

For official use only

HANDBOOK FOR
PRESIDING OFFICER
AT
ELECTION TO
AIZAWL MUNICIPAL COUNCIL

2015



State Election Commission, Mizoram

CHAPTER I

PRELIMINARY

1. Introductory

- 1.1 The objective of this Handbook is to provide you the information and guidance to perform your duties as a Presiding Officer. However, it may be noted that this Handbook cannot be treated as an exhaustive compendium in all aspects and as a substitute reference for various provisions of election law related to the conduct of poll. You should, wherever necessary, refer to those legal provisions which are reproduced in the Mizoram Municipalities (Election of Councilors) Rules, 2007 as amended in 2010, the Conduct of Election Rules, 1961, etc.
- 1.2 You have been appointed under section 348(3) of the Mizoram Municipalities Act, 2007 as amended in 2015 read with rule 8(4) of the Mizoram Municipalities (Election of Councilors) Rules, 2007 as amended in 2010. You along with other officers designated for the conduct of any election shall be deemed to be on deputation to the State Election Commission, Mizoram for the period commencing on and from the date of the notification calling for such election and ending with the date of declaration of the results of such election and accordingly such officers shall during that period be subject to the control, superintendence and discipline of the State Election Commission. As a Presiding officer, you are the most important officer at the polling station. A very important role has been assigned to you to perform at the polling station in the conduct of poll. You enjoy full legal power to control the proceedings in the polling station under your charge. At the same time, you are fully responsible for all the activities taking place at the polling station. At the polling station, it is your primary duty and responsibility to ensure a free and fair poll at your polling station. For this purpose, it is necessary that you are fully conversant with the law and procedure and the relevant instructions and directions of the Commission in relation to the conduct of elections.

2. Broad outlines of duties

While detailed directions and instructions are contained in the various Chapters of this Handbook, some of the salient and important aspects of your duties are given below for your guidance:

- (i) You should acquaint yourself fully with the latest position about the rules and procedures prescribed for the conduct of poll.
 - (ii) You should familiarise yourself thoroughly with the operation of the ballot box.
 - (iii) You must keep in ready possession all relevant instructions of the Commission.
 - (iv) You must have a clear idea of the location of your polling station and your itinerary to and from the polling station, so as to enable yourself to reach your polling station in time without losing any time in finding out the way to the polling station.
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- (v) You must not miss any of the training classes, lest you find yourself groping in the dark for various important instructions.
 - (vi) While collecting election materials, you should ensure that all items have been handed over to you as per the list supplied along with the material.
 - (vii) On arrival at the polling station, you should have a clear idea of the arrangements to be made for setting up of the polling station in a proper way especially to secure secrecy of voting, regulation of queue of voters, protection of poll proceedings free from outside interference, etc. On arrival at the designated centre you should also ensure whether your polling station has security arrangement.
 - (viii) The poll must commence at the hour fixed for such commencement by the State Election Commission. Before commencing the poll, the candidates or their agents, who are present at the polling station and the polling officers should be briefed about the maintenance of secrecy of vote.
 - (ix) At the commencement of poll, you have to demonstrate that no vote/ballot paper is stored/kept at the ballot box, marked copy of the electoral roll and the Register of Voters to candidates or their polling agents present and get it signed by them.
 - (x) According to the directions of the Commission all electors who have been issued with ECI's Electors Photo Identity Cards (EPICs) should produce those cards to exercise their franchise at the elections. Those who fail to bring EPICs or who have not been issued with or who have not obtained their EPICs, can be identified by any of the alternative documents prescribed by the State Election Commission.
 - (xi) The identity of elector should be properly verified by the First Polling Officer with reference to his entry in the electoral roll, the Elector's Photo Identity Card or with reference to any of the other alternative document(s) pre-scribed by the State Election Commission. **The unofficial identity slip carried by an elector cannot be accepted as a proof of his identity.**
 - (xii) Last four digits of the EPIC/identity documents produced by the elector should be entered in the 'Remarks' column of the Register of Voters (**Form 15-A**)
 - (xiii) After an elector has been identified, the entry relating to the elector in the marked copy of the electoral roll should be underlined. In addition, if the elector is a female elector, a tick mark (V) will also be put on the left side of entry.
 - (xiv) After an elector is identified with reference to his entry in the electoral roll and with the help of the document(s) prescribed by the State Election Commission, the left forefinger should be marked with the indelible ink by the Second Polling Officer.
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- (xv) The serial number (and *not the name*) of the elector as given in the marked copy of the electoral roll should be noted in the Register of Voters (**Form 15A**).
 - (xvi) The signature or thumb impression of the elector should be obtained on the Register of Voters (**Form 15A**) before he is allowed to record his vote. If an elector refuses to put his signature or thumb impression on the Register of Voters, he shall not be permitted to vote and an entry 'Refused to vote' will be made in the 'Remarks' column of the Register of Voters. You will have to sign below such entry. However, if an elector after his electoral roll number has been duly entered in the register of voters in **Form 15A** and has put his signature or thumb impression thereon decides not to record his vote, a remark to this effect - 'Refused to vote' shall be made against the said entry in **Form 15A** by you and the signature or thumb impression of the elector shall be obtained against such remark. In such case it shall not be necessary to make any change in the serial number of the elector or of any succeeding elector in column 1 of the register of voters (**Form 15A**).
 - (xvii) You have to regulate the proceedings in the polling station for peaceful and smooth conduct of poll. You require much tact for this purpose, but at the same time you should be firm and impartial.
 - (xviii) You must close the poll at the hour fixed for the purpose by the State Election Commission, even if the commencement of poll was delayed for any reason. However, all voters present at the polling station at the closing hour of poll shall be allowed to vote even if that means the continuing of poll for some more time. It should also be ensured that after the closing hour of poll nobody joins the queue of voters. For this purpose, you should distribute numbered slips, signed by you, to all voters standing in the queue starting such distribution of slips from the last person standing in the queue.
 - (xix) At the close of poll, you are required to prepare 'Ballot Paper Account in Form 20.
 - (xx) After the close of poll, the ballot box and all election papers should be sealed and secured in the manner prescribed by the State Election Commission. Candidates or their agents present at the polling station shall also be allowed to affix their seals, if they so desire, on the ballot box and the election papers in addition to your seals. You should follow carefully the relevant instructions about the sealing and securing of ballot box and election papers so that no mistake is committed.
 - (xxi) It is your personal responsibility to hand over the ballot box and all election papers duly sealed and secured to the Returning Officer.
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CHAPTER II

FORMATION OF POLLING PARTY AND TRAININGS

1. Polling Party:

Your party will consist of yourself and two or more Polling Officers at an election to the Aizawl Municipal Council. However, where the number of electors assigned to a Polling Station is very large, say, 1500 or and more, or there are specific instructions from the Commission or the DMEO, an additional Polling Officer may be appointed by the District Municipal Election Officer/Municipal Returning Officer to assist you. While appointing the polling party your District Municipal Election Officer/Municipal Returning Officer will also authorize one of the Polling Officers in your party to perform the duties of Presiding Officer in case you fail to be on duty at the polling station due to some unavoidable reason.

2. Polling trainings

- 2.1 The District Election Officer/ Municipal Returning Officer will arrange training classes for you and the Polling Officers. Attend all such training classes. These classes will help you acquaint yourself with the operation of ballot box and for obtaining a clear idea of the polling procedure to be followed at the polling station and understand the provisions of the law. You will also be given an Identity Card, which should be displayed on your body.
 - 2.2 You must take with you the Polling Officer authorized to perform your duties in your unavoidable absence to these rehearsals.
 - 2.3 Do not take the training classes/rehearsals lightly. Even if you had worked as Presiding Officer or Polling Officer in some earlier election, you must attend all the training classes/rehearsals, as during the training classes/rehearsals you may come to know some new facts/instructions/ provisions of law. The election law and procedure are being amended from time to time and it is necessary that you keep yourself abreast about the latest provisions of law, rules, instructions etc. Further, it is always necessary to refresh your memory even if there is no change in the law and procedure.
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CHAPTER III

PREPARATION OF BALLOT BOX AND POLLING MATERIALS

1. Polling materials:

On the day previous to the day of poll or on the day of departure for the polling station you will be supplied with all the election materials. Before leaving for your polling station, make sure that you have received all the items.

2. Checking of polling materials:

Check also

- (1) that 2 bigger phials of 10 cc of indelible ink have been provided in the kit and there is sufficient quantity of ink in each of the two phials supplied to you;
- (2) that all the three copies of the relevant part of the electoral roll are complete and identical in every respect and, in particular, that
 - (a) the relevant part given to you pertains to the area for which the polling station has been assigned and that it is complete in all respects along with the supplements, in every copy;
 - (b) all the pages in each working copy of the roll have been serially numbered from No. 1 onwards.
 - (c) the marked copy of the electoral roll (copy of the electoral roll to be used for 'marking' the names of electors, who are allowed to vote) does not contain any remarks other than those used for issuing ballot papers to person on election duty.
- (3) Check also that photocopies of specimen signatures of the contesting candidates and their election agents are also given to you. This will help you in verifying genuineness of the signature of the candidate/his election agent in the appointment letter of polling agent(s) at the polling station.

3. Preparation of Ballot Box:

- 3.1. The Commission has decided that a paper seal shall be used for securing a ballot box in the election.
 - 3.2. You must fix your own signature on the paper seal and obtain the signatures of the polling agents present if they so wish. The paper seal shall be fixed in the space meant therefore in the box in such a manner that the slid for the insertion of ballot paper there into remains open.
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- 3.3. The seals used for securing the ballot box shall be fixed in such a manner that after the box has been closed, it is not possible to open it without breaking the seals.
- 3.4. Every ballot box shall bear labels, both inside and outside, marked with-
- a) the number of the Ward and name of Municipality to which the Ward relates;
 - b) the serial no. and name of the polling station;
 - c) the serial no. of the ballot box (to be filled in at the end of the poll on the label outside the ballot box);
 - d) the date of poll.
- 3.5. The Ballot Box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the polling agents.
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CHAPTER IV

SET UP OF POLLING STATIONS

1. Arrival at the Polling Station:

You should be at the polling station with your party at least 2 hours before the commencement of the poll.

2. Absence of Polling Officer:

If any Polling Officer appointed for your polling station is absent from the polling station, you may appoint any suitable government servant who is present at the polling station, to be the polling officer to take his place and inform the District Municipal Election Officer accordingly.

3. Set up of Polling Stations for election:

3.1 On your arrival at the place where the polling station is to be set up, inspect the building proposed for the purpose and plan the set up. If the polling station has already been set up, inspect the polling station itself. It is open to you to make minor modifications in the actual set up of the polling station, if considered necessary; but make sure that-

- (a) there is enough space for the voters to wait outside the polling station;
 - (b) there is separate entrance and exit for voters;
 - (c) even if there is only one door to the room housing the polling station, separate entrance and exit can be provided with the help of bamboos and ropes in the middle of the doorway. Make sure that the inside of the voting compartment is sufficiently lighted. If necessary, arrange for a suitable light to be provided for each compartment.
 - (d) there is easy flow of voters from the time they enter the polling station till the time they leave it and there is no criss-cross movement within the polling station;
 - (e) the polling agents are seated in such a way that they can see the face of an elector as and when s/he enters the polling station and is identified by the first Polling Officer so that they can challenge the identity of the elector, if need be. They should also be able to see the entire operation at the Presiding Officer's table and also see the movement of the elector from the Presiding Officer's table as the case may be, to the voting compartment and his/her exit from the polling station after recording his/her vote. But they should not in any event be seated in a place where they have the chance of seeing the voter actually recording his/her vote.
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- (g) the seating arrangement of all the Polling Officers should also be such that they are not in a position to see the voter actually recording his/her vote;
- (h) the voting compartment should be located at sufficient distance from your table or polling officers' table or any agent.

4. VOTING COMPARTMENT

- 4.1 Voters have to vote in secrecy. It must be ensured that it is not near the window or the door of the polling station. It must be ensured that the voting compartment has been made only of cardboard and is of the di-mension 21"X21"X21" and has been placed away from the window/door.
- 4.2 If more polling stations than one are located in the same building, you should satisfy yourself that necessary arrangements have been made for segregating the voters and making them wait in different parts of the space in front of each polling station without causing confusion.
- 4.3 No photos of leaders or symbols of any political party or slogans having a bearing on elections should be exhibited and if they are already there, you should take steps to remove them and keep them away, till the poll is over.
- 4.4 No cooking or lighting of fire for any purpose should be allowed inside the polling station during the day of the poll.

5. Display of notice

- 5.1 Display prominently outside each polling station
 - (a) a notice specifying the polling area and the particulars of electors to be served by the polling station; and
 - (b) a copy of the list of contesting candidates in **Form 11** and wherever practicable the facsimile of the symbol of each candidate.
 - 5.2 The language of the notice should be the same as for the list of contesting candidates and the order of the names should also be the same as in the list of contesting candidate.
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CHAPTER - IV

SECURITY ARRANGEMENTS AT POLLING STATIONS

1. During elections the Commission deploys State Police Forces for the smooth conduct of elections.

The Security personnel posted at the entrance of the polling stations shall keep a watch specifically on the following: -

- (i) No unauthorized person is present inside the polling station at any time during the poll.
- (ii) No Presiding Officer/polling officer accompanies any voter to the voting compartment.
- (iii) No polling agent or polling officer threatens any voter or makes any gesture to threaten them.
- (iv) No arms are carried inside the polling station.
- (v) No rigging takes place.

2. **Security personnel to keep a watch on the proceedings in the polling station**

- 2.1. Security Personnel posted at the polling station will be stationed at the entrance of the polling station so that he can keep a watch on the proceedings that are going on inside the polling station, particularly, to ensure that no unauthorized person enters inside the polling station and/or no irregularity is committed either by the polling staff or outsiders in the poll process.
 - 2.2. If the Security personnel posted at the entrance of the polling station discovers violation of the election process as above or observes something unusual going on inside the polling station, he shall not interfere in the poll process but report the same to you, and you will in turn bring it to the notice of the Municipal Returning Officer and also Observer immediately in writing for further necessary action.
 - 2.3. Cases from where adverse reports are received from the Security Forces will be reported by the Municipal Returning Officer/Observer to the Commission for further instructions of the Commission.
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CHAPTER V

ASSIGNMENT OF DUTIES TO POLLING OFFICERS

1. Voting procedure in polling station and duties of Polling Officers:

It is important that for efficient and smooth conduct of poll at your polling station, you should be thoroughly conversant with the procedure that is to be followed from the time an elector comes into the polling station and till he leaves it after casting his vote. Such voting procedure and the duties which each Polling Officer has to perform are explained in detail in subsequent chapters. However, a broad distribution of duties among the Polling Officers is indicated below.

1.1 First Polling Officer:

The first Polling Officer will be in charge of the marked copy of electoral roll and responsible for identification of electors. On entering the Polling Station, the elector will proceed direct to the first Polling Officer. That Polling Officer will satisfy himself about the identity of the elector by following the procedure prescribed.

1.2 Second Polling Officer:

The second Polling Officer will be in charge of indelible ink. After the elector has been identified by the first Polling Officer, the second Polling Officer will inspect the elector's left hand forefinger to see that it does not bear any sign or trace of indelible ink and then put a mark with the indelible ink on the voter's left hand forefinger. The indelible ink will be applied on voter's left hand forefinger as a line from the top end of the nail to the bottom of the first joint of the left forefinger as shown in the diagram below:



- 1.3 The second Polling Officer will also be in-charge of the register of voters in **Form 15A**. He will be responsible for maintaining in that register the proper account of electors whose identity has been established and who vote at the polling station. He will obtain the signature or thumb impression of each elector in that register before the elector is allowed to vote. It should be ensured that sufficient time has elapsed after the indelible ink mark was put so that the mark dries up by the time he leaves the polling station. For this purpose, only after the mark of indelible ink is applied, signature/thumb impression may be obtained in the register of voters. It should be ensured that the indelible ink mark has dried up before the voter leaves the polling station.
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- 1.4 Before allowing the elector to proceed to the voting compartment the second Polling Officer will also check and ensure that the elector's left hand forefinger still bears a clear indelible ink mark. (If the indelible ink mark is found removed, the mark may again be made on the forefinger).
 2. The Presiding Officer is over all in-charge of the polling station. His duties are, in brief, to
 - (i) Place the Ballot Box in the voting compartments. In no case the Ballot Box be placed on the floor. It must be kept on a table;
 - (ii) Demonstrate before the hour fixed for actual commencement of the poll to the candidates/agents present that the Ballot Box is **clear** and do not contain any votes;
 - (iii) See that voting compartments have been properly arranged with appropriate posters pasted outside to indicate clearly the election pertaining to which the Ballot Box is kept inside;
 - (iv) Ensure that all the members of the polling party are in position well before the commencement of the poll and all materials and records are kept handy and ready to commence poll at the appointed hour;
 - (v) Prevent any member of the polling party or any polling agent from wandering here or there inside the polling station and to keep them seated in their allocated seats;
 - (vi) Commence the poll at the hour fixed for commencement of poll;
 - (vii) Keep, during the progress of poll, a close watch on the movements of the voters and to be alert and watchful so that no voter goes away without voting;
 - viii) At regular intervals check the ballot box to ensure that voter has not tampered with it in any manner. The voter already in queue at the time fixed for close of poll will be allowed to vote.
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CHAPTER VI

REGULATION OF ENTRY INTO AND SEATING ARRANGEMENTS IN THE POLLING STATION

1. Persons entitled to enter the Polling Stations:

- 1.1 In addition to the electors assigned to your polling station, only the following persons can be admitted into the Polling Station:
- (a) Polling Officers;
 - (b) Each candidate, his election agent and one duly appointed polling agent of each candidate at a time;
 - (c) Persons authorized by the Commission such as media persons;
 - (d) Public servants on duty in connection with election;
 - (e) Observers appointed by the Commission;
 - (f) A child in arms accompanying an elector;
 - (g) A person accompanying a blind or an infirm voter who cannot move without help; and
 - (h) Such other persons as you may from time to time admit for the purpose of identifying voters or otherwise assisting you in taking the poll.
- 1.2 The Municipal Returning Officers should issue identity cards to the contesting candidates bearing their photographs. In case a necessity arises, you may ask for its production when they visit the polling station. Similarly, the election agents of the candidates can be asked to produce the duplicate copy of their appointment letter, which is attested by the Municipal Returning Officer and also bears the photograph of the election agent.
- 1.3 You should note that the term "*Public servant on duty in connection with election*" does not normally include police officers. Such officers, whether in uniform or in plain clothes, should not, as a general rule, be allowed to enter inside the polling booth. You may, however, call them in occasionally for the maintenance of law and order or some similar purpose, whenever the necessity arises. Their presence in the polling booth without any compelling reason has on occasions given rise to complaints by some candidates or parties who have alleged that their agents had been overawed by unnecessary show of force.
- 1.4 Similarly, security personnel, if any, accompanying an elector or candidate or his election agent or polling agent should also not be allowed to enter the polling station.
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- 1.5 **You should also note that the above expression, “Public servant on duty in connection with election” does not also include the Ministers, Ministers of state.** The Ministers, Ministers of state who have been given security cover at the State expense are not allowed to function as polling agents, as they can not be allowed to enter the polling station along with their security personnel . As per standing instructions, the Security personnel accompanying Ministers or political functionaries, who enter the polling station in their capacity as candidates for elections, shall not be allowed entry inside the polling station. They can wait standing at the door of the polling station, but shall not; in any circumstances do any act amounting to interfere in the conduct of poll.
 - 1.6 Entry of persons should be strictly regulated as detailed above; otherwise, the smooth and orderly conduct of poll may be vitiated. **You should allow only three or four electors to enter the polling station at a time.**
 - 1.7 If you have a reasonable doubt about the presence of any person, about whose credentials you have a reasonable suspicion, in the polling booth, you can have him searched, if necessary, even though the person concerned may be in possession of a valid authority letter to enter the polling booth.
 - 1.8 In the performance of your duties, you are only bound by the instructions of the State Election Commission. You are not to take orders from or show any favour to your of-ficial superiors or political leaders including Ministers. Even in the matter of requests for entry into the polling booth from these, you should allow them only if they are in possession of a valid authority letter issued by the State Election Commission.
 - 1.9 A local officer or other officer or a woman attendant, who has been employed by you for helping you in the identification of electors or to assist you otherwise in taking the poll, should normally, be seated outside the entrance of the polling station. He/she should be admitted into the polling station only when he/she is required for identification of a particular elector or for assisting you for a particular purpose in connection with the taking of the poll. No one inside the polling station should be allowed to influence or try to influence the electors by words or gestures to vote in a particular way.
- 2. Production of appointment letters by polling agents**
- 2.1 The polling agents, who are appointed by contesting candidates, **shall be ordinarily resident and electors of the concerned polling areas only.**
 - 2.2 Every polling agent must produce before you the appointment letter in **Form 13** by which the candidate or his election agent has appointed him. Check that the appointment is for your polling station. After it is confirmed that that polling agent has been appointed for your polling station, the polling agent should complete the document and sign the declaration therein in your presence and then deliver it to you before he can be admitted into the polling station. Preserve all such appointment letters and at the end of the poll send them in a cover to the Municipal Returning Officer along with other documents.
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- 2.3 In case of any doubt about the genuineness of the appointment letter in the said **Form 13** of any polling agent presented before you, you should compare the specimen signature of the candidate/his election agent with their specimen signatures as provided by the Municipal Returning Officer.

3. Attendance of polling agents

- 3.1 The polling agents of the candidates should be asked to reach the polling station at least one hour before commencement of poll, so that they are present when you are going through the preliminaries. If any part of these preliminaries has already been gone through and missed by any latecomer, the proceedings need not be commenced *de novo* (from the very beginning) to accommodate any latecomer.
- 3.2 The law does not specify any time limit for the appointment of polling agents and even if a polling agent turns up late at a polling station, he should be allowed to participate in the further proceedings at the polling station.

4. Passes for polling agents

Each candidate can appoint one polling agent and two relief polling agents at each polling station. However, only one polling agent of a candidate should be allowed inside the polling station at any given point of time. **Give every polling agent, who is admitted into the polling station, a permit or entry pass on the authority of which he can come in and go out of the polling station as may be necessary.** However it should be ensured that the polling agents do not take the copy of the electoral roll outside the polling station. **Further, during the last one hour of the poll, no polling agent shall be allowed to go outside or leave the polling station.** Polling agents shall not be allowed to take cellular phones, cordless phones, wireless sets etc., in any case inside the polling stations

5. Seating Arrangement of polling agents in the polling station

- 5.1 The set up of polling station should be made in such a way that the **polling agents are seated inside the polling stations** so that they may see the face of an elector as and when he enters the polling station so that they can challenge the identity of the elector, if needed. **They should also be able to watch entire operation inside the polling station including his/her movement to the voting compartment and his/her exit from the polling station after recording his/her vote.** But they should not, in any event, be seated in a place where they have the chance of seeing voter actually recording his/her vote which would compromise secrecy of voting.

For this purpose it will be preferable if you give the polling agents seats closely behind the Polling Officer in-charge of marked copy of the electoral roll. Wherever this is not practicable because of the situation of the door for entrance, they may be given seat just opposite to the polling officers.

5.2 In case of a polling station, which has very small and insufficient space or where the respective Ward is having abnormally large number of contesting candidates warranting the presence of a large number of polling agents, in such cases where polling agents cannot be accommodated, Observer(s) shall be consulted for appropriate advice and consent of the Observer(s) shall be obtained.

6. Smoking prohibited inside polling station

No smoking is allowed inside the polling station. You must ensure that nobody smokes inside your polling station. If any of the polling agents desires to smoke, he may be asked to go out of the polling station without causing any dislocation to the polling.

7. Facilities to press representatives and photographers

7.1 No photography/videography shall be allowed to the media persons or by any other unauthorized persons inside the polling station to maintain general order and secrecy of vote.

7.2 However, there is no objection to any photographer taking photographs of a crowd of electors lining up outside the polling station subject to the maintenance of peace and order. He should not, however, in any circumstances be allowed to take photographs inside the polling station. At the same time, nobody will be allowed to take a photograph of an elector recording his/ her vote on the Ballot Paper.

7.3 **Any person, including publicity officials of the State Government, should not be allowed inside a polling station without a letter of authority from the State Election Commission.**

8. Visit by Observer

8.1 During the day of poll, an observer might visit your polling station. You are expected to show him due courtesy and regard when he visits your polling station and should furnish him with such information as he may require from you for the purpose of his report to the Commission. You should also make available to the Observer additional information, which you may be having with you over and above routine information. If he makes any suggestion with a view to providing more convenience to electors or making the poll process at your polling station smoother, you should give due consideration to such suggestion. At the same time, in case, you are facing any particular problem or feeling any difficulty at your polling station, you are at liberty to bring it to his notice, as he might be of help to you in solving that problem or removing that difficulty by bringing the matter to the notice of the Municipal Returning Officer or any other concerned authorities for necessary remedial action.

8.2 The Observers will be wearing badges issued by the Commission and will also be carrying appointment letters and authority letters issued by the Commission. The observers should be requested to sign the 'Visit Sheet', which shall be given to you stapled along with the Presiding Officer's Diary. You shall deposit the same after the end of the poll along with the Presiding Officer's Diary.

9. Wearing of badges, etc, inside polling station

- 9.1 No person should be allowed within the polling station or within 100 metres thereof to wear badges, emblems, etc., bearing the names of candidates or political leaders and/or their symbols or pictorial representation thereof, as it may amount to campaigning for a contesting candidate.
- 9.2 The polling agents may, however, display on their person a badge showing the name of the candidate whose agents they are for the purpose of their immediate identification
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CHAPTER VII

COMMENCEMENT OF THE POLL

1. Commencement of the poll

The poll should commence at the appointed time. Even if for any unforeseen reason you are not in a position to commence the poll at the appointed hour, you should explain the reasons for the delay in your Presiding Officer's Diary.

2. Warning about secrecy of voting

Before commencing the poll, you must explain to all including the contesting candidates or their polling agents, who are present at the polling station, Rule 100 of the Mizoram Municipalities (Election of Councilors Rules, 2007 as amended in 2010 regarding maintenance of secrecy of voting and the penalty for any breach thereof.

3. Marked copy of the electoral roll

Before the commencement of poll, you should also demonstrate to the contesting candidates/polling agents and other persons, who are present at the polling station that the marked copy of the electoral roll does not contain any remarks other than made in respect of persons on election duty under Rule 52.

4. Demonstration of Ballot Box

You should also demonstrate to the candidate, election agent or polling agent present that the ballot box to be used for poll is clear and no vote has been recorded therein.

CHAPTER-VIII

ENFORCEMENT OF ELECTION LAW IN AND AROUND POLLING STATION

1. **Impartiality essential and maintenance of decorum and dignity:**

- 1.1 Treat all parties and candidates equally and decide fairly and justly every dis-puted point. Your tact, firmness and impartiality are the most important safeguards against any breach of the peace. Needless to say, neither you nor any other officer at your polling station should do any act, which could be interpreted as furthering the prospects of any candidate at the election.
- 1.2 Further, you and other officers at your polling station should maintain decorum and dignity as is expected of an officer on duty. Neither you nor any other officer at your polling station indulge in any undue activities unbecoming of an officer on duty, such as shaking hands or getting yourself photographed with him/her, when a celebrity or VIP visits your polling station for casting his/her vote, even though showing normal courtesy to each and every elector is part of your duty.

2. **Ban on canvassing:**

Canvassing within one hundred meters of the polling station is an offence under the election law. Any person, who does so, can be arrested without warrant by the police and may be prosecuted under section 130 of the Representation of the People Act, 1951.

3 **Candidate's election booth:**

Contesting candidates are allowed to set up election booths near the polling station, but beyond 200 meters from the polling station, to help the electors locate their names in the electoral roll. The candidates are allowed to provide one table and two chairs for the use of their agents and workers for the distribution of unofficial identity slips to voters beyond a distance of 200 meters from the polling station with an umbrella or a piece of tarpaulin over their head to protect them from the sun/rain. No crowd is allowed to collect around such tables. If any instance of violation of the above instructions of the Commission is brought to your notice, you should report the matter to the Sector Magistrate or other officials responsible for maintenance of law and order around your polling station for necessary remedial action by them.

4. **Disorderly conduct in or near the polling station:**

Enforce the provisions contained in section 131 of the Representation of the People Act, 1951. If any person behaves in a disorderly manner, you can have him arrested then and there by a police officer and have him prosecuted. The police have the power to take such steps, and use such force, as may be reasonably necessary for preventing such behaviour. These powers should, however, be resorted to only when persuasion

and warning have proved in-effective. If the use of a megaphone or loudspeaker interferes with the work of the polling station, you should take steps to stop such use. The section does not prescribe any limit of distance. It is left to you to decide whether it is near enough and loud enough to disturb the proceedings at the polling station.

5. Removal of trouble makers:

Any person who misconducts himself or fails to obey your lawful directions during the poll may be removed from the polling station on your orders by any police officer or other persons authorised by you (see section 132 of the Representation of the People Act, 1951).

6. Illegal hiring of vehicles for the conveyance of voters

6.1 If you receive a complaint about illegal conveyance of electors to the polling station from their homes and back, tell the complainant that he may take action to prosecute the offender under section 133 of the Representation of the People Act, 1951 or use the fact as a ground for filing an election petition against the offending candidate in due course. Forward any complaint filed before you with such remarks which you can make from your own observation and personal knowledge to the Sub-divisional or other Magistrate who has jurisdiction to deal with such cases. You can also bring this to the notice of the Zonal/Sector Magistrate when he visits your booth.

6.2 Also follow the instructions/directives issued by the State Election Commission regulating the plying of vehicles on the day of poll.

7. Removal of Ballot Box from polling station to be an offence

Any person, who at any election fraudulently or unauthorisedly takes or attempts to take a ballot box out of a polling station or willfully aids or abets the doing of any such act, commits a cognizable offence punishable with imprisonment up to one year or with fine up to five hundred rupees or with both. In this connection section 135 of the Representation of the People Act, 1951 read with Explanation to section 61A of the said Act may be seen.

8. Breach of official duty by election officers

Your attention is also drawn to section 134 of the Representation of the People Act, 1951, which provides that if any Presiding or Polling Officer is guilty of any act, or even of any omission, in breach of his official duty without reasonable cause, he commits a cognizable offence.

9. Prohibition of going armed to or near a polling station

As per the provisions of Section 134B of the Representation of the People Act, 1951, no person (other than the Returning Officer, the Presiding Officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station) can, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighbourhood of a polling station. If any person contravenes these provisions, he is liable to imprisonment for a term, which may extend to two years or with fine, or with both. The offence is cognizable.

10. Prohibition of use of cellular phones, cordless phones, wireless sets etc in the polling station.

No cellular phones, cordless phones, wireless sets etc., in any case be allowed inside the polling stations and also in the 100 meters perimeter of the polling stations described as the “polling station neighbourhood”.

CHAPTER IX

VERIFICATION OF ELECTOR'S IDENTITY AND PROCEDURE IN CASE OF CHALLENGE

1. Verification of elector's identity

- 1.1 The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.
- 1.2 As each elector enters the polling station, the Presiding Officer or the Polling Officer authorized by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.
- 1.3 In deciding the right of a person to obtain a ballot paper the Presiding Officer or the polling officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates.

3. Challenged votes

- 3.1 Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the Presiding Officer for each such challenge. **(Annexure VI)**
 - 3.2 On such deposit being made, the Presiding Officer shall -
 - (a) warn the person challenged of the penalty for personation;
 - (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
 - (c) enter his name and address in the list of challenged votes in Form 16; and
 - (d) require him to affix his signature in the said list.
 - 3.3 The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may, for that purpose -
 - (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
 - (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
 - (c) Administer an oath to the person challenged and any other person offering to give evidence.
-

- 3.4 If, after the enquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.
- 3.5 If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule(1) be forfeited to Government and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

4. Safeguard against personation:

- 4.1 Every elector about whose identity the Presiding Officer or the Polling Officer as the case may be, is satisfied shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and in indelible ink mark to be put on it.
- 4.2 If any elector refuses to allow his left forefinger to be inspected or marked, in accordance with sub-rule(1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.
- 4.3 Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

5. Identification of electors:

- 5.1 In the Polling Station where electors have been provided with EPIC, the concerned elector shall produce the Identity Card before the Presiding Officer or the Polling Officer authorized by him in this behalf. If the elector is not provided with EPIC or in case of loss of EPIC, the elector shall produce any of the documents as prescribed by the State Election Commission for proof of his identity.

6. Inspection of voter's left forefinger and application of indelible ink:

- 6.1 As soon as may be, after the identity of an elector has been verified by the first Polling Officer, and if there is no challenge as to the elector's identity, his left hand forefinger will be inspected by the second Polling Officer for any indelible ink mark thereon. If no mark is seen on the finger, the second Polling Officer shall mark the elector's left hand forefinger with indelible ink in such a way that a clear mark is left. If any elector refuses to allow his left forefinger to be inspected or marked in accordance with the instruction or has already such a mark on his left forefinger or does any act with a view to removing the ink, he shall not be allowed to vote.
- 6.2 Marking of the indelible ink is required to be made before obtaining the signature/ thumb impression of the elector in the register of voters in **Form 15A**, so that by the time the elector leaves the polling station after casting his vote, there is sufficient time
-

gap for the indelible ink to dry up and develop a distinct indelible mark on the left hand forefinger.

7. Application of indelible ink when elector has no left forefinger

It is clarified that if an elector has no left hand forefinger, then indelible ink should be applied on any such finger which he has on his left hand. Further, if he does not have any fingers on his left hand, the ink should be applied on his right hand forefinger and if he has no right hand forefinger, on any other finger which he has on his right hand starting with his forefinger. If he has no fingers on either hand, ink should be applied on such extremity (stump) of his left or right hand as he possesses.

8. Record of electoral roll number of elector in Register of voters

- 8.1 After the left hand forefinger of the elector has been marked first time by the second Polling Officer in the manner explained in the preceding paragraph, he should maintain the record of such elector in the 'Register of Voters' (**Form 15A**) and obtain the signature/thumb-impression of the elector on that register.

9. Thumb impression of elector.

If an elector is unable to sign his name, the impression of his left hand thumb should be obtained on the register of voters. It should be noted that it is not necessary for you or any Polling Officer to attest such thumb impression on the register.

11. Signature/Thumb impression on the 'Register of Voters' by blind or infirm or leper electors:

Thumb impression of a blind or infirm elector, who are illiterate but can use their hands, should be obtained on the register of voters. In case any such voter is literate, he may be allowed to put his signature in place of thumb impression. In case of infirm voter, who cannot use either of his hands, his companion shall put his signature or thumb impression on the register. A note may be made against such entry in the register that signature or thumb impression is that of the companion.

CHAPTER X

RECORDING OF VOTES AND VOTING PROCEDURE

1. Issue of Ballot Papers to Elector:

- 1.1 Every ballot paper and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Commission may direct and shall be signed by the Presiding Officer before it is issued to an elector.
- 1.2 At the time of issuing a ballot paper to an elector, the polling officer shall
 - a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of electoral roll
 - b) obtain the signature or thumb impression of the elector on the counterfoil
 - c) mark the name of elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him (but shall not record the serial number of the ballot paper issued).
- 1.3. No person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.

2. Voting procedure

- 2.1 On receiving the ballot paper, the elector shall-
 - a) forthwith proceed to the voting compartment and there, with the aid of the instruments supplied for the purpose, mark the ballot paper on or near the symbol of the candidate for whom he/she intends to vote.
 - b) Fold the ballot paper first vertically and then horizontally so as to conceal his/her vote and put it into the ballot box kept for the purpose. The voter should forthwith come out of the voting compartment without any undue delay and leave the polling station.
- 2.2 It should be ensured that only one voter at a time goes inside the voting compartment to vote.

3. Violation of Voting Procedure

- 3.1 If any elector refuses to observe the voting procedure, even after a warning given by you, such an elector shall not be allowed to vote by you or a polling officer under your direction. If the elector had already been issued a ballot paper, such ballot paper, whether he/she has already recorded his/her vote, should be withdrawn from him.
-

- 3.2 After the ballot paper has been taken aback, the Presiding Officer shall record on its back the words "Cancelled: voting procedure violated" and put his signature below those words. A remark to the effect shall be made in the remarks column in the Register of Voters (**Form 15A**) against the entry relating to that elector in that register.
- 3.3 All the cancelled ballot papers shall be kept in a separate cover which shall bear on its face the words "Ballot papers: voting procedure violated".

4. Voting by blind or infirm electors:

- 4.1 If you are satisfied that an elector is unable to recognize the symbol on the ballot paper due to blindness or is unable to make a mark there on without assistance due to some physical infirmity, you shall permit that elector under Rule 63 of the Mizoram Municipalities (Election of Councilors) Rules, 2007 as amended in 2010 to take with him a companion of not less than 18 years of age to the voting compartment for recording the vote on his/her behalf and in accordance with his/her wishes.
- 4.2 No person shall be permitted to act as a companion of more than one elector at any polling station on the same day.
- 4.3 Before any person is permitted to act as a companion of the elector, he shall be required to declare in Form 17 that he will keep the vote recorded by him on behalf of the elector a closely guarded secret the vote recorded by him on behalf of the infirm voter and that he has not already acted as the companion of any other elector at any other polling station on that day.
- 4.4 You shall also keep a record of all such cases in **Form 18**. This record of blind and infirm voters in **Form 18** will be kept in a packet for the purpose and deposited at the Collection Centre after close of the poll.

5. Spoilt and Returned Ballot Paper

- 5.1 An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as ballot paper may return it to the Presiding Officer and on satisfying of the inadvertence he may be given another ballot paper. The ballot paper so returned and its counterfoil shall be marked "spoilt: cancelled" by the Presiding Officer.
 - 5.2 If an elector, after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer. The ballot paper so returned and its counterfoil shall be marked "Returned: cancelled" by the Presiding Officer.
 - 5.3 All these cancelled ballot papers shall be kept in a separate packet.
-

CHAPTER-XI

VOTING BY PUBLIC SERVANTS ON ELECTION DUTY

1. As a policy, the Commission has decided that no person will be assigned polling duties in a Ward in which he is posted or in which he resides or the Ward, which is his home Ward. All public servants appointed on election duty will cast their votes through balloting system. For this purpose, they will have to apply to the Municipal Returning Officer in **Form 14**.
2. The District Municipal Election Officer/Municipal Returning Officer will issue the order of appointment appointing you as Presiding Officer in duplicate and along with this order the District Municipal Election Officer/Municipal Returning Officer will send you sufficient number of **Forms 14** to enable you and the Polling Officers to apply for Ballot Papers.
3. You have to submit the application form (**Form 14**) filled up immediately along with the duplicate copy of the order of appointment to the Municipal Returning Officer. After receiving application for issuance of ballot paper from the Polling Staff, the Municipal Returning Officer will make arrangement to facilitate their voting at the designated place. Necessary instructions will be given at the time of training.

CHAPTER XII

TENDERED VOTES

1. It may happen that a person presents himself at the polling station and seeks to vote representing himself to be a particular elector and you find that another person has already voted as such elector. In such a case you shall satisfy yourself about the identity of that person to be the elector concerned. If you are satisfied about the identity of the elector on his satisfactorily answering such questions relating to his identity as you may ask and presenting the documents proving his identity, you shall allow the elector concerned to vote by means of a tendered ballot paper.
 2. **Design of tendered ballot paper**
 - 2.1 The Election Commission has specified that rule that the tendered ballot paper shall be of the same design as the ballot paper used at the polling station except that-
 - a) it shall be serially the last in the bundle of ballot paper issued for use at the polling station.
 - b) the tendered ballot paper and its counterfoil shall be endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his hand and signed by him.
 3. **Recording of vote on tendered ballot paper**
-

- 3.1 On receiving the tendered ballot paper, the elector concerned will go into the voting compartment and will mark his vote on the ballot paper by putting the cross mark on or near the symbol of the contesting candidate of his choice by means of the arrow cross mark rubber stamp.
- 3.2 The elector will then fold the tendered ballot paper and after coming out of the voting compartment hand it over to you.
- 3.3 You must keep all the tendered ballot papers. The list of such tendered ballot papers prepared in Form 19 shall be placed in a cover specially provided for the purpose and seal the cover at the close of the poll.

CHAPTER XIII

DISTURBANCE IN THE POLL

1. **Adjournment of in emergencies:**

- 1.1 If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence or on account of any natural calamity or any other sufficient cause, you the Presiding Officer shall announce an adjournment of the poll.
- 1.2 A passing shower of rain or strong wind would not normally be a sufficient cause for adjournment of poll. The discretion given to you to adjourn the poll should be exercised most sparingly and only in cases where it has become physically impossible to take the poll.
- 1.3 In every case of adjournment of poll, you must report immediately the full facts to the Municipal Returning Officer. Wherever a poll is adjourned, announce formally to all, who are present at the polling station that the poll will be taken on a day to be notified subsequently by the State Election Commission.
- 1.4 The ballot box and all election papers should be sealed and secured in the presence of the polling agents as if the poll has come to a close in the normal way.

2. **Completion of adjourned poll.**

- 2.1 Where the poll has been adjourned at a polling station [under the provisions of rule (1) of Rule 71], the adjourned poll will recommence on the date and time fixed by the State Election Commission from the stage at which it was left immediately before the adjournment, i.e. the electors, who have not already voted before the poll was adjourned, will alone be permitted to vote at the adjourned poll. The Municipal Returning Officer will provide the Presiding Officer of the polling station, at which such adjourned poll is taken, with the sealed packets containing the same marked copy of the electoral roll and the register of voters in **Form 15A**, which were earlier used at that polling station.

- 2.2 Before the recommencement of the adjourned poll, the sealed packet containing the marked copy of the electoral roll and the register of voters should be reopened by you in the presence of the contesting candidates or their agents, who may be present at the polling station, and this very marked copy of the electoral roll and the register of voters should be used for completion of adjourned poll.
 - 2.3 Where the poll could not be commenced due to non-arrival of the polling party or other reasons, the provisions of abovementioned rules will apply to every such adjourned poll as they apply to the original poll.
 - 2.4 After considering all material circumstances, if the Commission directs fresh poll to be taken at a polling station, such fresh poll shall be taken in the same manner as the original poll.
 - 2.5 All electors entitled to vote at the polling station in question will be entitled to vote again at the fresh poll. The marks of the indelible ink made at the original poll should be ignored at the fresh poll. The Commission has directed that the mark of the indelible ink, in case of a fresh poll, should be put on the voter's left hand middle finger to distinguish the marks to be made at the fresh poll from those already made at the original poll,.
- 3. Adjournment poll or countermanding of Election on the ground of booth capturing:**
- 3.1 If the Presiding Officer is of the opinion that booth capturing is taking place at the polling station, he shall immediately close the ballot box to ensure that no further votes can be recorded.
 - 3.2 As soon as possible after you have closed the ballot box you should immediately report the matter with full facts to the Municipal Returning Officer. The Municipal Returning Officer shall, in turn, report the full facts of such case to the Election Commission through the fastest means of communication available.
- 4. Decision of the Commission:**
- 4.1. The Election Commission, on receipt of the report from the Municipal Returning Officer and after taking into account all material circumstances, may —
 - (i) either decide to have the adjourned poll completed from the stage it was adjourned, if it is satisfied that the poll up to that stage was not vitiated, or
 - (ii) declare the poll at the polling station as void, if it is satisfied that the poll was vitiated, and direct a fresh poll at that polling station.
 - 4.2 Further steps to complete the adjourned poll or conduct a fresh poll, as the case may be, as directed by the Commission, shall be taken in accordance with the procedure already mentioned above.
-

CHAPTER XIV

CLOSE OF POLL

1. **Voting by Persons present at Polling Station at Closing Hour:**

- 1.1 The poll should be closed at the hour fixed for the purpose, even if for certain unavoidable reason it had commenced somewhat later than the hour appointed for the commencement of poll. But this will not mean that after the hour fixed for closing the poll, no elector will be allowed to cast his vote. You have to keep in mind that all electors, who are present at the polling station at the hour appointed for the close of poll, should be permitted to cast their votes even if the poll has to be continued for sometime beyond the appointed closing hour.
- 1.2 A few minutes before the hour appointed for closing the poll, announce to all those within the limits of the polling station who are waiting to vote that they will be allowed to record their votes in turn. Distribute to all such electors, slips signed by you in full, which should be serially numbered from serial No. 1 onwards according to the number of electors standing in the queue at that hour. Continue the poll even beyond the closing hour until all these electors have cast their votes. Depute police or other staff to watch that no one is allowed to join the queue after the appointed closing hour. This can be effectively ensured if the distribution of slips to all such electors is commenced from the last elector standing in the queue and proceed backwards towards its head.

2. **Closing of poll:**

After all the electors, who may be present at the polling station at the appointed hour for closing the poll have voted, you should formally declare the poll as closed and should not permit any person to vote thereafter in any circumstance.

3. **Sealing of Ballot Box:**

- 3.1 As soon as after the closing of the poll you the Presiding Officer shall close the slit of the ballot box and seal up the slit. You shall allow any polling agent to affix their seals and signatures.
- 3.2 The ballot box shall be sealed and secured.

4. **Ballot Paper Account:**

- 4.1 You should prepare a ballot paper account at the close of poll in Form 20. You should enclose it in a separate cover with the words "Ballot Paper Account" superscribed on the cover.
 - 4.2 You should furnish to every polling agent present a true copy of the entries made in the ballot paper account after obtaining receipt from them to attest it as a true copy.
-

5. Sealing of Other Packets:

- 5.1 You shall then make into separate packets-
- a) the marked copy of the electoral roll;
 - b) the counterfoils of the used ballot papers;
 - c) the ballot paper signed in full by the Presiding Officer but not issued to voters;
 - d) any other ballot papers not issued to voters;
 - e) ballot papers cancelled for violation of voting procedure under Rule 62;
 - f) any other cancelled ballot papers;
 - g) the cover containing the tendered ballot papers and the list in Form 18
 - h) the list of challenged votes;
 - i) any other papers directed by the Commission to be kept in a sealed packet.
- 5.2 Each packet shall be sealed with the seals of Presiding Officer. You should allow the candidates or election agents or polling agents present at the polling station who may wish to affix their seals and signatures.

6. Transmission of Ballot Box and other election papers to the Returning Officer

- 6.1 After the close of poll you have to deliver them or cause them to be delivered at such place as the Municipal Returning Officer may direct and in accordance with such arrangements as the Municipal Returning Officer may make-
- a) the ballot box or as the case may be, the bags or covers referred to in rule 44;
 - b) the ballot paper account;
 - c) the sealed packets referred to in rule 69;
 - d) all other papers used at the poll.
- 6.2 The ballot box and all the election papers should be delivered or caused to be delivered at the collection centre with Zero delay. Any delay in this behalf will be viewed by the Commission with utmost concern and will invite severe disciplinary action against all concerned.
-

ANNEXURE

FORM 11
[see rule 42(1)]

List of Contesting Candidates

Election to Ward No & Name.....Municipality

Sl. No.	Name of Candidate	Address of Candidate	Party affiliation	Symbol a Noted
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
etc				

Date

Place

Municipal Returning Officer

FORM-11A**List of Validly Nominated Candidates**

Name and SI. No. of Ward :

SI No	Name of Candidate	Address of Candidate	Party Affiliation	Symbol Alloted	Whether recognized/or Registered/or others	Remarks
1	2	3	4	5	6	7

Place :

Date:

Municipal Returning Officer

Note : List of Validly Nominated Candidates shall be prepared by Returning Officer after scrutiny of nominations is completed

FORM 12
[see rule 45(1)]

Appointment of Election Agent

Election to Ward No.....of the.....Municipality.

To,

The Municipal Returning Officer,

I,.....of.....a candidate at
above
election do hereby appoint.....
of.....as my election agent from this day at the above election.

Place.....

Date.....

Signature of candidate

I accept the above appointment

Place.....

Date.....

Signature of election agent
Approved

Signature and Seal of the Municipal Returning Officer

FORM 13
[See rule 47 (1)]

Appointment of Polling Agent

Election to ward No.....of the.....Municipality.

I,.....a candidate/the election agent of
.....who is a candidate at the above election, do hereby
appoint.....(Name and address)
as a polling Agent to attend polling station No.....at.....

Place.....

Date.....

Signature of *candidate/ election agent

I agree to act as polling agent

Place.....

Date.....

Signature of polling agent

Declaration of polling agent to be sign before the Presiding Officer.

I hereby declare that at the above election I will not do anything forbidden by rule 99 of the Mizoram Municipalities (Election of Councillors) Rules. 2007.

Date.....

Signature of polling agent
signed before me

Date.....

Presiding Officer

***Strike out the word(s) not applicable.**

+ To be handed over to the polling agent for production at the polling station.

**** Rule 100 of the Mizoram Municipalities(Election of Councillors) Rules, 2007.**

“100. Maintenance of secrecy of voting -(1) every officer, clerk; agent or other person who performs any duty in connection with the recording or counting of votes at election shall maintain, and aid in maintaining, the secrecy of the voting and shall not 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 a term which may extend to three months or with fine or with both”.

FORM 13A
[See rule 47 (3)]

Revocation of Appointment of Polling Agent

Election to ward No.....of the.....Municipality.

To,

The Municipal Returning Officer,

I.....* the election agent of
.....a candidate at the above election, hereby revoke the
appointment of.....* my/his polling agent.

Place.....

Signature.....

Date.....

Name (.....)
Election Agent / Candidate

***Strike out the word(s) not applicable.**

FORM 14
[See rule 52 (1)]

Application for casting vote by a voter on Election Duty

To

**The Municipal Returning Officer,
Election to ward No.....of the.....Municipality.**

Sir,

I intend to cast my vote at the ensuing election to the.....
Municipality in Ward No.....to be taken at polling station No.....

My name is entered at Serial No.....In Part No.....
of the electoral roll of Ward No.....of the.....Municipality.

I have been appointed to perform election duty and I produce herewith my
letter of appointment.

I request that a ballot paper may be issued to me so that I may cast my vote.

Place.....

Yours faithfully

Date.....

.....
Signature

FORM 14A

Election Duty Certificate

Certified that.....is an elector in the Polling Station (Sl. No. & Name).....from the Constituency (ward).....and his electoral roll number being.....and that by reason of his being on election duty, he is unable to vote at the polling station where he is entitled to vote and that he is therefore authorized to vote at any polling station in the constituency (ward)where he may be on duty on the date of poll.

Date.....
Place.....

**Round
Seal**

Signature

.....
Returning Officer
(SEAL)

FORM 15
[See rule54 (1)]

Form of Ballot Paper

BALLOT PAPER FOR
GENERAL /BYE ELECTION,

Counterfoil

Name of Municipality.....Ward No.....

Electoral Roll Part No.....

Serial No. of Voter.....

Signature of Thumb impression of Voter.....

.....(Perforation).....

BALLOT PAPER FOR
GENERAL/BYE ELECTION,.....

Name of Municipality.....

Ward No.....

Name of Candidates

Symbol

Name of Candidates	Symbol

NOTE: Serial number of the ballot paper and its counterfoil shall be printed on the left hand side on the back of the ballot paper.

FORM 15A**REGISTER OF VOTERS**

Election to Aizawl Municipal Council, Mizoram

Ward (Constituency) No. & Name of Polling Station

Part No. of Electoral Roll.....

Sl. No.	Sl. No. of Elector in the Electoral Roll	Signature/Thumb impression of Elector	Remarks

Date:

Signature of the Presiding Officer
.....

FORM 16
[See rule 59 (1)(c)]

List of Challenged Votes

Election to Ward No.....of the.....Municipality.
Number and name of polling station.....

Serial No. Of entry	Name of elector	Sl. No of		Signature or thumb impression of the person challenged	Address of the person challenged	Name of id identifier, if any	Name of challenger	Order of Presiding Officer	Signature of Chhhalenger on receiving refund of deposit
		Part of roll	Elector's name in that part						
1	2	3	4	5	6	7	8	9	10

Date:

Signature of Presiding Officer

FORM 17
[See rule 63(1)]

DECLARATION OF COMPANION OF BLIND OR INFIRM ELECTOR

I,.....do hereby certify that.....
is personally known to me. I am satisfied that he/she is blind or physically infirm and is
unable to make a mark on the ballot paper. He/She requested me to mark the ballot paper
on his/her behalf. I hereby declare that I have not acted as companion of any other elector
at any polling station today, and that I will keep secret the vote recorded by me on his/her
behalf.

Signature of companion

Signed before me and permitted

Presiding Officer

FORM 18**[See rule 63 (2)]****RECORD OF VOTES OF BLIND AND INFIRM ELECTORS**

Name of Municipality _____ Ward No

Electoral Roll Part No. _____

Date of Poll.....

Serial No.	Name of elector	Elector's Sl. No. in E/Roll Officer	Name of Companion	Companion's Sl. No. in the Roll	Signature of Presiding Officer

Date:.....

Presiding Officer

FORM 19
LIST OF TENDERED VOTES
[See rule 65(2)]

Name of Municipality.....Ward No.....
Date of Poll.....Polling Station No.....

Serial No and name of the elector.	Address of the elector	Sl. No. of tendered ballot paper	Sl. No. of Ballot Paper issued to the person who has already voted	Signature or thumb impression of person tendering vote

Date:.....

Presiding Officer

ANNEXURE-III**PRESIDING OFFICER'S DIARY**

1. Name of the Ward (in block letters):
2. Date of poll :
3. Name of the polling station :
Whether located in
 - (i) Government or quasi-government building;
 - (ii) Private building;
 - (iii) Temporary structure;
4. Number of polling officers recruited locally, if any:
5. Appointment of polling officer made in the absence of duly appointed polling officer, if any, and the reasons for such appointment:
6. **Ballot Box**
 - (i) Number of Ballot Box :
7. Paper Seals
 - (i) Number of paper seals issued :
 - (ii) Sl. Nos. of paper seals used :
 - (iii) No. and serial no. of paper seal unused/damaged:
8. Number of polling agents and the number who arrived late:
9. Number of candidates who had appointed polling agents at the polling stations:
10. (i) Total no. of voters assigned to the polling station:
 - (ii) Number of electors allowed to vote according to marked copy of the electoral roll:
 - (iii) Number of electors who actually voted as per the Register of Voters (Form 15A).
11. **Number of electors who voted**
Men.....
Women.....
Total.....

12. Challenged vote-

Number allowed.....

Number rejected.....

Amount forfeited Rs.....

13. Number of electors who voted with the help of companions:

14. Number of tendered votes:

15. Whether it was necessary to adjourn the poll and if so, the reasons for such adjournment:

16. Percentage of Voter turnout:

Men:

Women:

18. Number of slips issued at the closing hour of the poll:

19. Electoral offences with details : Number of cases of

(a) canvassing within one hundred metres of the polling station :

(b) impersonation of voters :

(c) fraudulent defacing, destroying or removal of the list of notice or other document at the polling station.

(d) bribing of voters :

(e) intimidation of voters and other persons :

(f) booth capturing

20. Was the poll interrupted or obstructed by

(1) riot:

(2) open violence :

(3) natural calamity :

(4) booth capturing:

(5) failure of voting machine:

(6) any other cause :

Please give details of the above.

21. Was the poll vitiated by ballot paper used at the polling station having been-

(a) unlawfully taken out of the custody of the Presiding Officer:-

(b) accidentally or intentionally lost or destroyed :

(c) damaged or tampered with : Please give details

22. Serious complaints, if any, made by the candidate/agents:

23. Number of cases of breach of law and order:

24. Report of mistakes and irregularities committed, if any, at the polling station:

Place :

Date :

Presiding Officer

This diary should be forwarded to the Municipal Returning Officer along with the ballot box, Visit Sheet, etc. and other sealed papers.

ANNEXURE

FORMAT FOR PRESIDING OFFICER'S ADDITIONAL REPORT TO BE SUBMITTED TO WARD OBSERVER

1	Polling booth No.										
2	Total Voters										
3	No. of Votes polled										
4	% of votes polled										
5	Total No. of candidates										
6	No. of candidates represented by polling agents										
7	No. of voters who voted using documents other than EPIC										
8	Whether ballot box closed and sealed properly in the presence of agents?										
9	No. of voters who have voted after 4 PM by receiving the token at the end of polling hours										
10	Whether any significant incident took place during the poll? Y/N										

Signature of Presiding Officer

(This is only an example)

THE MIZORAM MUNICIPALITIES (ELECTION OF COUNCILLORS) RULES, 2007

*[Published Vide No.B.13017/9/2008-UD&PA dt.31.01.2008
in the Mizoram Gazette - Extra Ordinary Vol.XXXVII
dated Aizawl, the 4th February, 2008]*

*[As amended by the Mizoram Municipalities (Election of
Councillors) (Amendment) Rules, 2010 and published
Vide No.B.13017/21/2007-UD&PA dt.08.06.2010
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EXTRAORDINARY

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NOTIFICATION

No.B.130I7/9/2008-UD&PA,the 31st January,2008. The following Rules “The Mizoram Municipalities (Election of Councillors) Rules, 2007” is hereby published for general information.

Sd/-

Lalsawmi,

Deputy Secretary to the Govt. of Mizoram

Urban Development & Poverty Alleviation Department.

The Mizoram Gazette

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NOTIFICATION

No.B.13017/21/2007-UD&PA, the 8th June, 2010. The following Rules viz. “The Mizoram Municipalities [Election of Councillors (Amendment)] Rules, 2010 is hereby published for general information.

P. Lianhrima,
Secretary to the Govt. of Mizoram
Urban Development & Poverty Alleviation Department.

THE MIZORAM MUNICIPALITIES (ELECTION OF COUNCILLORS) RULES, 2007

Published vide No.B. 13017/9/2008-UD&PA dt 31.01.2008 in the Mizoram Gazette - Extraordinary No. XXXVII dated Aizawl, the 4th February, 2008

NOTIFICATION

In exercise of the powers conferred by section 27 and section 369 of the Mizoram Municipalities Act, 2007 the Government of Mizoram hereby makes the following rules to regulate registration of electors in the electoral rolls for Municipalities in Mizoram, and preparation for and conduct of election of Councillors in the Municipalities, viz.

Mizoram Municipalities (Election of Councillors) Rules, 2007

CHAPTER I

Preliminary

1. Short title, extent and commencement:

(1) These Rules shall be called the Mizoram Municipalities (Election of Councillors) Rules, 2007.

(2) They shall extend to all the Municipal areas in Mizoram.

(3) They shall come into force on and from the date of their publication in the Official Gazette.

AND

THE MIZORAM MUNICIPALITIES (ELECTION OF COUNCILLORS) (AMENDMENT) RULES, 2010

Published vide No.B.13017/21/2008-UD&PA dt 08.06.2010 in the Mizoram Gazette-the Extraordinary No. XXXTX dated Aizawl, the 11 June, 2010

NOTIFICATION

In exercise of the powers conferred by section 27 and section 369 of the Mizoram Municipalities Act, 2007 the Governor of Mizoram hereby makes the following rules to regulate registration of electors in the electoral rolls for Municipalities in Mizoram, and preparation for and conduct of election of Councillors in the Municipalities, viz. –

Short title, Extent and Commencement:

(1) These Rules shall be called the Mizoram Municipalities and Commence- (Election of Councillors) (Amendment) Rules, 2010.

(2) It shall have the like extent as the Principal Rules

(3) It shall come into force from the date of its publication in the Official Gazette.

2. Definitions:

(1) In these rules, except where the context otherwise requires -

(a) "Act" means the Mizoram Municipalities Act, 2007;

- (b) “ballot box” means any box, bag or other receptacle used for the insertion of ballot papers by voters;
 - (c) “contesting candidate” means a candidate whose nomination has been accepted under Rule 35 and who has not withdrawn his candidature;
 - (d) “Commission” means the Mizoram State Election Commission constituted under Article 243K of the Constitution of India read with section 345 of the Act;
 - (e) “Commissioner” means the Mizoram State Election Commissioner appointed by the Government under section 345 of the Act;
 - (f) “counterfoil” means the counterfoil attached to a ballot paper made under the provisions of these rules;
 - (g) “elector” means a person whose name is for the time being entered in the electoral roll;
 - (h) “election” means the election to fill a seat or seats in a Municipality;
 - (i) “election commission” means the Election Commission of India; (j) “form” means a form appended to these Rules;
 - (k) “marked copy of electoral roll” means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers has been issued, or who is allowed to vote by voting machine.
 - (l) “Polling Station” means the place fixed under Rule 43 for taking the poll in the election;
 - (m) “Registration Officer” means the Municipal Electoral Registration Officer and includes Assistant Municipal Electoral Registration Officer; (n) “Returning Officer” means the Municipal Returning Officer and includes Assistant Municipal Returning Officer performing any functions of the returning officer;
 - (n) “roll” means electoral roll;
 - (o) “State Election Commission” means the State Election Commission appointed by the State Government under section 245 of the Act consisting of a State Election Commissioner appointed by the Governor under clause (1) of Article 243 K of the Constitution of India;
 - (p) “voter” means an elector who actually cast his vote;
- (2) Other words and expressions used in these Rules which are not defined otherwise shall have the same meanings as have been respectively assigned to them by the Act.

CHAPTER-II

Officers to prepare Electoral Rolls and to conduct elections

3. Municipal Electoral Registration Officer:

- (1) It shall be the general duty of the Municipal Electoral Registration Officer referred to in section 347 (hereinafter referred to as the Registration Officer) to do all necessary works in connection with preparation and revision of rolls under the superintendence, direction and control of the Commission in respect of one or more Municipalities as the Commission may vest on him.

- (a) **Officers.- The officers for the purpose of election shall be appointed in accordance with section 347 and 348 of the Mizoram Municipalities Act, 2007, and they shall exercise such powers**

and perform such functions in accordance with the provisions of this Act and the Mizoram Municipalities (Election of Councillors) Rules, 2007.

- (b) **Co-ordination and supervision :** (i) Subject to the superintendence, direction and control of the Commission, the District Municipal Election Officer shall co-ordinate and supervise all works within his jurisdiction in connection with the preparation and revision of electoral rolls for the Municipality.
(ii) The District Municipal Election Officer shall perform such other functions as may be entrusted to him by the Commission.
- (c) **Preparation and revision for electoral roll:** (i) The electoral rolls for each Municipality shall be prepared and revised by Municipal Electoral Registration Officer.
(ii) Municipal Electoral Registration Officer may, subject to any prescribed restrictions, employ such persons as he thinks fit for the preparation and revision of the electoral rolls for each of the constituencies (wards) of the Municipality.

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

- (2) The Assistant Municipal Electoral Registration Officer referred to in section 347 (hereinafter referred to as the Assistant Registration Officer) shall, subject to the control of the Registration Officer, be competent to perform all or any of the functions of the Registration Officer.
- (3) Reference in these rules to the Registration Officer shall, unless the context otherwise requires, be deemed to include an Assistant Registration Officer performing any function of the Registration Officer.
- (4) **Provision of polling stations for each of the Wards: The Municipal District Election Officer shall, subject to such directions as may be issued by the Commission in this behalf, provide a sufficient number of polling stations for every Ward (Constituency) and shall publish, in such manner as the Commission may direct, a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.**

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

4. District Municipal Election Officer:

- (1) The duties of the District Municipal Election Officer referred in sub-section (1) of section 348 (hereinafter referred to as the District Election Officer) shall be to do any act or perform any functions in connection with the preparation for, and the conduct of, election to Municipalities under the Act and under these rules, and also to perform such other functions as the State Government or the Commission may entrust to him.
- (2) The District Election Officer shall perform his functions under the superintendence, direction and control of the Commission.

- (3) General duty of the District Municipal Election Officer :** It shall be the general duty of the District Municipal Election Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by the Act or the Rules or the Orders made there-under.

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

5. Municipal Returning Officer:

- (1) It shall be the duty of the Municipal Returning Officer referred to in sub-section (1) of section 348 (hereinafter referred to as the Returning Officer) to perform duties and functions as are specifically assigned to him under these rules and also to do all such acts and things as may be necessary for effectually conducting the election in the manners provided by these rules or the orders made there under.
- (2) The Returning Officer shall perform his functions under the superintendence, direction and control of the Commission.

6. Assistant Municipal Returning Officer: The Assistant Municipal Returning Officer (hereinafter referred to as the Assistant Returning Officer), if appointed under sub-section (2) section 348, shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer under these rules.

7. Returning Officer to include Assistant Returning Officer performing the functions of the Returning Officer: (1) Reference in these rules to the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer performing any function which he is authorized to perform under rule 6.

8. Presiding Officer:

- (1) The Presiding Officer referred to in sub-section (3) of section 348 shall at any election
- (a) keep the order at the polling station;
 - (b) ensure that the poll is taken fairly and strictly in accordance with the provisions of these rules; and
 - (c) regulate the number of voters to be admitted at any one time inside the polling station and exclude there from all other persons except-
 - (i) the Polling Officer and other staff engaged on polling duty;
 - (ii) the Candidates and the Polling agents;
 - (iii) Police Officers and Public servants on duty;
 - (iv) a child in arm accompanying a voter; and
 - (v) a companion of blind or infirm elector.
- (2) If the Presiding Officer, owing to illness or other unavoidable cause, is unable to perform his functions, the Polling Officer whose name stands at serial number one of the list of Polling Officers for the Polling Station, shall perform the functions of Presiding Officer.

- (3) Reference in this rule to the Presiding Officer shall, unless the context otherwise requires, be deemed to include the Polling Officer who performs the functions of the Presiding Officer under sub-rule (2).
- (4) **Appointment of Presiding Officers and Polling Officers for polling stations:**
- (i) **Subject to the provisions of sub-rule (3) of section 348 of the Mizoram Municipalities Act, 2007, there shall be a Presiding Officer and such number of Polling Officer or Officers for each polling station as the Municipal Returning Officer thinks necessary:**
- Provided that nothing in this sub-rule shall prevent the Municipal Returning Officer from appointing the same person to be the Presiding Officer for more than one polling station in the same premises.**
- Provided further 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, other than a person who has been employed by or on behalf of, or has been other-wise working for a candidate in or about the election, to be Polling Officer during the absence of the former officer, and inform the Municipal Returning Officer accordingly.**
- (ii) **A Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under this Act or the Rules or the Orders made there-under.**
- (iii) **If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such Polling Officer as has been previously authorised by the Municipal Returning Officer to perform such functions during any such absence.**
- (5) **General duty of the Presiding Officer: It shall be the general duty of the Presiding Officer at a polling station to keep order and to see that the poll is fairly taken.**

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

Duties of Polling Officers and other Staff:

- (1) It shall be the duty of the Polling Officers referred to in sub-section (3) of section 348 at a polling station to assist the Presiding Officer in conducting the poll strictly and fairly in accordance with the provisions of these rules in general, and in particular to perform duties assigned to them by Rule 60 and Rule 61 of these rules.
- (2) For the purpose of sub-rule (1) the Polling Officers shall be provided with
- (a) a sufficient number of ballot papers;
 - (b) the electoral roll of the relevant part of the Ward;
 - (c) Indelible ink;
 - (d) a stamp pad;
 - (e) a pen; and
 - (f) other articles or Forms which may be required.
- (3) The other staff appointed or detailed, if any, in polling station shall perform such function and duties as may be assigned to them by the Presiding Officer.

CHAPTER – III

Electoral Roll

- 10. Powers of the State Election Commission:** The superintendence, direction and control of the preparation of electoral rolls for, and conduct of, all elections to the Municipalities shall vest in the State Election Commission, which is hereinafter referred to as the Commission.
- 11. Electoral Roll for the first election to a new Municipality:**
- (1) In accordance with the provisions of sub-section (2) of section 346 of the Act, and as amended thereafter, for the purpose of the first election to a new Municipality, the electoral rolls used in the last election to the local bodies Le. Village Councils in Mizoram as it existed then in the area, shall be used as may be updated and corrected according to the Rules governing preparation of electoral rolls of the said localities.**
 - (2) The State Election Commissioner may, in consultation with the State Government, by order, specify the extent to which and the manner in which such electoral rolls for the elections to local bodies in Mizoram shall be adopted as the electoral rolls for the election of councillors to the new Municipality.**

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

- (3) For the purpose of the foregoing sub-rules, the Commissioner may place a demand for supply of sufficient copies of such electoral rolls for the election to the Members of the Legislative Assembly of Mizoram to the Office of the Deputy Commissioner in whose jurisdiction the Municipality is situated, and it shall be the duty of the Deputy Commissioner concerned to supply to the Commissioner sufficient copies of the said electoral rolls, either on payment or without payment in accordance with such rules or orders governing supply of electoral rolls.**
- 12. Electoral Rolls for Municipal election other than the first election:**
- (1) The electoral rolls of a Municipality for the purpose of election other than the first election shall be prepared in accordance with the provisions of sections 28,29,30,31 and 32 of the Act and of these rules, and shall be revised and corrected in the manners hereinafter provided in this chapter.**
 - (2) Electoral Rolls for Municipalities: Subject to the provisions of section 28 of the Mizoram Municipalities Act, 2007, the electoral roll for every Municipality shall consist of the electoral rolls for all the constituencies (wards) comprised within the Municipality.**
 - (3) The electoral rolls for each of the wards (constituencies) shall be arranged in the manner of Polling Stations set up for each Ward**

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

Preparation of roll:

- (1) The roll of every Ward shall be prepared by reference to the qualifying date as provided by section 29.
- (2) The roll shall be divided into convenient parts which shall be numbered consecutively.
- (3) **Condition for registration as a voter: Subject to the provisions of section 29 of the Mizoram Municipalities Act, 2007, electoral rolls for each Constituency (Ward) shall be prepared as below:**
 - (i) **Every person who-**
 - (a) **is not less than 18 years of age on the qualifying date, and**
 - (b) **is a bonafide resident in a municipal area, shall be entitled to be registered in the electoral roll for that municipal area.**
 - (ii) **No person shall be entitled to be registered in the electoral roll for any Constituency of the Municipality in more than one place.**
 - (iii) **No person shall be entitled to be registered in the electoral roll for any Constituency (Ward) of the Municipality if his name has already been registered as a voter in the electoral roll for any other Constituency (Ward).**
- (4) **Making false declaration: If any person makes any false declaration in connection with :-**
 - (a) **the preparation, revision or correction of an electoral roll, or**
 - (b) **the inclusion or exclusion of any entry in or from an electoral roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both (vide section 31 of the Representation of the People Act, 1950).**
- (5) **Breach of official duty in connection with the preparation etc. of electoral rolls**
 - (i) **If any Municipal Electoral Registration Officer, Assistant Municipal Electoral Registration Officer or other person required by or under this Rule to perform any official duty in connection with the preparation, revision or correction of an electoral roll or inclusion or exclusion of any entry in or from such electoral roll is, without reasonable cause, guilty of any act or commission in breach of such official duty, he shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to two years and with fine (vide section 32 of the Representation of the People Act, 1950).**
 - (ii) **No suit or other legal proceeding shall lie against any such officer or other person for damages in respect of any such act or omission as aforesaid.**
 - (iii) **No court shall take cognizance of any offence punishable under sub-rule (5) (i) unless there is a complaint made by an order of, or under the authority from, the State Election Commission or the District Municipal Election Officer concerned.**

14. Order of names: The name of elector in each roll shall be arranged so far as practicable according to house-number. If a dwelling house consists of two or more compartments which are occupied by different families or persons, the house number shall be arranged by adding to the number A, B, C etc. as the case may be.

15. No person to be registered more than once:

(1) No person shall be entitled to be registered in the roll for more than one Ward, and no person shall be entitled to be registered in the roll of any Ward for more than once.

(2) Preparation and revision of electoral rolls:

(i) **Subject to the provisions of section 29 of the Mizoram Municipalities Act, 2007, the electoral roll for each Municipality shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.**

(ii) **The electoral roll shall, unless otherwise directed by the Commission, for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date - before each General Election to the Municipality, and before each by-election to fill a casual vacancy in a seat allotted to the Constituency, as necessary.**

(iii) **Notwithstanding anything contained in clause (ii) of sub-section (2), the electoral roll will be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Commission:**

Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the said electoral roll shall not thereby be affected.

Notwithstanding anything contained in sub-section (2), the Commission may, at any time, for reasons to be recorded in writing, direct a special revision of the electoral roll of any Municipality in such manner as it may think fit and necessary.

Provided that subject to the other provisions of the Act and the Rules, the electoral roll for the Municipality as in force at the time of issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

(3) **Disqualifications for registration : The disqualifications for registration in an electoral roll for a Ward of the Municipality shall be the same as provided in section 16 of the Representation of the People Act, 1950 (43 of 1950).**

- (4) **Dispute as to whether a person is ordinarily resident: //**, in any case, a question arises as to whether a person is ordinarily resident at any relevant time, the question shall be determined with reference to section 20 of Representation of the People Act, 1950; and also with reference to all the facts of the case and such rules as may be made in this behalf by the State Government in consultation with the Commission. The District Municipal Election Officer concerned will be the Appellate Authority for final disposal of any appeal/dispute for disqualification of a person for registration in the electoral roll.

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

16. **Information to be supplied by occupants:** The Registration Officer may, for the purpose of preparing electoral roll, send letter of request in Form-I to all occupants of any dwelling house in a Ward; and every person receiving any such letter shall furnish the information called for therein to the best of his ability.
17. **Access to certain registers:** For the purpose of preparing electoral roll or deciding any claim or objection to electoral roll, the Registration Officer and any person employed by him for the purpose shall have access to any register of births and deaths and to the admission register of any educational institution and it shall be the duty of every person in charge of any such register to give to the said officer or person such information and such extracts from the said register as he may require.
18. **Publication of electoral roll in draft:** As soon as the electoral roll for a Municipal Ward is ready, the Registration Officer shall publish it in draft, by making a copy thereof available for inspection and displaying a notice in Form 2 -
- (a) at his office, and
 - (b) at such place in the Ward as may be specified by him for the purpose.
19. **Further publication to the draft roll and notice:** The Registration Officer shall also-
- (a) make a copy of each draft roll with a copy of the notice in Form 2 available for inspection at a specified place accessible to the public and in or near the Ward to which the draft roll relates;
 - (b) give such further publicity to the notice in Form 2 as he may consider necessary; and
 - (c) supply free of cost one copy of each draft roll to every political party registered by the Election Commission.
20. **Period for lodging claims and objections:** (1) Every claim for the inclusion of a name in the roll and every objection to an entry therein shall be lodged within a period of thirty days from the date of publication of the roll in draft under Rule 18:
- Provided that the Commission may by a notification extend the period for another period not exceeding 15 days in respect of a Municipal area as a whole or in respect of any Ward or a part thereof.

21. Forms for claims and objections:

- (1) Every claim shall be in Form 3 and signed by the person desiring his name to be included in the roll.
- (2) Every objection to the inclusion of a name in the roll shall be in Form 4 and preferred only by a person whose name is already included in the roll in which the person objected to appears.
- (3) Every objection to a particular or particulars in an entry in the roll shall be in Form 5 and preferred only by the person to whom that entry relates.

22. Manner of lodging claims and objections: Every claim and objection shall -

- (a) either be presented to the Registration Officer or to any person employed by him in this behalf who shall for Ward it with such remarks as he considers proper to the Registration Officer; or
- (b) be sent by post to the Registration Officer.

23. Disposal of claim and objection: The Registration Officer shall, after such inquiry as he thinks fit, take each case of claim or objection into consideration on merit and decide by accepting or rejecting each case in a reasoned order to the best of his own judgment, and within thirty days from the last date of the period for lodging such claim and objection under Rule 20.

24. Inclusion of names inadvertently omitted:

(1) Inclusion of names in electoral rolls :

- (a) Any person whose name is not included in the electoral roll of a Municipality may apply to the Municipal Electoral Registration Officer for the inclusion of his name in the electoral roll.
- (b) The Municipal Electoral Registration Officer shall, if he is satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein:

Provided that if the applicant is registered in the electoral roll of any other Constituency (Ward), the Assistant Municipal Electoral Registration Officer shall inform the Assistant Municipal Electoral Registration Officer of concerned Constituency (Ward) of the Municipality to strike off the applicant's name from the existing electoral roll where the applicant's name had already been registered.

- (c) No amendment, transposition or deletion of any entry shall be made under this rule and no direction for the inclusion of a name in the electoral roll of a Municipality shall be given under this rule after the last date for making nominations for an election in that Municipality and before the completion of such election.

(2) Correction of entries in electoral rolls : If the Municipal Electoral Registration Officer for a Municipality, on an application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll of the Municipality-

- (a) is erroneous or defective in any particular,

- (b) should be transposed to another place in the electoral roll on the ground that the person concerned has changed his/her place of ordinary residence within the jurisdiction of the Municipality, or
- (c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident within the jurisdiction of the Municipality or is otherwise not entitled to be registered in that electoral roll, the Municipal Electoral Registration Officer shall, subject to such general or special directions, if any, as may be given by the Commission in this behalf, amend, transpose or delete the entry:

Provided that before taking any action on any ground under clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident within the jurisdiction of the Municipality or that he is otherwise not entitled to be registered in the electoral roll of that Municipality, the Municipal Electoral Registration Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him/ her.

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

- (3) If it appears to the Registration Officer that owing to inadvertence or error during preparation, the names of any electors have been left out of the roll and that remedial action should be taken under this rule, the Registration Officer shall -
 - (a) prepare a list of the names and other details of such electors;
 - (b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the inclusion of these names in the roll will be considered, and also publish the list and the notice in such other manner as he may think fit, and
 - (c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be included in the roll.

25. Deletion of names: If it appears to the Registration Officer at any time before the final publication of the roll that owing to inadvertence or error or otherwise, the ' name of dead persons or of persons who have ceased to be, or are not, ordinarily residents in the Ward or of persons who are otherwise not entitled to be registered in that roll, have been included in the roll and that remedial action should be taken under this rule, the Registration Officer shall -

- (a) prepare the list of the names and other details of such electors;
- (b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the question of deletion of these names from the roll will be considered, and also publish the list and the notice in such other manner as he may think fit; and
- (c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be deleted from the roll:

Provided that before taking any action under this rule in respect of any person on the ground that he has ceased to be, or is not, ordinarily resident in the Ward, or is otherwise not entitled to be registered in that roll, the Registration Officer shall make every endeavour to give him a reasonable opportunity to show the cause why the action proposed should not be taken in relation to him.

26. Final publication of roll:

- (1) The Registration Officer shall thereafter -
 - (a) prepare a list of amendments to carry out his decisions under Rules 23,24 and 25 and to correct any clerical printing errors or other inaccuracies subsequently discovered in the roll;
 - (b) publish the roll, together with the list amendments, by making a complete copy thereof available for inspection and displaying a notice in Form 6 at his Office; and
 - (c) supply free of cost one copy of each roll as finally published to every political party registered by the Election Commission.
- (2) On such publication, the roll together with the list of amendments shall be the electoral roll of the Ward.
- (3) **The electoral rolls shall be arranged Polling Station-wise and the electoral rolls of all Polling Stations of the Wards shall be published separately.**

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

27. Appeals from decisions over claims and objections:

- (1) An appeal shall lie from any decisions of the Registration Officer under Rules 23, 24 and 25 read with section 31 of the Act to such officer of the State Government as the Commission may designate in this behalf (herein after referred to as the appellate officer):

Provided that an appeal shall not lie where the person desiring to appeal has not availed him-self of his right to be heard by or to make representations to, the Registration Officer on the matter which is the subject of appeal.
- (2) Every appeal under sub-rule (1) shall be
 - (a) in the form of a memorandum signed by the appellant, and
 - (b) presented to the appellate officer within a period of fifteen days from the date of final publication of the electoral roll.
- (3) The presentation of appeal under this rule shall not have the effect of staying or postponing any action to be taken by the registration officer under Rule 24.
- (4) Every decision of the appellate officer shall be final, but in so far as it reverses or modifies a decision of the Registration Officer, shall take effect only from the date of decision in appeal.
- (5) The Registration Officer shall cause such amendments to be made in the roll as may be necessary to give effect to the decisions of the appellate officer under this rule.

28. Special provision for preparation of rolls on redelimitation of Wards:

- (1) If any Ward is delimited anew in accordance with law and it is necessary urgently to prepare the roll for such Ward, the Commission may direct that it shall be prepared -
 - (a) by putting together the rolls of such of the existing Wards or parts thereof as are comprised within the new Ward; and
 - (b) making appropriate alterations in the arrangement, serial numberings and , headings of the rolls so compiled.
- (2) The roll so prepared shall be published in the manner specified in Rule 26 and shall, on such publication, be the electoral roll for the new Ward.

29. Revision of rolls:

- (1) The roll for each Ward shall be revised by reference to the qualifying date -
 - (a) before each general election to the municipality; and
 - (b) before each bye-election to fill a casual vacancy in a seat of Councillor.
- (2) The revision of roll under sub-rule (1) may be done either intensively or summarily or partly intensively and partly summarily, as the Commission may direct.
- (3) When the roll or any part thereof is to be revised intensively in any year, it shall be prepared afresh and Rules 11 to 27 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.
- (4) When the roll or any part thereof is to be revised summarily in any year, the Registration Officer shall cause to be prepared a list of amendments to the relevant parts of the roll on the basis of such information as may be readily available and publish the roll together with the list of amendments in draft, and the provisions of Rules 16 to 27 shall apply in relation to such revision as they apply in relation to the first preparation of roll.

CHAPTER IV

General provisions on election

- 30. Notification for General Election to Municipality:** (1) The Notification for general election to Municipality under section 26 read with section 350 shall be issued **by 'the State Election Commission'** by appointing the date or dates on which a poll shall be taken and calling upon all Municipal Wards to elect Councillors of the Municipality on the appointed date or dates:

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

Provided that where a general election is held otherwise than on the dissolution of the existing Municipality, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of such Municipality would expire:

Provided further that when a Municipality has been dissolved, elections to constitute the Municipality shall be completed before the expiry of six months from the date of its dissolution:

Provided also that where the period for which such dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any elections to constitute such Municipality for such period.

31. Appointment of date for nominations etc.:

As soon as the notification calling upon a Municipality to elect Councillors is issued, the Commission shall, by notification, appoint -

- (a) the last date for filing nominations, which shall be the seventh day after the date of the notification, or if that day is a public holiday, the next succeeding day which is not a public holiday;
- (b) the date for scrutiny of nominations, which shall be the day immediately following the last date for filing nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday; and
- (c) the last date for withdrawal of candidatures, which shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday.
- (d) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the fourteenth day after the last date for the withdrawal of candidatures; and
- (e) appoint the date before which the election shall be completed.

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

32. Public notice of intended election: (1) On the issue of a notification under rule 31, the Returning Officer shall in Form 7 issue a public notice of the intended election inviting nomination of candidates for such election and specifying-

- (a) the place at which and the hours during which nomination papers are to be delivered; and
- (b) the place and the hours for the scrutiny of nominations.

33. Nomination of candidates for election and Presentation of nomination paper etc.:

(1) Any person may be nominated as a candidate for election as a Councillor of a Municipality if he is qualified to be elected as such under the provisions of section 34 and is not disqualified under the provisions of section 35.

(a) Qualifications for membership of a Municipality: A person shall not be qualified for being chosen to fill a seat in a Municipality unless -

- (i) in the case of a seat reserved for the Scheduled Castes or the Scheduled Tribes, such person is a member of the Scheduled Castes or the Scheduled Tribes, as the case may be, and is an elector in relation to that Municipality;**

- (ii) *in the case of a seat reserved for a woman, such person is a woman, and is an elector in relation to that Municipality;*
- (iii) *in the case of any other seat, such person is an elector in relation to that Municipality.*
- (b) *In a Constituency where any seat is reserved, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his/her nomination paper contains a declaration by him/her specifying the particular caste or tribe of which he is a member and the area in relation to which that caste or tribe is a Scheduled Caste or Tribe, as the case may be.*
- (c) *Where the candidate is a person who, having held any office has been dismissed and a period of 5 (five) years has not elapsed since the dismissal, such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued in the prescribed manner by the Commission to the effect that he has not been dismissed for corruption or disloyalty to the State.*
- (d) *On the presentation of a nomination paper, the Municipal Returning Officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposers as entered in the nomination paper are the same as those entered in the electoral roll:*
Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place, mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll number of any such person in the electoral roll or the nomination paper, shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood, and the Municipal Returning Officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be correct and, where necessary, direct that any such misnomer or inaccurate description or clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked.
- (e) *Where the candidate is an elector of a different Constituency of a Municipality, a copy of the electoral roll of that Constituency or of the relevant part thereof or a certified copy of the relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before the Municipal Returning Officer at the time of scrutiny.*
- (f) *Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper:*
Provided that not more than 4 (four) nomination papers shall be presented by or on behalf of any candidate or accepted by the Municipal Returning Officer for election in the same Constituency.

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

- (2) On or before the last date for filing nomination under clause (a) of Rule 31, each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver to the Returning Officer at the place specified by him in this behalf in the notice issued under Rule 32, a nomination paper completed in Form 8 and signed by the candidate and by an elector of the Ward as proposer:

Provided that a candidate not set up by a recognized or a registered but unrecognized, political party, shall not be deemed to be nominated for election unless the nomination paper is subscribed by five proposers being electors of the Ward:

Provided further that no nomination paper shall be delivered to the Returning Officer on a day which is a public holiday.

- (3) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and the electoral roll numbers of the candidate and his proposer or the proposers, as the case may be, as entered in the nomination papers are the same as those entered in the electoral roll:

Provided that inaccurate description or printing error in the electoral roll in regard to the name of the candidate or any of his proposers shall be overlooked.

- (4) Nothing in these rules shall prevent any candidate from being nominated for more than one Ward of the same Municipality.

(5) *Disqualification on ground of corrupt practices*

(a) *A person shall be deemed to have committed an offence of corrupt practice if he commits an act relating to a corrupt practice within the meaning of Section 123 of the Representation of the People Act, 1951(43 of 1951) and the person found guilty of corrupt practices shall be disqualified for contesting election to Municipality for a period upto 6(six) years.*

(b) *A person who having held an office under the Government of India or under the Government of any State or under any Municipality has been dismissed for corruption or for disloyalty to the State or Municipality, shall be disqualified for a period of 5(five) years from the date of such dismissal.*

(c) *For the purposes of sub-rule 5(b), a certificate issued by the Commission to the effect that a person having held office under the Government of India or under the Government of a State or under any Municipality has or has not been dismissed for corruption or for disloyalty to the State or Municipality shall be conclusive proof of that fact:*

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State or Municipality shall be issued unless such person has been given an opportunity of being heard.

- (6) **Disqualification for failure to lodge account of election expenses. If the Commission is satisfied that a person or candidate:**
- (a) **has failed to lodge an account of election expenses within the time and in the manner required by rules or under this Act, and**
 - (b) **has no good reason or justification for such failure, the Commission shall by order published in the Official Gazette, declare him to be disqualified, and such person shall be disqualified for a period of 3(three) years from the date of the order.**
- (7) **Disqualification arising out of conviction and corrupt practices:-**
If any person is convicted of an offence punishable under section 171E, or section 171F of the Indian Penal Code, or under section 135, or under section 136 of the Representation of the People Act, 1951, he shall, for a period of 6(six) years from the date of conviction or from the date on which the order takes effect, as the case may be, be disqualified for voting at any election, and his name shall be struck off from the electoral roll
- (8) **Account of election expenses and maximum thereof**
- (a) **The total expenditure which can be incurred or authorized to be in-curred by a candidate in connection with election to councillors of municipality shall not exceed Rs. 1,00,000 (Rupees One Lakh) for each Constituency (Ward).**
 - (b) **Every candidate at the election of councillors shall, either by himself or by his election agent, keep a separate and correct account of all expenditures incurred or authorized by him or his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both days inclusive.**
 - (c) **The account of election expenses to be kept by a candidate or his election agent shall contain all the particulars required and in the format specified by the State Election Commission.**
 - (d) **Every contesting candidate at an election shall, within 30 (thirty) days from the date of declaration of the result of the election, lodge with Deputy Commissioner & District Municipal Election Officer concerned, an accounts of election expenses which shall be a true copy of the account kept by him or his election agent**
 - (e) **Any candidate either by himself or his election agent who has exceeded the amount mentioned at sub-rule 8 (a), or who has not kept a separate and correct account of all expenditure in connection with election to councillors of the municipality or who fails to lodge an account of election expenses with the authority concerned within the period specified in sub-rule 8 (d), shall be deemed to have indulged in a corrupt practice for the purpose of this Rule.**

Explanation I. — Notwithstanding any judgment, order or decision of any court to the contrary, any expenditure incurred or authorised in connection with the election of a candidate by a political party or by any other association or body of persons or by any individual other than the candidate or his election agent shall not be deemed to be expenditure in connection with the election incurred or authorized by the candidate or by his election agent for the purpose of this sub-rule:

Provided that nothing contained in the Explanation shall affect any judgment, order or decision of the Civil Court whereby the election of a candidate, has been declared void or set aside.

For the removal of doubt, it is hereby clarified that any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 of the Representation of the People Act, 1951 (43 of 1951), in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purpose of this sub-section.

- (9) **Lodging of account with the District Municipal Election Officer:**
Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidates at the election and the dates of their elections are different, the latter of those two dates, lodge with the District Municipal Election Officer, an account of his election expenses which shall be a true copy of the account kept by him or by his election agent.

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

34. Security deposit, refund or forfeiture:

- (1) A candidate shall deposit a security deposit of Rs. 500/- (Rupees five hundred) along with his nomination paper which shall be refunded to him at once in the case of his withdrawing the candidature, or as early as possible after the conclusion of the election unless he forfeits the deposit.
 - (2) The Returning Officer shall issue to the candidate a receipt in Form 9 which shall be taken back from him in the case of refundment of the deposit.
 - (3) The security deposit of a candidate shall be forfeited to the State Government if the candidate is not elected and the number of valid votes polled by him is less than one-sixth of the total number of valid votes polled by all candidates.
- (4) **Any sum required to be deposited under sub-rule (1) shall not be deemed to have been deposited under that sub-rule unless, at the time of delivery of the nomination paper under sub-rule (1), the candidate either deposited or caused to be deposited that sum with the Municipal Returning Officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or an election agent on his behalf in the concerned Government Treasury.**

Provided that where a candidate has been nominated by more than one nomination paper for election in the same Constituency, not more than one deposit shall be required of him under this sub-rule.

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

35. Scrutiny of nominations:

- (1) On the date appointed for the scrutiny of nominations under rule 31, the candidates, their election agents, one proposer of each candidate and one person duly authorized in writing by each candidate, but no other person, may attend at such place and time as the Returning Officer appoint for such scrutiny. The Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered in time.
- (2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:
 - (a) that the candidate is either not qualified or disqualified for being elected as a Councillor of Municipality under the provisions of the Act or of these rules; or
 - (b) that there has been a failure to comply with the provisions of Rule 33 or Rule 34; or
 - (c) that the signature of the candidate on the nomination paper is not genuine.
- (3) The Returning Officer shall not reject any nomination paper on the grounds of any defect which is not of a substantial character.
- (4) ***The Municipal Returning Officer shall hold the scrutiny on the date appointed in this behalf and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:***

Provided that in case an objection is raised by the Municipal Returning Officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the Municipal Returning Officer shall record his decision on the date to which the proceedings have been adjourned.
- (5) ***The Municipal 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 a brief statement of his reason for such rejection.***
- (6) ***For the purposes of this section, a certified copy of an entry in the electoral roll for the time being in force of a Municipality shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that Municipality, unless it is proved that he is subject to a disqualification mentioned under sub-rule (3) & (4) of Rule 15.***
- (7) ***Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Municipal Returning Officer shall prepare a list of validly nominated candidates, in Form-II A, whose nominations have been found valid, and affix it to the notice board.***

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

36. Withdrawal of Candidature:

- (1) Any candidate may withdraw a written notice in Form 10 and subscribed by him and delivered before three o'clock in the afternoon on the last date fixed under Rule 30 for such withdrawal, to the Returning Officer either by such candidate or his proposer or any person authorized in writing by the candidate in that behalf. The Returning Officer shall normally accept such withdrawal and refund the security deposit to the withdraw-ing candidate.
- (2) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.
- (3) The Municipal Returning Officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-rule (1), cause the notice to be affixed in some conspicuous place in his office.

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

37. Election without contest: If-

- (a) during the time opened for presentation of nomination paper under Rule 3 3 the nomination of only one candidate has been delivered to the Returning Officer; or
- (b) at the scrutiny of nominations under Rule 3 5 the nomination of only one candidate has been accepted and all other nominations have been rejected; or
- (c) during the time opened for withdrawal of candidatures under Rule 3 6 all candidates except one have withdrawn their candidatures thereby leaving just one candidate for a Ward, the Returning Officer shall forthwith • declare the said candidate duly elected without contest.

38. Allotment of symbols to contesting candidates: In every contested election under these rules, a symbol shall be allotted to a contesting candidate, and different symbols shall be allotted to different contesting candidates at an election in the same Ward.

39. Reserved or free symbols for candidates:

- (1) If, immediately after the expiry of the period within which candidatures may be withdrawn under sub-rule (1) of Rule 36, there are two or more contesting candidates for one Ward, the Returning Officer shall forthwith consider the allotment of symbols to those contesting candidates who have not withdrawn their candidatures.
- (2) For the purpose of these rules, symbols are either “reserved” or “free” as shown in Table-I and Table-II respectively in the Schedule appended to these rules. A reserved symbol is a symbol “which is reserved for recognized political party for exclusive allotment to a contesting candidate or candidates set up by that party. A free symbol is a symbol other than a reserved symbol.

- (3) For the purposes of these rules, a recognized political party means a political party as may be recognized by the Election Commission as a National party or a State Party of this State as on the date of notification under Rule 30.
 - (4) Subject to the provisions of Rule 40, a candidate set up by a recognized political party shall choose, and be allotted, the symbol reserved for that party and no other symbol.
 - (5) Subject to the provisions of Rule 41, a candidate set up by a registered but unrecognized political party shall be given a preference of choosing any symbol out of the symbols specified as "Free symbols"
 - (6) Any candidate other than a candidate of a recognized or a registered but unrecognized political party shall choose and be allotted one of the symbols specified as "free symbols". If the choices come into conflict, the Returning Officer shall allot symbols in conformity, as far as possible, with the wishes of the candidate and, if necessary, by lot and his decision shall be final.
 - (7) Each candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and shall be given a specimen thereof.
- 40. Candidate set up by a recognized Political Party:** A candidate shall be deemed to be set up by a recognized political party if-
- (a) the candidate has made a declaration to that effect in his nomination paper;
 - (b) a notice in writing to that effect has, not later than 3pm on the last date of withdrawal of candidatures, been delivered to the Returning Officer; and
 - (c) the said notice is signed by the President, the General Secretary or the Secretary of the State Unit of the recognized political party and the name and specimen signature of such President, General Secretary or Secretary are sent to the Returning Officer and also to the Commission well in advance before the expiry of the last date and hour appointed for making nomination under sub-rule (1) of Rule 33.
- 41. Candidate set up by a registered but unrecognized Political Party:** A candidate shall be deemed to be set up by a registered but unrecognized political party if -
- (i) the candidate has made a declaration to that effect in his nomination paper,
 - (ii) a notice in writing to that effect has, not later than 3pm on the last date of withdrawal of candidatures, been delivered to the Returning Officer,
 - (iii) the said notice is signed by the President, the General Secretary or the Secretary of the registered but unrecognized political party, and
 - (iv) a copy of the letter registering the said political party by the Election Commission is enclosed.
- 42. Publication of list of contesting candidates:** (1) Immediately after the allotment of Symbols under Rule 38, the Returning Officer, shall prepare and publish a list of contesting candidates in Form 11 categorizing them as -
- (i) candidates of recognized political parties;
 - (ii) candidates of registered but unrecognized political parties; and
 - (iii) other candidates.

- (2) The candidates mentioned in sub-rule (1) shall be arranged in the order specified therein and the names of candidates in each category shall be arranged in alphabetical order showing the addresses of the contesting candidates as given in the nomination papers.

CHAPTER V

Conduct of election

43. Provisions of polling stations for Wards:

- (1) The Returning Officer shall, subject to such directions as may be issued by the Commission in this behalf, provide a sufficient number of polling stations for every Ward and shall publish, in such manner as the Commission may direct, a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.
- (2) ***Staff of local authorities: Every local authority in the State shall, when so required by the Commission, make available to any Municipal Electoral Registration Officer such staff as may be necessary for the performance of any duties in connection with the preparation and revision of electoral rolls.***

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

44. Arrangements at polling stations:

- (1) Outside each polling station there shall be displayed prominently -
- (a) a notice specifying the polling area, the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors so entitled; and
- (b) a copy of the list of contesting candidates.
- (2) At each polling station, there shall be set up one or more voting compartments in which electors can record their votes screened from observation.
- (3) The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles, necessary for electors to mark the ballot papers.

45. Election Agents: (1) A candidate at an election may appoint any person other than himself to be his election agent in Form 12 and for Ward the same in duplicate to the Returning officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of approval of the appointment.

46. Function of Election Agent : An election agent may perform such functions in connection with the election as are authorized by or under these rules to be performed by an election agent.

47. Appointment of polling agents and revocation of such appointments:

- (1) A contesting candidate or his election agent may appoint not more than two polling agents for each polling station in Form 13 which shall be produced to the Presiding Officer at the Polling Station for his acceptance.
- (2) The polling agent receiving acceptance by the Presiding Officer may be present at the polling station provided that only one polling agent of a candidate may be present there at a time.
- (3) A contesting candidate or his election agent may revoke the appointment of any polling agent in Form 13 A and may, at any time before the poll is closed, make a fresh appointment which shall be produced to the Presiding Officer in the manner provided at sub-rule (1).

48. Non-attendance of polling agent: Where any act or thing is required or authorized by these rules to be done in presence of the polling agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

49. Death of candidate before poll: If any contesting candidate dies and a report of his death is brought to the notice of the Returning Officer before the commencement of the 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 Commission and also to the appropriate authority, and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:

Provided further that no person who has given a notice of withdrawal of his candidature under Rule 36 before the countermanding of the poll shall be ineligible, for being nominated as a candidate for the election after such countermanding.

50. Hours of poll:

- (1) Except when and where the Commission otherwise directs, the hours of poll shall be for nine hours starting at seven o'clock in the forenoon and closing at four o'clock in the afternoon.
- (2) Fixing time for poll: The hours during which the poll will be taken shall be fixed in accordance with the provisions of section 350 of the Mizoram Municipalities Act, 2007, by the State Election Commission in consultation with the State Government.

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

51. Method of voting:

- (1) At every election where a poll is taken under these rules, votes shall be given by ballot and no vote shall be received by proxy;
- (2) Save as hereinafter provided, all electors voting at an election shall do so in person at the polling station provided for them under Rule 43.

52. Vote by a voter on election duty:

- (1) A voter on election duty, who wishes to vote, shall, at least three days before the date of poll, approach the Returning Officer concerned and make an application in Form 14 for the issue of the ballot paper in order to enable him to cast his vote.

- (2) The Returning Officer shall, on being satisfied as to the identity of such voter on production of the letter of appointment in connection with the election -
 - (a) have the person's name marked in the electoral roll, and
 - (b) issue to such voter a ballot paper and permit him to vote on the spot with instrument provided for the purpose.
- (3) After recording his vote, such voter shall make over the ballot paper to the Returning Officer in a sealed cover.
- (4) The Returning Officer shall keep the counterfoil of such ballot paper in a separate sealed cover and keep the cover containing the ballot paper in his safe custody.

CHAPTER VI

Voting by Ballot

53. Ballot box:

- (1) A ballot box shall be made of strong materials such as wood or Iron and shall be constructed in such a way that ballot papers can be inserted therein but cannot be withdrawn there from without the box being unlocked.
- (2) Every ballot box used at a polling station shall bear label outside and marked with the name and the number of the Ward, and the name and serial number of the polling station.

54. Form of ballot paper:

- (1) Every ballot paper shall have counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in Form 15.
- (2) The names of the candidates shall arranged on the ballot paper in the order in which they appear in the list of contesting candidates.
- (3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

55. Admission to Polling Stations : The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude there from all persons other than -

- (a) Polling Officers;
- (b) public servants on duty in connection with the election;
- (c) persons authorized by the Commission;
- (d) candidates, their election agents and subject to the provisions of Rule 47, one polling agent of each candidate;
- (e) a child in arms accompanying a blind or infirm elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other persons as the Presiding Officer may employ under sub-rule(l) of Rule 58.

56. Preparation of ballot boxes for poll:

- (1) *The Commission may by a notification order whether or not a paper seal shall be used for securing a ballot box in an election.*

- (2) Where a paper seal is used for securing a ballot box, the Presiding Officer shall fix his own signature on the paper seal and obtained thereon the signatures of such of the polling agents present as are desirous of affixing the same.
- (3) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefore in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper there into remains open.
- (4) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed, it is not possible to open it without breaking the seals.
- (5) Where it is not necessary to use paper seals for securing the ballot boxes, the Presiding Officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.
- (6) Every ballot box used at a polling station shall bear labels, both inside and out-side, marked with -
 - (a) the number of the Ward and name of the Municipality to which the Ward relates;
 - (b) the serial number and name of the polling station;
 - (c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and
 - (d) the date of poll.
- (7) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the polling agents.

57. Marked copy of electoral roll: Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain any entry other than that made in respect of persons on election duty under Rule 52.

58. Identification of electors:

- (1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.
- (2) As each elector enters the polling station, the Presiding Officer or the Polling Officer authorized by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.
- (3) In deciding the right of a person to obtain a ballot paper the Presiding Officer or the polling officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates.

59. Challenging of identity:

- (1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the Presiding Officer for each such challenge.
- (2) On such deposit being made, the Presiding Officer shall -
 - (a) warn the person challenged of the penalty for personation;
 - (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
 - (c) enter his name and address in the list of challenged votes in Form 16; and
 - (d) require him to affix his signature in the said list.
- (3) The Presiding Officer shall thereafter hold a summary enquiry into the challenge and may, for that purpose -
 - (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
 - (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
 - (c) administer an oath to the person challenged and any other person offering to give evidence.
- (4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.
- (5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

Safeguards against personation:

- (1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and in indelible ink mark to be put on it.
- (2) If any elector refuses to allow his left forefinger to be inspected or marked, in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.
- (3) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

(4) Identification of electors :

- (a) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll**
- (b) As each elector enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the elector's name and then call out the serial number, name and other particulars of the elector.**
- (c) In the Polling Station where electors have been provided with EPIC, the concerned elector shall produce the Identity Card before the Presiding Officer or the Polling Officer authorized by him in this behalf. If the elector is not provided with EPIC or in case of loss of EPIC, the elector shall produce any of the documents as prescribed by the State Election Commission for proof of his identity.**
- (d) In deciding the right of a person to cast his vote, the Presiding Officer or the Polling Officer, as the case may be, shall over-look the clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.**

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

61. Issue of ballot papers to electors:

- (1) Every ballot paper before it is issued to an elector, and the counterfoil attached there-to shall be stamped on the back with such distinguishing mark as the Commission may direct, and every ballot paper, before it is issued, shall be signed in full on its back by the Presiding Officer.
- (2) At the time of issuing a ballot paper to an elector, the polling officer shall -
 - (a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the electoral roll;
 - (b) obtain the signature or thumb impression of the elector on the counterfoil; and
 - (c) mark the name of the elector in the marked copy of the electoral roll indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector;

Provided that no ballot paper shall be delivered to an elector unless he has put his signature or thumb impression on the counterfoil of the ballot paper.

- (3) It shall not be necessary for any Presiding Officer or Polling Officer or any other officer to attest the thumb impression of the elector on the counterfoil.
- (4) No person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.

62. Maintenance of secrecy of voting by electors within polling station and voting procedure :

- (1) Every elector to whom a ballot paper has been issued under rule 61 or under any other provision of these rules, shall maintain secrecy or voting within the polling station and, for that purpose, observe the voting procedure hereinafter laid down.
- (2) The elector, on receiving the ballot paper, shall forthwith-
 - (a) proceed to one of the voting compartments;
 - (b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
 - (c) fold the ballot paper so as to conceal his vote;
 - (d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper;
 - (e) insert the folded ballot paper into the ballot box; and
 - (f) quit the polling station.
- (3) Every elector shall vote without undue delay.
- (4) No elector shall be allowed to enter a voting compartment when another elector is inside it.
- (5) If an elector to whom a ballot paper has been issued, refuses, after warning given by the Presiding Officer, to observe the procedure as laid down in sub-rule (2), the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or a Polling Officer under the direction of the Presiding Officer.
- (6) After the ballot paper has been taken aback, the Presiding Officer shall record on its back the words "Cancelled: voting procedure violated" and put his signature below those words.
- (7) All the ballot papers on which the words "Cancelled: voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Ballot papers: voting procedure violated".
- (8) Without prejudice to any other penalty to which an elector, from whom a ballot paper has been taken back under sub-rule (5), may be liable, the vote, if any, recorded on such ballot paper shall not be counted.

63. Recording of votes of blind or infirm electors:

- (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, an elector is unable to recognize the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule, the person shall be required to declare in Form 17 that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling station on that day.

(2) The Presiding Officer shall keep a record in Form 18 of all cases under this rule.

64. Spoilt and returned ballot papers:

(1) An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked "**spoilt: cancelled**" by the Presiding Officer.

(2) If an elector, after obtaining a ballot paper, decides not to use it, he shall return it to the Presiding Officer, and the ballot, paper so returned and the counterfoil of such ballot paper shall be marked as "Returned: cancelled" by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

65. Tendered votes:

(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as "tendered ballot paper" in the same manner as any other elector).

(2) Every such person, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form 19.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that -

(a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

(4) The elector, after marking a tender ballot paper in the voting Compartment and folding it, shall, instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

66. Closing of poll:

- (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under Rule 50 and shall not thereafter admit any elector into the polling station:
Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.
- (2) If any question arises whether an elector was present at the polling station, before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

67. Sealing of ballot boxes after poll:

- (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.
- (2) The ballot box shall thereafter be sealed and secured;
- (3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into use.

68. Ballot paper account:

- (1) The Presiding Officer shall, at the close of the poll, prepare a ballot paper account in Form 20 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.
- (2) The Presiding Officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent therefore and shall also attest it as a true copy.

69. Sealing of other packets:

- (1) The Presiding Officer shall then make into separate packets -
 - (a) the marked copy of the electoral roll;
 - (b) the counterfoils of the used ballot papers;
 - (c) the ballot papers signed in full by the Presiding Officer under sub-rule(l) of rule 61 but not issued to the voters;
 - (d) any other ballot papers not issued to the voters;
 - (e) ballot papers cancelled for violation of voting procedure under rule 62;
 - (f) any other cancelled ballot papers;
 - (g) the cover containing the tendered ballot papers and the list in Form 18.
 - (h) the list of challenged votes; and
 - (i) any other papers directed by the Commission to be kept in a sealed packet.
- (2) Each such packet shall be sealed with the seals of the Presiding Officer and with the seals, either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seals thereon.

70. Transmission of ballot boxes, etc., to the Returning Officer:

- (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct-
 - (a) the ballot boxes or, as the case may be, the bags or covers referred to in rule 44;
 - (b) the ballot paper account;
 - (c) the sealed packets referred to in Rule 69; and
 - (d) all other papers used at the poll.
- (2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

CHAPTER VII

Disturbance in the poll

71. Adjournment of poll in emergencies:

- (1) If at an election the proceedings at any polling station provided under rule 43 for the poll are interrupted or obstructed by any riot or open violence, or if at any election it is not possible to take the poll at any polling station or such place on account of any natural calamity or any other sufficient cause, the Presiding Officer for such polling station or the Returning Officer presiding over such place, as the case may be, shall announce an adjournment of the poll to a date to be notified later and where the poll is so adjourned by a Presiding Officer, he shall forthwith inform the Returning Officer concerned.
- (2) Whenever a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the appropriate authority and the Commission and shall, as soon as may be, with the previous approval of the Commission appoint the day on which the poll shall recommence, and fix the polling station or place at which, and the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.
- (3) In every such case as aforesaid, the Returning Officer shall notify in such manner as the Commission may direct the date, place and hours of polling fixed under sub-rule (2).

72. Procedure on adjournment of poll:

- (1) If the poll at any polling station is adjourned under sub-rule 71, the provisions of Rule 67 to 70 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under Rule 50.
- (2) When an adjourned poll is recommenced under sub-rule (2) of rule 71, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

- (3) The Returning Officer shall provide the Presiding Officer of the polling station at which adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll and a new ballot box.
- (4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking, the names of the electors to whom the ballot papers are issued at the adjourned poll, without however recording therein the serial number thereof.
- (5) The provisions or Rules 43 to 70 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

73. Fresh poll in the case of destruction etc. of ballot boxes:

- (1) If at any election,-
 - (a) any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with to such extent that the result of the poll at the polling station or place cannot be ascertained, or
 - (b) any such error or irregularity as is likely to vitiate the poll is committed at a polling station or at a place fixed for the poll, the Returning Officer shall forthwith report the matter to the Commission.
- (2) Thereupon the Commission shall, after taking all material circumstances into account, either-
 - (a) declare the poll at the polling station or place to be void, appoint a day, and fix the hours, for taking a fresh poll at the polling station or place and notify the date so appointed and the hours so fixed in such manner as it may deem fit, or
 - (b) issue such directions to the Returning Officer as it may deem proper for the further conduct and completion of the election, provided the Commission is satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material.
- (3) The provisions of these rules shall apply to every such fresh poll as they apply to the original poll.

74. Adjournment of poll or countermanding of election on the ground of booth capturing:

- (1) If at any election-
 - (a) booth capturing has taken place at a polling station or at a place fixed for the poll in such manner that the result of the poll at that polling station or place cannot be ascertained, or
 - (b) booth capturing takes place in the fixed place for counting of votes in such manner that the result of the counting at the place cannot be ascertained, the Returning Officer shall forthwith report the matter to the Commission.

- (2) The Commission shall, on receipt of the report from the Returning Officer under sub-rule (1) and after taking all material circumstances into account, either -
 - (a) declare that the poll at the polling station or place be void, appoint a day, and fix the hours, for taking fresh poll at the polling station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit, or
 - (b) countermand the election in that Constituency, provided the Commission is satisfied that in view of the large number of polling stations or places involved in booth capturing, the result of the election is likely to be affected, or that booth capturing had affected counting of votes in such manner as to affect the result of the election.

Explanation - In this rule, "booth capturing" shall have the same meaning as in section 13 5A of the Representation of the People Act, 1951.

CHAPTER VIII

Counting of votes

- 75. Time and place for counting of votes:** The Returning Officer shall appoint the place or places where the counting of votes will be done and the time at which the counting will commence and shall give notice of the same in writing to each contesting candidate or his election agent:

Provided that if for any reason the Returning Officer finds it necessary so to do, he may alter the date, time and place or places so fixed, or any of them, after giving notice of the same in writing to each contesting candidate or his election agent.
- 76. Counting supervisors and counting assistants:** The Returning officer shall appoint from amongst the officers of the State Government as many counting supervisors and counting assistants as he considers being necessary to do the counting.
- 77. Provision of counting tables in the place of counting:** The Returning Officer shall provide as many counting tables as are necessary in the place of counting and detail one counting supervisor and two counting assistants for each counting table.
- 78. Appointment of counting agents and revocation of such appointment:**
 - (1) A contesting candidate may appoint as many counting agents as there are counting tables provided for the Ward in the counting place.
 - (2) Every appointment of counting agent shall be made in Form 21 which shall be produced to the Returning Officer or any other officer appointed by the Returning Officer in this behalf for his acceptance.
 - (3) The counting agent receiving acceptance by the Returning Officer or any officer appointed by the Returning Officer under sub-rule (2) may be present at the counting place:

Provided that only one counting agent of one candidate may be present at one counting table:

Provided further that the counting agents appointed for a Ward shall leave the counting place soon after the counting of votes for the Ward is completed.

- (4) A contesting candidate or his election agent may revoke the appointment of any counting agent in Form 21A and may, at any time before the counting for the Ward is closed, make fresh appointment which shall be produced to the Returning Officer or any other officer appointed in this behalf by the Returning Officer in the manner provided in the fore-going sub-rules.

79. Admission to the place of counting:

- (1) The Returning Officer exclude from the place fixed for counting of votes all persons except -
 - (a) the counting supervisors and counting assistants as he may appoint to assist him in the counting;
 - (b) persons authorized by the Commission;
 - (c) public servants on duty in connection with the election; and
 - (d) candidates, their election agents and counting agents.
- (2) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer may be removed from the place where the votes are being counted by the Returning Officer or by any police officer on duty or by any person authorized in this behalf by the Returning Officer.

80. Explaining the counting procedure: The Returning Officer shall, before the commencement of the counting, briefly explain the counting procedure to all those allowed admission in the counting place under sub-rule (1) of Rule 79 and caution them as to the maintenance of secrecy, the violation of which shall be an electoral offence under Rule 99.

81. Non-attendance of counting agent: Where any act or thing is required by this chapter to be done in presence of the counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

82. Counting of votes cast by voters on election duty:

- (1) On the day and at the time and place appointed under Rule 75 the Returning Officer shall first open the covers containing the ballot papers recording the votes of persons on election duty, which were received by him under Rule 52 and scrutinize the ballot papers in accordance with the provisions of Rule 84 and count them and record their number and other details in Form 22.
- (2) The Returning Officer shall thereafter make separate packets of-
 - (a) all valid ballot papers, and
 - (b) all rejected ballot papers as founded by him at the scrutiny and counting under sub-rule (1), seal both the packets with his seal, and note on the packets the number of the Ward, the date of counting and description of the contents.

83. Opening of ballot boxes:

- (1) The counting supervisor shall thereafter in the presence of the persons allowed in the counting table, open at the table the used ballot box at the polling station or, if more than one ballot box was used, all such ballot boxes simultaneously, mix their contents, and proceed with the counting of ballot papers found in such box or boxes.
- (2) Before any ballot box is opened at the counting table, the candidates or their agents present shall be allowed to inspect the seal which might have been affixed thereon to satisfy themselves that it is intact.

84. Scrutiny of ballot papers and counting:

- (1) The ballot papers taken out of the ballot box or boxes shall first be arranged in convenient bundles of 50 or 100, and the number of ballot papers found in such box or boxes shall be ascertained. Thereafter, the ballot papers taken out of all such boxes shall be scrutinized by the counting supervisor with the help of the counting assistants.
- (2) The Returning Officer shall reject a ballot paper -
 - (a) if it bears any mark or writing by which the elector can be identified, or
 - (b) if it bears no mark on the front or it bears a mark made otherwise than with the instrument supplied for the purpose; or
 - (c) if there are marks on it in favour of more candidates than one, or
 - (d) if the mark is so placed as to render it doubtful as to which candidate the vote has been given, or
 - (e) if it is a spurious ballot paper, or
 - (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established:

Provided that -

- (i) where the Returning Officer is satisfied that any defect has been caused by any mistake or failure on the part of the Presiding Officer or the polling officer, the ballot paper shall not be rejected on the ground of such defect;
 - (ii) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.
- (3) Before rejecting any ballot paper under sub-rule (2), the Returning Officer shall allow the candidate or his election agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.
 - (4) The Returning Officer shall endorse on every ballot paper which he rejects the letter “**R**” and the grounds for rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial his endorsement; and his decision shall be final.

- (5) All ballot papers rejected under this rule shall be bundled together.
- (6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote:
 Provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted.
- (7) The Returning Officer shall record in Form 23 the number and other details of the ballot papers contained by the ballot box or boxes.

85. Sorting of ballot papers etc: The valid ballot papers shall be sorted candidate wise and counted to ascertain the total number of votes secured by each candidate.

86. Counting of votes to be continuous:

- (1) The Returning Officer shall, as far as practicable, proceed continuously with the counting of votes and shall, during any interval when the counting has to be suspended, keep the ballot papers, packets and other papers relating to the election sealed with his own seal and the seal of such candidate or election agent or counting agent as may desire to affix their seals, and shall cause adequate precautions to be taken for their safety during such interval.
- (2) ***Destruction, loss, etc. of ballot papers/Electronic Voting Machine***
 - (i) ***If at any time before the counting of votes is completed, any ballot papers or Electronic Voting Machine used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Presiding Officer or the Municipal Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such extent that the result of the poll at that polling station or place cannot be ascertained, the Municipal Returning Officer shall forth-with report the matter to the Commission.***
 - (ii) ***There-upon, the Commission shall, after taking all material circumstances into account, either—***
 - (a) ***direct that the counting of votes shall be stopped, declare the poll at that polling station or place to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit, or***
 - (b) ***issue such directions to the Municipal Returning Officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted, provided that the Commission is satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election.***
- (3) ***The provisions of the Act and the Rules and the orders made there-under shall apply to every such fresh poll as they apply to the original poll.***

87. Announcement of votes by the Returning Officer:

- (1) After the completion of the counting the Returning Officer shall record the details in the counting sheet in Form 24/24A and announce the total number of votes secured by each candidate.
- (2) After such announcement has been made, a candidate or his election agent may apply in writing to the Returning Officer for a re-count of the votes either wholly or in part stating the grounds on which he demands such re-count.
- (3) On such an application being made, the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it if it appears to him to be frivolous or unreasonable.
- (4) Every decision of the Returning Officer under sub-rule (3) shall be in writing and contain the reasons therefore.
- (5) If the Returning Officer decides under sub-rule (3) to allow a re-count of the votes either wholly or in part, he shall -
 - (a) do the recounting accordingly;
 - (b) amend the counting sheet in Form 23 to the extent necessary after such re-count; and
 - (c) announce the amendments so made by him.
- (6) After the number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), as the case may be, the Returning Officer shall complete and sign the counting sheet in Form 24/24A and no application for a re-count shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken upon an announcement until the candidates or their election agents have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

88. Declaration of result:

- (1) When all the valid votes polled by each and every candidates, out of the votes contained in the ballot boxes and in the votes given by persons on election duty have been counted the Returning Officer shall forthwith declare to be elected the candidate to whom the largest number of valid votes has been given -
- (2) When an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn by the Returning Officer in the presence of the candidates or their election agents in such manner as he may determine.

- (3) **Report of the results :** *As soon as the result of an election has been declared, the Municipal Returning Officer shall report the result to the appropriate authority and to the State Election Commissioner who shall immediately publish the names of elected Councillors in the Official Gazette.*

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

89. Grant of certificate of election to returned Candidate: As soon as may be after the declaration of election result, the Returning Officer shall grant to each returned candidate a certificate of election in Form 25.

90. Person elected to more than one seat: If a person is elected to more than one seat, then within seven days from the declaration of the election result under sub-rule (1) of rule 87 he shall resign all but one of the seats by writing under his hand addressed to the Commissioner, and the Commissioner shall declare vacant the seat or seats thus vacated.

91. Sealing and Packing:

- (1) The Returning Officer shall make, in respect of each Ward, separate packets of the -
 - (a) valid ballot papers at the counting;
 - (b) rejected ballot papers at the counting;
 - (c) one copy of counting sheet in Form 22 showing the votes secured by the candidates in votes given by persons on election duty;
 - (d) one copy of counting sheet in Form 23 showing the votes contained in the ballot boxes; and
 - (e) one copy of counting sheet of total votes in Form 24/24A.
- (2) Each such packet shall be sealed with the seal of the Returning Officer and the seal or seals of candidates or their election agents who may desire to affix their seals thereon.
- (3) All the packets thus sealed under sub-rule (2) shall be kept in the safe custody of the Returning Officer.

92. Production and inspection of election papers: While in the custody of the Returning Officer-

- (a) the packets of unused ballot papers;
- (b) the packets of used ballot papers whether valid, tendered or rejected;
- (c) the packets of the marked copy of the electoral roll;
- (d) the packets of the declaration by electors and the attestation of their signature; and also
- (e) the sealed packets under Rule 91 shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under order of District Magistrate.

- 93. Disposal of election papers:** Subject to any direction to the contrary given by the District Magistrate the packets and other papers referred to in Rule 92 shall be retained for a period of six months from the date of publication of the result of the election under rule 88 and shall thereafter be destroyed :

Provided that if an election petition is filed in the court of the District Magistrate, the packets and other papers referred to in this rule shall not be destroyed unless the petition is finally disposed of.

CHAPTER IX

Disputes regarding election

94. Election petition:

- (1) No election shall be called in question except by an election petition presented in accordance with the provisions of section 42 of the Act.
- (2) The deposit of rupees two hundred as security referred to in sub-section (1) of section 42 shall be deposited in cash by the petitioner at the time of delivering his petition to the District Magistrate, and the deposit shall be non-refundable.
- (3) A petitioner shall join as respondents to his petition all the contesting candidates at the election.

95. Contents of election petition:

- (1) An election petition shall -
 - (a) contain a concise statement of the material facts on which the petition relies;
 - (b) set forth with sufficient particulars the ground or grounds on which the validity of an election is challenged; and
 - (c) be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Act V of 1908) for the verification of pleadings.
- (2) Any schedule of annexure to the petition shall be signed by the petitioner and verified in the same manner.

96. Grounds for declaring election to be void:

- (1) Subject to the provisions of sub-rule (2) if the District Magistrate is satisfied
 - (a) that on the date of his election the returned candidate was not qualified or was disqualified, to be chosen as a Councillor under these rules; or
 - (b) that any corrupt practice has been committed by the returned candidate or his agent or by any other person with the consent of the returned candidate or his agent; or
 - (c) that any nomination paper has been improperly rejected; or
 - (d) that the result of the election, in so far as it concerns the returned candidate, has been materially effected -

- (i) by improper acceptance of any nomination; or
 - (ii) by any corrupt practice committed in the interest of the returned candidate by a person other than that candidate or his agent or a person acting with the consent of such candidate or agent; or
 - (iii) by the improper acceptance or refusal of any vote or reception of any vote which is void; or
 - (iv) by the non-compliance with the provisions of the Act or these rules or orders made there-under, the District Magistrate shall declare the election of the returned candidate to be void.
- (2) If in the opinion of the District Magistrate the returned candidate has been guilty by an agent, of any corrupt practice, but the District Magistrate is satisfied -
- (a) that no such corrupt practice was committed at the election by the candidate, and every such corrupt practice was committed contrary to the orders, and with out the consent, of the candidate;
 - (b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election; and
 - (c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, then the District Magistrate may decide that the election of the returned candidate is not void.

97. Powers of the District Magistrate in hearing and examination of election petition:

It shall be open to the District Magistrate to -

- (a) direct the petitioner, all or any of the respondents and any other person to appear in person whenever and wherever he considers necessary;
- (b) enforce the attendance of witnesses;
- (c) compel the production and examination of the sealed packets and other papers referred to in rule 92; and
- (d) examine the witnesses on oath.

98. Disposal of election petition:

- (1) It shall be the duty of the District Magistrate to dispose of the election petition in any manner provided by section 43 or section 44, within a period not exceeding one year from the date of the receipt of the petition.
- (2) If, during the course of the examination of the election petition the trying District Magistrate is not able to carry on the work owing to unavoidable circumstances and another officer takes over as the District Magistrate, thereby necessitating further period of time for the disposal of the petition, then the Commissioner may, after taking all material circum-stances into account, grant another period of time for the disposal of the petition.

CHAPTER X

Electoral Offences

99. Prohibition of public meeting on the date of poll:

- (1) No person shall convene, hold or attend any public meeting within any polling area on the date or dates on which a poll is taken for an election in that polling area.
- (2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to rupees two hundred.

100. Maintenance of secrecy of voting:

- (1) 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, and aid in maintaining, the secrecy of the voting and shall not 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 a term which may extend to three months or with fine or with both.

101. Officer, etc., at elections not to act for candidates or to influence voting:

- (1) No person who is a Magistrate or a Presiding Officer or Polling Officer at an election shall in the conduct of 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) to influence the voting of 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 or with both.

102. 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 rupees two hundred and fifty.
- (3) An offence punishable under this rule shall be cognizable.

103. Penalty for disorderly conduct in or near polling stations:

- (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 neighborhood thereof, any apparatus for amplifying or re-producing the human voice, such as a megaphone or a loud speaker; or
 - (b) shout or otherwise act in a disorderly manner 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 willfully 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 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 such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-rule (1), and may seize any apparatus used for such contravention.

104. 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 stations by the Presiding Officer or by any Police Officer on duty or by any person authorized in this behalf by such Presiding Officer.
- (2) The powers conferred by sub-rule (1) shall not be exercised so as to prevent any elector 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-enter 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 or with both.
- (4) An offence punishable under sub-rule (3) shall be cognizable.

105. 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 willfully 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 rupees five hundred 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), he 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.

106. Other offences and penalties therefore :

- (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 Magistrate or the Returning Officer or the Presiding Officer; or
 - (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelope used in connection with voting; or
 - (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or
 - (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or
 - (f) without due 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 willfully aids or abets the doing of any such acts.
- (2) Any person guilty of an electoral offence under this rule shall be punishable with imprisonment which may extend to six months or with fine or with both.
- (3) For the purpose 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 and other documents in connection with such election.
- (4) An offence punishable under sub-rule (2) shall be cognizable.

107. Penalty for corrupt practice: Whoever commits at an election a corrupt practice referred to in section 38 shall be punishable with a fine not exceeding five hundred rupees.

CHAPTER -XI

Miscellaneous provisions

108. Civil court not to have jurisdiction:

- (1) No Civil Court shall have jurisdiction to question the legality of-
 - (a) any action taken by the Returning Officer in the discharge of his duties under these rules; or
 - (b) any action taken by the Presiding Officer and the Polling Officer in the discharge of their duties under these rules; or
 - (c) any decision taken by the District magistrate in the discharge of his duties under these rules.

- (2) ***Protection of action taken in good faith : No suit, prosecution or other legal proceeding shall lie against the Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of these Rules or of any order made thereunder or in respect of the tendering of any opinion by the Commission to the Governor or in respect of the publication by, or under the authority of the Commission, of any such opinion, paper or proceedings.***

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]

109. Removal of difficulties: If any difficulty arises in giving effect to any provision or provisions of these rules, the State Election Commissioner may, in consultation with the State Government as the occasion requires, by order do anything which appears to him to be necessary for the purpose of removing the difficulty.

- (2) ***Application of Central Rules, Statutory Orders etc; Without prejudice to the foregoing provisions of this Rules where no specific provisions are made, the provisions of the Conduct of Elections Rules, 1961, made under the Representation of People Act, 1951, as amended from time to time; and the instructions, clarifications, statutory orders including the provisions contained in the Handbook of Returning Officers, Handbook of Presiding Officers, issued by the Election Commission of India shall mutatis mutandis apply for the cases under the Principal Rules.***

[As amended by the Mizoram Municipalities (Election of Councillors) (Amendment) Rule, 2010]



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NOTIFICATION

No.H.12018/120/2003-LJD, the 5th August, 2015. The following Act is hereby published for general information.

The Mizoram Municipalities (Third Amendment) Act, 2015

(Act No. 9 of 2015)

Zahmingthanga Ralte,
Joint Secretary to the Govt. of Mizoram.

ACT No. 9 OF 2015

THE MIZORAM MUNICIPALITIES (THIRD AMENDMENT) ACT, 2015

AN ACT

further to amend the Mizoram Municipalities Act, 2007

It is enacted by the Legislative Assembly of Mizoram in the Sixty Sixth Year of the Republic of India as follows:

Short Title and commencement

- 1) This Act shall be called 'The Mizoram Municipalities (Third Amendment) Act, 2015.'
- 2) It shall have the like extent as the Principal Act.
- 3) It shall come into force from the date of publication in the Official Gazette.

Amendment of section 2

In Section 2 of the Mizoram Municipalities Act, 2007 (Act No.6 of 2007) (hereinafter referred to as the Principal Act)

- (1) Sub-section (18-A) shall be substituted as follows, namely;
“(18-A) “Deputy Mayor” means Deputy Mayor of a municipal corporation and shall be elected in accordance with section 16 of the Act. The expression

'Vice Chairman' under this Act, with respect to a municipal corporation, shall mean Deputy Mayor of a municipal corporation."

(2) Sub-section (18-A) shall be renumbered as (18- B).

(3) After sub-section (39), a new sub-section (39-A) shall be inserted as follows:
 "(39-A) "Mayor" means the executive head of a municipal corporation. The expression 'Chairman' under this Act, with respect to a municipal corporation, shall mean Mayor of a municipal corporation."

Amendment of
Section 28

After sub-section (3) of section 28 of the Principal Act, a new sub-section (4) shall be inserted as follows, namely;

"(4) Notwithstanding anything contained in this Act, the State Election Commission may prepare the electoral rolls of Municipal Wards without conducting an enumeration by adopting the last published Electoral Rolls of the Local Councils prepared for the purpose of Election to the Local Councils under Rule 16 (2) of the Mizoram Municipalities (Election to Local Councils) Rules, 2015 by adopting the Assembly Rolls which is under the provisions of the Representation of the People Act, 1950 (Act 43 of 1950) as draft roll or mother roll."

Amendment of
Section 29

After clause (b) of sub-section (1) of section 29 of the Principal Act, a new clause (c) and (d) shall be inserted as follows, namely;

"(c) is a citizen of India, who belongs to a Scheduled Tribe;
 (d) notwithstanding anything contained in clause (c) of Sub-Section (1), permanently resident Gorkhas and their direct descendants as notified by the State Government, who are not otherwise disqualified, shall be entitled to be registered in an electoral roll."

Amendment of
Section 52

Sub-section (1) of section 52 of the Principal Act shall be substituted as follows:

"(1) The Board of Councillors shall ordinarily hold a meeting at least once every quarter for the transaction of its business."

Deletion of
Section 66

Section 66 of the Principal Act shall stand deleted.

Amendment of
Section 134

Section 134 of the Principal Act shall be substituted as follows, namely;

"134. Lapse of permission:

A permission given or deemed to have been given in respect of any construction or reconstruction under this Chapter shall have a validity of three years. After the expiry of the said period, the renewal of such permission may be granted as may be prescribed by rules and regulation in this regard."

Amendment of
Section 137

After sub-section (3) of Section 137 of the Principal Act, a new sub-section (4) shall be inserted as follows, namely;

"(4) If such owner or builder fails to comply with the order, a municipality may cause the building to be demolished, or altered so as to bring it into conformity with the Act, regulations, rules, directions or requisition as

aforesaid, or with plans and particulars on which such permission or order was based; and all the expenses incurred for doing so shall be paid by the owner or builder of such building, and shall be recoverable in the manner as an amount payable on account of any fee or tax recoverable under this Act.”

Amendment of
Section 157

In section 157 of the Principal Act, a new section 157A shall be inserted as follows, namely;

- “157A: Prohibition against littering and unhygienic activity in public place
- (1) No person shall litter by way of throwing dirt, garbage, rubbish, filth, etc., in any public places such as roads, roadsides, public squares, parks, playgrounds, public halls etc.
 - (2) No person shall pass urine or defecate in places other than its designated places.
 - (3) No person shall spit in public places.
 - (4) Any person who is found in violation of sub-sections (1), (2) and (3) of this section shall be liable to be punished under section 386 of the Act.”

Amendment of
section 164

Section 164 shall be substituted by the following:

- “ 164: Duty of every person to maintain cleanliness:
- (1) It shall be the civic duty of every person to maintain cleanliness and to live in a decent and respectable way of living with respect to proper collection, removal and disposal of solid waste, sewage, offensive matter, filth or rubbish and making and keeping in proper condition of latrines and urinals which are dealt with in this Chapter, so as to avoid nuisance or discomfort to persons residing in the neighbourhood or to passers-by.
 - (2) Any person who contravenes any of the provisions of section 153, 154, 155, 156, 159 and 163, or fails to comply with the notice served to him under sections 160, 161 or 162 of the Act shall be punishable under section 386 of the Act.
 - (3) Any person who shows gross negligence of the civic duty under sub section (1), or lives irresponsible, immoral, unwholesome or negligent way of living with respect to any matter dealt with in this chapter shall be punishable under this Act.”

Amendment of
section 346

Sub-section (2) of Section 346 of the Principal Act shall be substituted as follows:

“(2) Notwithstanding anything contained in this Act for the purpose of the election to a municipality, the electoral rolls used in the election to the Local Bodies in Mizoram as it existed then in the area shall be used as may be updated and corrected according to the rules governing preparation of Electoral Rolls of the said Local Bodies.”

Amendment of
section 374

Section 374 of the Principal Act shall be substituted as follows, namely;
“374: Penalty for breach of rules or regulations:

- (1) Any rules or regulations made under the Act provide that a contravention thereof shall be punishable -
 - a) with fine which may extend to one lakh rupees;
 - b) with an additional fine in the case of a continuing contravention, which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention; and
 - c) with additional fine which may extend to five hundred rupees for everyday during which the contravention continues after receipt of a notice from the Municipality requiring the offender to discontinue such contravention.

- (2) Any rule or regulation made under the Act may further provide that the offender shall be required to remedy, in so far as such remedy lies in his power, the mischief, if any, caused by the contravention of any rule or bye-law made under the Act.”

Secretary,
Law & Judicial Department,
Govt. of Mizoram.