1) Any member of the General Council may, at any time, resign his office by submitting a notice in writing under his hand, addressed to the Chairman:

Provided that in the case of the Chairman, such notice shall be addressed to the Deputy Commissioner of the district concerned.

- (2) A resignation under sub-section (1) shall take effect.-
  - a) from the date specified in the notice; or
  - b) where no such date is specified, from the date of receipt of the notice by the Chairman or the Deputy Commissioner, as the case may be:

Provided that no such resignation shall take effect unless it is accepted by the Chairman or, as the case may be, the Deputy Commissioner of the district concerned.

**8. Removal of members .-**

- (1) The Chief Executive Member or the Executive Member, or both, may be removed from office by a resolution passed by a simple majority of the total number of elected members of the General Council, at a special meeting convened for the purpose:

Provided that such a meeting shall be convened only upon a written requisition made by not less than one-third of the total number of elected members of the General Council.

- (2) The Government may, by order and for reasons to be recorded in writing, remove any elected member of the General Council from office, if, after giving such member.-
- a) a notice in writing stating the grounds on which such removal is proposed; and
  - b) a reasonable opportunity of being heard and to show cause against such proposed action,

it is satisfied that the member.-

- i) after being elected, has been convicted by a court of law of an offence involving moral turpitude and sentenced to imprisonment for a term exceeding six months; or
- ii) has incurred any of the disqualifications provided by section 35 of this Act after being elected as a member; or
- iii) has remained absent from three consecutive meetings of the General Council without sufficient cause.

**9. Salaries, allowances and other conditions of service .-**

- (1) The Chief Executive Member and the Executive Member shall be whole-time functionaries and shall be entitled to receive, out of the General Council Fund, such salaries and allowances as may be prescribed.
- (2) The other terms and conditions of service of the Chief Executive Member and the Executive Member shall be such as may be prescribed.

- (3) The salaries, allowances, and other conditions of service of the members of the General Council, other than the Chief Executive Member and the Executive Member, shall be such as may be prescribed.

**10. Filling up of vacancies .-**

- (1) Where the office of any member of the General Council falls vacant by reason of death, removal, resignation, or otherwise, such vacancy shall be filled by election, in accordance with the provisions of this Act and the rules made thereunder:

Provided that.-

- (a) any vacancy in the office of the Chief Executive Member shall be filled by the General Council by electing a member from among the elected members in the manner prescribed for such election;
  - (b) any vacancy in the office of the Executive Member shall be filled by nomination by the Chief Executive Member in the manner prescribed for such nomination.
- (2) A person elected or nominated to fill a vacancy under sub-section (1) shall hold office for the remainder of the term of the General Council, or for such extended period as may be specified under sub-section (3) of Section 6 of this Act, as the case may be.

**11. Powers and functions of the Chief Executive Member.-**

The Chief Executive Member shall be the head of the General Council and shall.-

- (1) have the general responsibility for the financial and executive administration of the General Council.
- (2) exercise administrative supervision and control over.-
  - (a) the officers and employees of the General Council; and
  - (b) the officers and employees whose services are placed at the disposal of the General Council by the Government;
- (3) for the purpose of transacting business under the provisions of this Act, or for issuing any order thereunder, exercise such powers, perform such functions, and discharge such duties as are vested in the General Council under this Act or the rules made thereunder:

Provided that the Chief Executive Member shall not exercise such powers, perform such functions, or discharge such duties as are required by the rules made under this Act to be exercised, performed, or discharged by the General Council in a meeting.

- (4) exercise such other powers and perform such other functions and duties as may.-
  - a) be delegated to him by the General Council by way of a general or special resolution; or
  - b) be prescribed by the Government through rules made in this behalf.

**12. Meetings of the General Council .-**

- (1) The General Council shall meet at least once in every four months for the transaction of its business.
- (2) Every meeting of the General Council shall be held at the headquarters of the Council, on such date and at such time as may be notified by the Chairman, acting on the advice of the Chief Executive Member:

Provided that the first meeting of the General Council after a general election shall be held on such date as may be appointed by the Government.

- (3) Every order made, instruction issued, or resolution passed by the General Council shall be authenticated by the signature of the Chairman, or, in his absence, by the Secretary of the Council.

**13. Oath of affirmation by members .-**

- (1) The elected members of the General Council shall, at their first meeting, elect from among themselves one member to be the Pro-tem Chairman, who shall, before entering upon his office, make and subscribe an oath of affirmation in such form and manner as may be prescribed, before the Deputy Commissioner of the concerned district or such officer as may be authorised by the Government in this behalf.
- (2) Every member of the General Council shall, before taking his seat, make and subscribe an oath of affirmation in such form and manner as may be prescribed, before the Pro-tem Chairman.

- 14. Quorum .-** The quorum required for the transaction of business at any meeting of the General Council shall be two-thirds of the total number of members, excluding the Chairman.
- 15. Headquarters of the General Council.-** Mimbang shall be the headquarters of the General Council.
- 16. Office of the Sialkal Range Development Council .-**
- (1) There shall be established an Office of the Sialkal Range Development Council at its headquarters, which shall be headed by a Secretary, to be appointed by the Government.
  - (2) The Secretary shall be the Principal Executive Officer of the General Council and shall be of the rank not below that of a Block Development Officer under the Government of Mizoram. The State Government may, at its discretion, appoint the Block Development Officer, Ngopa Rural Development Block, as the Secretary of the Council. All other officers and employees of the General Council shall be subordinate to him.
  - (3) The Secretary shall attend and participate in the deliberations of all meetings of the General Council, the Executive Council, and any Committee constituted by the General Council. He may, with the permission of the Chairman or other presiding authority, make statements or provide explanations on matters under discussion, but shall not be entitled to vote at any such meeting.
  - (4) The salaries and allowances of the Secretary and other officers and staff shall be paid out of the General Council Fund.
  - (5) The term of appointment of the Secretary shall be for a period of three years, which may be extended by the Government, in consultation with the Chief Executive Member.
  - (6) The terms and conditions of appointment of the Secretary shall be such as may be prescribed by rules made by the Government in consultation with the Chief Executive Member.
  - (7) The Government may, in consultation with the Chief Executive Member, depute such officers, experts, or supporting staff as may be necessary to

assist the General Council, on such terms and conditions as may be prescribed by rules made under this Act.

- (8) All officers and staff appointed or deputed to the Council shall be accountable to the Executive Council and shall perform their duties under the superintendence, direction, and control of the Chief Executive Member.
- (9) Notwithstanding anything contained in sub-section (5), the Government may, at any time, and after consultation with the Chief Executive Member, withdraw the Secretary or any other officer posted or appointed by it to the Office of the Sialkal Range Development Council.

### **CHAPTER -III POWERS AND FUNCTIONS OF THE GENERAL COUNCIL**

#### **17. Powers and functions of the Sialkal Range Development Council.-**

Notwithstanding anything contained in any other law for the time being in force, the General Council shall, in relation to the area under its jurisdiction, exercise the following executive powers and perform the following functions, subject to such directions as may be issued by the Government from time to time, namely:

- (1) to take measures to upgrade the level of development and address regional imbalances within the Council area and to reduce intra-sectoral and inter-village disparities in development, keeping in view the comparative levels of development across the State.
- (2) to formulate development plans and schemes for the Council area, including setting of priorities, identification of thrust areas and policy directions, and to submit such proposed plans to the State Government for approval.
- (3) to formulate, execute and implement development plans specific to the Council area, utilising funds earmarked as discretionary or incentive allocations or any other funds separately provided to meet local aspirations.

- (4) to examine and review all plan proposals under the State Plan, Centrally Sponsored Schemes, and other externally or internally aided programmes applicable within the Council area, and to forward its plans to the State Government:

Provided that in so doing, the Council shall function as an advisory body or implementing agency, or both for development planning within its jurisdiction.

- (5) to monitor, coordinate and review the implementation of all development plans and projects under the State Plan, Centrally Sponsored Schemes, and other forms of Central Assistance within the Council area.
- (6) to initiate and prepare developmental projects and schemes deemed necessary for the benefit of the Council area and submit such proposals, through the State Government, to the Central Government or to any other funding agency, and to take follow-up action for the same.
- (7) to prepare and submit its annual budget, including detailed estimates of expenditure under specific heads, to the State Government for approval.
- (8) to perform such other functions and duties as may be entrusted or prescribed by the Government by rules made under this Act.

**18. Coordination with Government Departments and monitoring of developmental activities.-**

Subject to the overall policy direction and supervision of the State Government, the General Council shall.-

- (1) convene meetings with the concerned Departments of the State Government responsible for developmental activities within the Council area for the purpose of preparing strategic plans, perspective plans, annual work plans, and work schedules in respect of funds allocated to such Departments from the State's own resources, Centrally Sponsored Schemes, or any other assistance.
- (2) convene meetings at least once every three months to review, monitor, and assess the progress of implementation of developmental works and

schemes undertaken within the Council area by various Departments of the State Government and the Central Government.

**19. Power of Government to entrust additional functions.-**

Notwithstanding anything contained in this Act, the Government may, in consultation with the General Council, entrust to the General Council or to any officer or authority thereof, either conditionally or unconditionally, such functions relating to any matter not enumerated in section 17 of this Act, as are within the executive competence of the Government.

**20. Power to acquire, hold, dispose of property and enter into contracts.-**

Notwithstanding anything contained in section 4 of this Act, the General Council shall, subject to the prior approval of the Government and to such terms and conditions as may be specified by the Government, have the power.-

- a) to acquire, hold, or dispose of any immovable or movable property, the value of which exceeds rupees one lakh; and
- b) to enter into any contract or agreement with any person, body or authority in relation thereto.

**21. Power to make bye-laws.-**

The General Council may, subject to the provisions of this Act, the rules made thereunder, and with the prior approval of the Government, make bye-laws applicable within the Council area for the regulation, control, and administration of all or any of the matters enumerated in sections 17 and 19 of this Act.

**CHAPTER - IV  
THE EXECUTIVE COUNCIL**

**22. Constitution and functions of the Executive Council .-**

- (1) The Executive Council shall consist of the Chief Executive Member, who shall be elected, and such number of Executive Member(s) as may be nominated from among the elected Members of the General Council, in accordance with the provisions of sub-sections (2) and (3) of section 5 of this Act.

- (2) The Chief Executive Member shall be the Chairperson of the Executive Council and shall preside over all meetings thereof.
- (3) Any casual vacancy in the Executive Council arising by reason of death, resignation, removal, or otherwise shall be filled by nomination by the Chief Executive Member in the manner provided under sub-section (3) of section 5 of this Act:

Provided that no act or proceeding of the Executive Council shall be invalidated or called into question merely on the ground of any vacancy in its membership.

- (4) The manner of transaction of business of the Executive Council shall be such as may be determined by the General Council by bye-laws made in this behalf, with the prior approval of the Government.
- (5) The Executive Council shall be collectively responsible to the General Council.

**23. Term of office of the Executive Council.-** A Member of the Executive Council shall hold office unless and until.-

- (1) he ceases to be a Member of the General Council; or
- (2) he resigns his office by a written communication under his hand addressed to the Chief Executive Member, and such resignation is accepted by the Chief Executive Member:

Provided that in the case of the Chief Executive Member, the resignation shall be addressed to the Deputy Commissioner of the District concerned and shall take effect upon its acceptance by the said authority.

**24. Powers and functions of the Executive Council.-**

- (1) The executive powers of the General Council shall vest in the Executive Council.
- (2) All orders, and instructions made, issued, or executed by the Executive Council shall be deemed to have been made, issued, or executed under the authority of the General Council.

- (3) Every such order, instruction, or resolution of the Executive Council shall be authenticated by the signature of the Secretary of the Council or of such other officer as may be specially authorised in this behalf by the General Council.

**25. General powers of the Chief Executive Member of the Executive Council .-**

- (1) The Chief Executive Member shall be the executive head of the Sialkal Range Development Council and shall exercise such powers and discharge such functions as may be conferred upon him by or under the provisions of this Act or the rules made thereunder.
- (2) The Chief Executive Member shall allocate the business of the Executive Council among the Executive Member(s) in such manner as he may consider appropriate for the efficient and convenient transaction of business.

**26. Special power of the Chief Executive Member .-**

- (1) Notwithstanding anything contained in this Act or the rules made thereunder, or in any other law for the time being in force, the Executive Council may, by general or special resolution, authorise the Chief Executive Member to take, in anticipation of its approval, any action which is required under this Act or the rules made thereunder to be taken with the prior approval of the Executive Council, subject to such conditions, if any, as may be specified in such resolution.
- (2) Where any action is taken by the Chief Executive Member in accordance with the authorisation under sub-section (1), he shall report the same to the Executive Council forthwith and shall obtain its ex-post-facto approval at the earliest opportunity.

**27. Meetings of the Executive Council .-**

- (1) The Executive Council shall meet at least once in every three months for the transaction of its business at such place and time as may be determined by the Chief Executive Member.

(2) Every meeting of the Executive Council shall be convened by the Chief Executive Member by issuing not less than seven clear days' notice in writing to each member of the Executive Council.

**28. Quorum .-** The quorum for the transaction of business at a meeting of the Executive Council shall be two-thirds of the total number of Executive Member(s). Every such meeting shall be presided over by the Chief Executive Member.

## **CHAPTER-V CONDUCT OF ELECTIONS**

**29. Delimitation of constituencies and conduct of elections .-**

(1) There shall be not less than six constituencies in the Council area for the purpose of election to the General Council. Each such constituency shall be a single-member constituency.

(2) The Government shall, by order published in the Official Gazette, determine the number and territorial boundaries of the constituencies into which the Council area shall be delimited for the purpose of electing members to the General Council.

(3) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Sialkal Range Development Council shall vest in the State Election Commission, which shall perform its functions in accordance with the provisions of this Act and the rules made thereunder by the State Government.

**30. Power to alter or amend delimitation orders .-** Notwithstanding anything contained in section 29, the Government may, by notification published in the Official Gazette, alter or amend any order made under the said section:

Provided that no such alteration or amendment shall be made after the commencement of the election process.

**31. Electoral rolls for General Council constituencies .-**

- (1) Subject to the provisions of this Act and the rules made thereunder, the electoral roll for each constituency of the General Council shall be the corresponding electoral roll of the Assembly constituency, as prepared and updated in accordance with the provisions of section 23 of the Representation of the People Act, 1950 (43 of 1950), insofar as it relates to the area comprised within such constituency of the General Council, as defined in clause (4) of section 2 of this Act.
- (2) Every person whose name appears in the electoral roll referred to in sub-section (1) shall be entitled to vote at an election to the General Council from the corresponding constituency.
- (3) The Commission shall, at the time and in the manner prescribed, publish the electoral rolls in respect of the constituencies.

**32. Right to vote .-**

- (1) Save as otherwise provided in this Act, every person whose name is, for the time being, borne on the electoral roll of any constituency shall be entitled to vote at an election in that constituency.
- (2) No person shall vote at an election in any constituency if he is subject to any of the disqualifications specified in section 10 of the Representation of the People Act, 1951 (43 of 1951).
- (3) No person shall vote in more than one constituency.
- (4) No person shall vote more than once in the same constituency.
- (5) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or otherwise, or is in the lawful custody of the police:

Provided that nothing contained in this sub-section shall apply to a person subject to preventive detention under any law for the time being in force.

**33. Election of members .-** The election of members for the purpose of constituting the General Council shall be held on such date or dates as may be notified by the State Election Commission, in consultation with the Government.

**34. Qualification for membership of the General Council .-** A person shall be qualified to be elected as a member of the General Council if he is an elector, as defined in clause (7) of section 2 of this Act.

**35. Disqualification for membership of the General Council .-**

(1) A person shall be disqualified for being elected as, and for being, a member of the General Council if:-

- a) he is not a citizen of India; or
- b) he has not attained the age of eighteen years on such date as may be notified by the Government; or
- c) he is not registered as an elector in the electoral roll of any Assembly Constituency within the State; or
- d) he is a sitting Member of Parliament or a Member of the Legislative Assembly of the State of Mizoram; or
- e) he is in the service of the Central Government or the State Government, or holds any office of profit under the Central or State Government, other than an office declared by law made by Parliament or the State Legislature not to disqualify its holder; or
- f) he has, whether directly or indirectly, by himself or by any other person on his behalf, any share or interest in any contract made with, by, or on behalf of the General Council within the Council area; or
- g) he has been dismissed from the service of the Central Government, the State Government, a local authority, a Co-operative Society, a Government company as defined under the Companies Act, 2013 (18 of 2013), or a corporation owned or controlled by the Central Government or the State Government for misconduct involving moral turpitude and a period of five years has not elapsed from the date of such dismissal; or
- h) he has been declared to be of unsound mind by a competent court; or
- i) he is an undischarged insolvent; or
- j) he has been convicted by a court of law of an offence involving moral turpitude punishable with imprisonment for a term exceeding six months, or of an offence under Chapter IX of the Bharatiya Nyaya Sanhita, 2023, or Chapter III or Part VII of the Representation of the People Act, 1951 (43 of 1951), and a period of five years has not elapsed from the date of expiration of the sentence.

(2) Notwithstanding anything contained in sub-section (1), a person shall not be disqualified for being elected as, or for being, a member of the General

Council merely by reason of his being a member of a Village Council or holding the office of the Chief Executive Member or an Executive Member of the General Council.

- (3) The Government shall, by notification in the Official Gazette, make rules to provide for disqualification of a member of the General Council or the Executive Council on the ground of defection, and such rules may include.-
- a) the grounds for disqualification on the basis of defection;
  - b) the authority competent to decide questions relating to disqualification;
  - c) the procedure to be followed in any proceeding for disqualification; and
  - d) any other matter incidental thereto.

**36. Validity of acts of members before setting aside of election.-** Where the members elected at an election are restrained from functioning by reason of the election as a whole being set aside by an order of a Court, any act done or action taken by such members before the date of such restraint or before the election is so set aside, as the case may be, shall be deemed to have been validly done or taken and shall not be called into question merely on the ground of such restraint or setting aside of the election.

**37. Publication of results of an election .-** The names of all persons elected to the General Council shall be published by the Commission in the Official Gazette; and upon such publication, the General Council shall be deemed to have been duly constituted.

**38. Vacation of seat .-** If a person who is a member of the General Council is elected to the Parliament or to the Legislature of a State, then, upon the expiration of fourteen days from the date of publication in the Official Gazette of India or the Official Gazette of the State of Mizoram, as the case may be, of the declaration that he has been so elected, his seat in the General Council shall become vacant, unless he has previously resigned his seat in the Parliament or the State Legislature, as the case may be.

**39. Dispute regarding election .-**

- (1) No election shall be called in question except by an election petition presented in such manner as may be prescribed and before such authority as may be appointed by the Government from time to time by notification in the Official Gazette:

Provided that no person shall be appointed as such authority unless he is of a rank not below that of a District and Sessions Judge within the meaning of article 236 of the Constitution of India.

(2) No election shall be called in question except on one or more of the following grounds, namely.-

a) that on the date of his election, the returned candidate was not qualified or was disqualified to be elected to fill the seat in the General Council; or

b) that a corrupt practice has been committed by the returned candidate or his election agent, or by any other person with the consent of the returned candidate or his election agent:

Explanation.- For the purposes of this section, "corrupt practice" shall mean any of the practices specified in section 123 of the Representation of the People Act, 1951 (43 of 1951); or

c) that any nomination has been improperly rejected; or

d) that the result of the election, in so far as it concerns the returned candidate, has been materially affected—

i) by the improper acceptance of any nomination; or

ii) by any corrupt practice committed in the interest of the returned candidate by any agent other than his election agent; or

iii) by the improper reception, refusal, or rejection of any vote, or the reception of any vote which is void; or

iv) by any non-compliance with the provisions of this Act or any rules or orders made thereunder.

(3) At the conclusion of the trial of an election petition, the authority appointed under sub-section (1) shall pass an order.-

a) dismissing the election petition; or

b) declaring the election of all or any of the returned candidates to be void; or

c) declaring the election of all or any of the returned candidates to be void and declaring the petitioner or any other candidate to have been duly elected.

(4) Where a petitioner, in addition to calling in question the election of a returned candidate, claims a declaration that he himself or any other

candidate has been duly elected, and the authority appointed under sub-section (1) is of the opinion that.-

- a) the petitioner or such other candidate has received a majority of the valid votes; or
- b) but for the votes obtained by the returned candidate through corrupt practice, the petitioner or such other candidate would have obtained a majority of the valid votes,

the said authority shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

#### **40. Power to make rules regulating the election of the members .-**

- (1) The Government may, by notification in the Official Gazette, make rules to regulate all or any of the following matters for the purpose of holding elections to the General Council under this Act, namely:-
  - (a) the designation of the officer or authority to whom the power to determine the territorial limits of constituencies under sub-section (2) of section 29 may be delegated, and the manner in which the electoral roll shall be prepared and maintained by the Commission;
  - (b) the appointment of Returning Officers, Presiding Officers, and Polling Officers for the conduct of elections;
  - (c) the drawing up of the election programme, including the time schedule for various stages of the election;
  - (d) the nomination of candidates and the scrutiny of nomination papers;
  - (e) the deposits to be made by candidates, including the amount, time, and manner of making such deposits;
  - (f) the procedure and conditions for withdrawal of candidature;
  - (g) the appointment and functions of agents of candidates;
  - (h) the manner of filling up of casual vacancies in the General Council;
  - (i) the general procedure at elections, including the time, place, and hours of polling and the method by which votes shall be cast and recorded;
  - (j) the fee payable on an election petition; and
  - (k) any other matter relating to elections or election disputes in respect of which it is necessary for the Government to make rules for carrying out the purposes of this Act.

**CHAPTER-VI**  
**FUNDS, AUDIT AND BUDGET**

**41. Constitution and management of the General Council Fund .-**

- (1) There shall be constituted a fund to be called the General Council Fund for the purposes of this Act.
- (2) The Fund shall consist of separate sub-heads within the budget of the General Council, and there shall be credited thereto—
  - a) all moneys received or receivable under the provisions of this Act;
  - b) all moneys otherwise received by the General Council including grants, contributions, donations, rates and other receipts; and
  - c) all sums received by or on behalf of the General Council from any source whatsoever.
- (3) The Government shall provide financial assistance to the Fund in accordance with such formula as may be determined having regard to—
  - a) the financial resources of the Government;
  - b) the developmental priorities in other areas; and
  - c) such other factors as may be relevant.
- (4) All allocations made under the sub-heads of the Fund shall be in accordance with such guidelines as may be issued by the Central Government from time to time and in conformity with the spirit of the Constitution of India.
- (5) The Government shall not divert any amount allocated under the sub-heads of the Fund except in cases of exigency arising from an unavoidable budgetary deficit.
- (6) All moneys sanctioned or allocated by the Central Government or the State Government for the purposes of the General Council shall be assigned to the General Council and credited to the Fund.

- (7) The moneys credited to the Fund shall be applied for the payment of all sums, charges and costs incurred in connection with the purposes of this Act.
- (8) No payment shall be made out of the Fund unless such expenditure has been provided for in the budget grant of the General Council.
- (9) The General Council may make rules, with the approval of the Government, to regulate.-
- a) the management of the Fund;
  - b) the procedure for crediting moneys to, and withdrawal of moneys from, the Fund;
  - c) the custody of the moneys of the Fund; and
  - d) any other matter incidental thereto or connected therewith.
- (10) Any surplus balance remaining in the Fund at the end of a financial year shall be.-
- a) carried forward to the budget of the next financial year; and
  - b) invested in such manner as may be provided by bye-laws made by the General Council in this behalf:
- Provided that no part of such surplus shall lapse.
- (11) The accounts of the General Council shall be maintained in such form and manner as may be prescribed, in consultation with the Accountant General, Mizoram.

**42. Audit of accounts .-**

- (1) Subject to the provisions of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971 (56 of 1971), and the rules and orders made thereunder, the audit of the accounts of the General Council shall be entrusted by the Government to the Comptroller and Auditor-General of India.
- (2) The Comptroller and Auditor-General shall submit to the Government such reports on the accounts of the General Council as he may deem necessary.
- (3) The Government shall cause every such report to be transmitted to the General Council for its consideration and comments.

- (4) The General Council shall return the report to the Government with its comments, if any, within such time as may be prescribed.
- (5) The Government shall lay the report of the Comptroller and Auditor-General along with the comments of the General Council, if any, before the State Legislature.

**43. Budget .-**

- (1) The General Council shall, at such time and in such manner as may be prescribed, prepare in each financial year a budget of its estimated receipts and disbursements for the following financial year and shall submit the same to the Government on or before the first day of November of the current financial year.
- (2) The Government may, within such time as may be prescribed, either approve the budget or return it to the General Council for reconsideration along with its observations, if any. The General Council shall, after such reconsideration, resubmit the budget together with its comments on the observations of the Government.
- (3) Where the approval of the Government is not received within such time as may be prescribed after such submission or resubmission, as the case may be, the budget shall be deemed to have been approved by the Government.
- (4) No expenditure shall be incurred by the General Council unless the budget has been approved by the Government or is deemed to have been so approved under sub-section (3).
- (5) The General Council may, at any time during a financial year, prepare a supplementary estimate modifying its budget for that year and submit the same to the Government for approval.

**CHAPTER-VII  
MISCELLANEOUS**

- 44. Power of the Government to ensure security and safety.-** Notwithstanding anything contained in this Act, all bye-laws, regulations, orders, and notifications made or issued by the General Council or the

Executive Council, as the case may be, shall be subject to the maintenance of security and public safety in the State of Mizoram; and the Government shall have the power to take such steps, including modification, suspension, or annulment of such bye-laws, regulations, orders, or notifications, as it may consider necessary in the interest of the security and safety of the State.

**45. Power of the Government to issue directions .-**

- (1) The Government may, from time to time, issue such directions, not inconsistent with the provisions of this Act, as it may consider necessary or expedient for giving effect to the provisions of this Act and for achieving the objects thereof.
- (2) It shall be the duty of the General Council and all authorities and officers under this Act to comply with such directions.

**46. Protection of the rights and interests of non-tribals and other ethnic groups .-** Notwithstanding anything contained in this Act, all rights and interests of non-tribal citizens and other ethnic communities, not belonging to the Paite community, as existing within the Council area on the date of commencement of this Act, in respect of their language, literature, culture, religion, customs and traditions, trade and commerce, industry, land and such other matters, shall be protected.

**47. Vesting and management of properties in the Council area .-**

- (1) Subject to such restrictions as the Government may impose, the following properties situated within the Council area shall vest in, and belong to, the General Council, namely:
  - a) all public buildings constructed or maintained out of the General Council Fund;
  - b) all public roads constructed and maintained out of the General Council Fund, together with the stones and other materials thereof, and all trees, erections, materials, implements, and things provided for such roads;
  - c) all land and other movable or immovable properties transferred to the General Council by the Government;
  - d) such properties owned and controlled by the Village Council as may be assigned to the General Council by the Government.

- (2) Notwithstanding anything contained in sub-section (1), any property referred to therein, the construction or maintenance of which has been carried out by a Village Council, shall vest in, and belong to, the Village Council within whose jurisdiction such property is situated.
- (3) All properties vested in the General Council or the Village Council under sub-section (1) or sub-section (2), and all other properties which may hereafter become so vested, shall be under the management, direction and control of the General Council or the Village Council, as the case may be.

**48. Dissolution of the General Council and Executive Council .-**

- (1) If the Government is satisfied, either on receipt of a report or otherwise, that a situation has arisen in which the administration of the Council area cannot be carried on in accordance with the provisions of law for the time being in force, or the general or special instructions issued by the Government from time to time, it may, by notification in the Official Gazette—
  - a) dissolve the General Council and the Executive Council before the expiry of their term; and
  - b) assume to itself all or any of the powers and functions of the General Council and the Executive Council; and
  - c) declare that such powers and functions shall be exercised by such person or authority as the Government may specify in this behalf, for a period not exceeding six months at a time:

Provided that no such dissolution shall take place unless the General Council and the Executive Council have been given a reasonable opportunity to show cause as to why they should not be dissolved:

Provided further that if the situation so demands, the Government may, during the pendency of the enquiry into such complaints, suspend the functioning of the General Council and the Executive Council, and the powers and functions of the General Council and the Executive Council shall, during such suspension, be exercised by such Government official as may be appointed by the Government.

- (2) Every order made under sub-section (1) shall be laid before the Legislative Assembly of Mizoram for approval, and unless approved by the Legislative

Assembly, shall cease to operate on the expiry of thirty days from the date on which the Assembly first sits after the issuance of such order.

**49. Consequences of dissolution .-**

When an order of dissolution is made under section 48 of this Act, then, with effect from the date of such order—

- (1) all the members of the General Council and the Executive Council shall be deemed to have vacated their respective offices; and
- (2) all powers, duties, and functions of the General Council and the Executive Council shall, until the Council is reconstituted in accordance with the provisions of this Act, be exercised, discharged, and performed by such person or authority as the Government may appoint in this behalf.

**50. Members, officers and employees to be public servant .-** The Chief Executive Member, the Executive Member(s), and all officers and employees of the General Council and the Executive Council shall be deemed to be public servants within the meaning of clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023.

**51. Validity of acts or proceedings .-** No act or proceeding of the General Council or the Executive Council, as the case may be, shall be deemed to be invalid merely on the ground of the existence of any vacancy in, or any defect or irregularity in the constitution of, such Council.

**52. Protection of action taken in good faith .-** No suit or other legal proceeding shall lie against the General Council, the Executive Council, or any member, officer, or employee thereof for any act done or intended to be done in good faith in pursuance of the provisions of this Act or any rule, regulation, or bye-law made thereunder.

**53. Interpretation .-** If any question arises regarding the interpretation of any provision of this Act or the rules made thereunder, the matter shall be referred to the Government, whose decision thereon shall be final and binding.

**54. Power to remove difficulties .-**

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

- (2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before the State Legislature.

**55. Inconsistency with State laws .-** If any provision of a bye-law made by the General Council is repugnant to any provision of a law made by the Legislature of the State of Mizoram with respect to the same matter, then, the provision of such bye-law, whether made before or after the enactment of the State law, shall, to the extent of the repugnancy, be void, and the law made by the State Legislature shall prevail.

**56. Power to make rules .-**

- (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes and provisions of this Act.

- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of the State of Mizoram.

**57. Transitional provision .-** The Government shall, as soon as may be after the commencement of this Act, take necessary steps for the constitution of an Interim Executive Council by nomination, which shall discharge the functions of the Executive Council until the General Council is duly constituted in accordance with the provisions of this Act.

**58. Savings .-** Nothing in this Act shall affect the application of any law enacted by the Legislature of the State of Mizoram or the Parliament of India, whether before or after the commencement of this Act, to the Council area, unless such law expressly provides for its non-application to the said area.

