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THE LAI AUTONOMOUS DISTRICT COUNCIL (CONSTITUTION, CONDUCT OF BUSINESS, ETC.) RULES, 2010

(Published In Updated Contents vide No.C.11018/2/2006-DCA, dt. 30.9.2010 in the Mizoram Gazette - Extra Ordinary Vol - XXXIX, dt. 25.10.2010)

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THE LAI AUTONOMOUS DISTRICT COUNCIL (CONSTITUTION, CONDUCT OF BUSINESS, ETC.) (AMENDMENT) RULES, 2011

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THE LAI AUTONOMOUS DISTRICT COUNCIL (CONSTITUTION, CONDUCT OF BUSINESS, ETC.) (SECOND AMENDMENT) RULES, 2014

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NOTIFICATION

No. C. 11018 / 2 / 2006 - DCA, the 30th September, 2010. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules of the Lai Autonomous District Council, which received approval of the Governor of Mizoram on 20.10.2010 is hereby published for general information, namely,

THE LAI AUTONOMOUS DISTRICT COUNCIL (Constitution, Conduct of Business etc.) Rules, 2010.

P. Chakraborty
Commissioner & Secretary,
Government of Mizoram,
District Council Affairs Department.

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In exercise of the powers conferred by sub- paragraph (7) of Paragraph 2 of the Sixth Schedule to the Constitution of India, read with paragraph 20BB of the said Schedule, the Lai Autonomous District Council (Constitution, Conduct of Business, etc) Rules, 2010 (hereinafter referred to as Principal Rules) namely:-

CHAPTER - I

PRELIMINARY

Short title and Commencement: **1.** (1) These rules shall be called the Lai Autonomous District Council (Constitution, Conduct of Business etc.) (Second Amendment) Rules, 2014.

(2) They shall be deemed to have come into force on and from the 4th day of October, 2010.

Definitions **2.** In these rules, unless the context otherwise requires -

(a) **"Chairman"** means the Chairman of the Lai Autonomous District Council and includes any other member for the time being performing the duties of the Chairman.

(b) **"Chief Executive Member"** means a leader of the house of the District Council elected by majority members of the District Council.

(c) **"Constituency"** means a constituency for the purposes of election to the District Council of Lai Autonomous District and as delimited from time to time.

(d) **"Constitution"** means the Constitution of India.

(e) **"Corrupt practices"** means any of the practices mentioned in rules 205 and 206 of these Rules.

(f) **"Deputy Commissioner"** means the Deputy Commissioner of Lawngtlai District, and includes an Additional Deputy Commissioner of the said District, in the absence of the Deputy Commissioner.

(g) **"District Council"** means the District Council of the Lai Autonomous District, constituted in accordance with the provisions laid down in Paragraph 2 and paragraph 20 B of the Sixth Schedule to the Constitution of India.

(h) **"District Fund"** means the District Fund of the Lai Autonomous District under paragraph 7 of the Sixth Schedule.

(i) **"Election"** for the purposes of these rules means an election to fill a seat or seats in the District Council.

(j) **"Elector"** means a person whose name is for the time being entered in the electoral roll of that Constituency prepared under these Rules.

(j)(i) "Electronic Voting Machine" means electronically operated machine for use in voting.

(k) **"Executive Committee"** means the Executive Committee of the District Council of the Lai Autonomous District, as formed under these Rules.

(l) **"Governor"** means the Governor of Mizoram.

(m) **"Illegal Practices"** means any of the practices defined and specified in rule 207 of these Rules.

(n) **"Lai Autonomous District"** means an area deemed as such under paragraph 2, paragraph 20 and 20 B of the Sixth Schedule to the Constitution of India.

(o) **"Member"** means member of the District Council of Lai Autonomous District.

(p) **"Motion"** means a proposal made by a member for consideration of the District Council relating to any matter which may be discussed by the said Council and includes a proposal for an amendment of a resolution.

(q) **"Official Gazette"** means the Mizoram Gazette.

(r) **"Resolution"** means a motion for the purpose of discussing a matter of general public interest.

(s) **"Scheduled Tribe or Tribes"** means the tribe or tribes as specified by the President of India under Article 342 (I) of the Constitution of India and as modified by law by the Parliament from time to time in so far as the specification pertains to the State of Mizoram.

(t) **"Secretary"** means Secretary to the District Council of the Lai Autonomous District, as appointed under these Rules.

(u) **"Secretary to the Government"** means the Secretary to the Government of Mizoram in the District Council Affairs Department.

(v) **"Session"** means the whole period from the time the District Council assembles on being summoned till the time it is prorogued by the appropriate authority under these Rules.

(w) **"Sixth Schedule"** means the Sixth Schedule to the Constitution of India.

(x) **"State Government"** means the Government of Mizoram.

(y) "State Election Commission" means the State Election Commission of Mizoram as constituted for the State of Mizoram under the provisions of Part - IX and Part-IX'A' of the Constitution.

(y)(i) "District Election Officer" means the District Election Officer under Rule 148B.

y(ii) "Returning Officer" means an officer appointed or designated as such under Rule 149A, who shall be responsible for proper conduct of election in one or more constituencies, and he may be assisted by Assistant Returning Officer.

y(iii) "Electoral Registration Officer" means an officer appointed or designated as such under Rule 148C

in connection with preparation and revision of electoral rolls and he may be assisted by Assistant Electoral Registration Officer.

Interpretation in case of doubt: **3.** (1) Except where the context otherwise requires the General Clauses Act, 1897, as adapted by the State Government shall apply for interpretation of these Rules as they apply for the interpretation of an Act of Parliament or of the Legislature of the State of Mizoram, as the case may be.

(2) Subject to the provision of sub-rule (1), if any question arises as to the interpretation of these Rules, it shall be referred for the decision of the Governor and the decision of the Governor shall be final.

Provisions for removal of difficulties: **4.** If any difficulties arise as to the functioning of the District Council or the holding of any election to the District Council under these Rules, or any other matter connected therewith, the Governor may, by order, do anything not inconsistent with these Ruies or any provisions of the Constitution or any order made thereunder or an Act of Parliament or the Legislature of the State of Mizoram, which appears to him to be necessary for the proper functioning of or for holding of elections to the District Council, as the case may be.

CHAPTER - II

DISTRICT COUNCIL - COMPOSITION - DELIMITATION ETC.

Constitution of the District Council: **5.** (1) Subject to the provisions contained in Paragraph 2 of the Sixth Schedule, there shall be District Council for the Lai Autonomous District comprised of the Tribal area of Lai District specified in part III of the table appended to paragraph 20 of the Sixth Schedule to be known as the District Council of the Lai Autonomous District and shall by the said name only sue and be sued.

(2) The District Council shall continue to be a body corporate and shall have perpetual succession and a common seal.

(3) Subject to the provisions of the Sixth Schedule, the administration of the Lai Autonomous District shall be deemed to have vested in the Lai Autonomous District Council.

Provided that the legislative function dischargeable under the Sixth Schedule shall vest in the District Council itself while the executive functions shall vest in its Executive Committee constituted under

these Rules and the judicial functions in the courts constituted under paragraph 4 of the said Schedule.

Composition of the District Council:

6. (1) The District Council shall consist of such number of members chosen by direct election from territorial constituencies in the Autonomous District and also nominated as specified in sub-paragraph (1) of paragraph 2 of the Sixth Schedule.

(2) The composition of the District Council and the allocation of seats therein as between elected and nominated members shall be such as the Governor may, by notification in the official Gazette, determine from time to time.

(3) The constituencies for election to the District Council shall be territorial while the constituencies, respective extent thereof and the number of seats to be filled from such constituencies shall be such as may be determined by the Governor in the manner hereinafter prescribed.

(4) The members to be nominated by the Governor under these Rules subject to the provisions contained in sub paragraph (1) of paragraph 2 of the Sixth Schedule shall be recommended by the Chief Executive Member from amongst the persons having requisite qualification for being a member of the District Council.

(5) Not less than two of the total number of Nominated Members of the Council shall be women.

Delimitation of constituencies:

7. (1) For the purposes of direct election of members to the District Council as provided in sub-rules (1) and (3) of rule 6 of these Rules, the Lai Autonomous District shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, as far as practicable, be the same throughout Lai Autonomous District.

Explanation :- In this sub-rule, the expression 'population' means the population as ascertained in the last census of which the relevant figures have been published.

(2) Upon the completion of each Census the total number of seats in the District Council to be filled up by direct election and nomination by the Governor, and the division of the Autonomous District into territorial constituencies shall be readjusted by the State Government in the District Council Affairs Department after publishing the draft proposals inviting objection thereto in the leading local newspapers and the official Gazette, to be submitted within a specified time and after due consideration of the same;

Provided that such readjustments shall not effect representation in the District Council until the dissolution of the then existing Council;

Provided further that such readjustment shall take effect from the date as the Governor may, by order, specify and until such readjustment takes effect, an election to the District Council may be held on the basis of the territorial constituencies existing before such readjustment.

(3) Any such delimitation of constituencies for the purposes of general election to the District Council and the adjustment of seats thereto shall be made only on the basis of recommendation of a Delimitation Commission to be constituted with the Deputy Commissioner as Chairman, Secretary to the District Council as Member-Secretary and representatives of the recognized political parties as may be notified by the Governor;

Provided that the Delimitation Commission so constituted shall function in consonance with the terms of the reference as may be made by the Governor.

Duration of the District Council: **8.** (1) The District Council, unless sooner dissolved, shall have its ordinary life of five years from the date appointed for its first meeting after the General Elections to the Council;

Provided that subject to the provisions of sub - paragraph (6 A) of paragraph 2 of the Sixth Schedule, the said period may be extended by the Governor by notification in the Official Gazette for a period not exceeding one year.

(2) The elected members of the District Council shall hold office during the life of the District Council, as provided in sub-paragraph (6A) of paragraph 2 of the Sixth Schedule, and the nominated members shall hold office at the pleasure of the Governor, but not beyond the normal term of the Council to which they have been nominated.

Qualification of Membership: **9.** Subject to the provisions contained in Chapter -III of these Rules,a person shall not be qualified to be elected as a member of the District Council, unless he -

(a) is a citizen of India;
(b) is not less than 25 years of age;
(c) is a member of an indigenous Schedule Tribe and is a permanent resident of Lai Autonomous District by birth or descent: and
(d) is entitled to vote at the election of the Members of District Council of that Autonomous District.

Explanation :- For the purposes of the clause(b)above, a candidate shall not be accepted to he qualified unless he has attained the age specified in the clause (b) above on the date fixed for the scrutiny of the nomination papers.

Vacation of seats: 10.

(1) No person shall be a member of the District Councils of two or more Autonomous Districts simultaneously, and if a person is so elected as a member of two or more District Councils, then at the expiry of twenly- one days from the date of publication in the official Gazette, of the declaration that he has been so elected, or if such publication has been made on different dates, from the latest of such dates, then the person's seat in the District Councils of all such Autonomous Districts shall become vacant, unless he has previously resigned his seat in the District Councils of all but one of the Autonomous Districts of his choice. Such vacancies shall be notified by the Governor in the official Gazette.

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

(3) In the event of any vacancy arising in a constituency under the circumstances contemplated in sub-rule (1) or as a result of death of a sitting member, a bye-election shall be conducted for filling such vacancy or vacancies in the District Council within six months from the date of notification of the vacancy or vacancies of the Official Gazette.

(4) If a member of the District Council resigns his membership by writing under his hand addressed to the Chairman, his seat shall become vacant and a bye-election to fill the vacancy shall be conducted within six months.

(5) If for a period of thirty days a member of the District Council remains absent without the permission of the Chairman from all meetings thereof, his seat may be declared as vacant, provided that in computing the same period of thirty days no account shall be taken of any period during which the District Council is prorogued or remains adjourned for more than three consecutive days.

(6) When a seat becomes vacant under the provisions of sub-rule (3) or (4), the Governor shall, by notification in the official Gazette, declare it to be so vacant, and a bye-election shall be conducted for filling such vacancy or vacancies in the District Council within six months from the date of notification of the vacancy or vacancies in the official Gazette.

CHAPTER - III

DISQUALIFICATION FOR MEMBERSHIP TO THE DISTRICT COUNCIL

Disqualification for Membership:

11. (1) A person shall be disqualified for being chosen as, and for being a member of the District Council -

(a) if he holds an office which is capable of yielding pecuniary gain under the Government of India or the Government of any State or Union Territory specified in the First Schedule of the Constitution of India or under a District Council of any Autonomous District duly constituted under the provisions of the Sixth Schedule to the Constitution;

Provided that a person, for the purposes of this clause, shall not be deemed to hold an office of profit by reason merely of his being a member of the Executive Committee or a Chairman or a Deputy Chairman, or a Member of the District Council;

(b) if and for so long as there subsists a contract entered into by him in course of his trade or business with the District Council for the supply of goods to, or for the execution of any works undertaken by the District Council;

Explanation - For the purposes of this clause, where a contract has been fully performed by the person by whom it has been entered into with the District Council, the contract shall be deemed not to subsist by reason only of the fact that the District Council has not performed its part of the contract either wholly or in part;

(c) if he is of unsound mind and stands so declared by a competent court or authority prescribed under the Mental Health Act, 1987;

(d) if he is an undischarged insolvent;

(e) if he is not a citizen of India , or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;

(f) if he has been convicted of an offence referred to in sub-section (1) of section 8 of the Representation of the People Act, 1951 (43 of 1951), and a period of six years has not elapsed since the date of such conviction and prior to the date of filling of nomination;

(g) if he has been convicted of the contravention of any such law as enumerated in section 8 (2) of the Representation of the People Act, 1951(43 of 1951) and sentenced to imprisonment for not less than six months, and a period of six years has not elapsed since the date of his release after expiry of the term of such sentence;

(h) if he has been found guilty of a corrupt or illegal practice as by an order under rule 205, 206 or 207 of these Rules;

Explanation - The term ' corrupt or illegal practice' in its reference under this clause shall be confined to those corrupt or illegal practices which have been declared by rule 205, 206 or 207 to be an offence or practice entailing disqualification under these Rules;

(i) if he has been convicted of any offence other than those referred to in clauses (f) and (g) above and sentenced to imprisonment for not less than two years, and a period of six years has not elapsed from the date of his release after expiry of the term of such sentence.

(2) Notwithstanding anything in clauses (f), (g) and (i) above, a disqualification under either clause shall not, in case of a person who, on the date of the conviction, is a member of the District Council, take effect until three months have elapsed from that date, or if within that period an appeal or application for revision is preferred from the conviction or the sentence, and an interim stay against such conviction or suspension of such sentence has been obtained by such person from a competent appellate or revisional court, as the case maybe.

(3) A person who having held an office under the Government of India or under the Government of any State or Union Territory, or under any District Council of an Autonomous District, has been dismissed for corruption or for disloyalty to the State or removed for disobedience or violation of any direction issued under rule 225 of these Rules shall be disqualified for a period of five years from the date of such dismissal or removal, as the case may be;

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

Explanation - For the purpose of this sub-rule, a certificate issued by the Secretary to the Government to the effect that a person having held office under the Government of India or under the Government of a State or Union Territory or under a District Council has or has not been dismissed for corruption or disloyalty to the State or has or has not been removed for disobedience or violation of any direction issued under rule 5 of these Rules shall be the conclusive proof of that fact;

(4) A person shall be disqualified if, and for so long as he is a managing agent , manager or Secretary of any Company or Corporation (other than a Co-operative Society) in the Government of India or the Government of a State or Union Territory or a District Council has held not less than twenty five percent of the share.

(5) If the Governor is satisfied that a person having been nominated as a candidate for the District Council or having acted as Election Agent of any person so nominated-

(a) has failed to lodge an account of election expenses within the time and in the manner required by rule 186; or

(b) has no good reason or justification for such failure, then the Governor shall, by an order published in the official Gazette, declare him to be disqualified for a period of three years from the date of the order.

(6) A sitting member of the District Council shall be disqualified if -

(a) he has voluntarily given up the political party which sponsored him as a candidate on the date of his nomination and joined any other political party after his election or his nomination as a member; or

(b) having been elected to the District Council as an independent candidate has later joined any Political Party; or

(c) having been elected as an independent candidate or appointed as a nominated member has once given support to any political party but later withdraws it and supports another political party.

(7) All decision regarding disqualification of members as mentioned in clauses (a), (b) and (c) of sub-rule (6) above shall be made by the Chairman and his decision shall be final and binding on the members and the Political Party concerned.

Removal of Disqualification:

12. (1) The Governor may, for reasons to be recorded, remove any disqualification under this Chapter except under clause (h) of sub-rule (1) and sub-rule (6) of Rule 11.

(2) If any question arises as to whether a member of the District Council has become subject of any of the disqualifications mentioned in rule 11, the question shall be referred through the Secretary to the Government , by the Chairman, and if it relates to the Chairman, then by the Deputy Chairman, for decision, to the Governor whose decision shall be final.

(3) Before giving any decision on any such issue, the Governor may also take advice of the Advocate General of Mizoram.

Penalty for sitting and voting before making oath or affirmation :

13. If a person sits or votes as s member of the District Council before he has complied with the requirements cf sub -rule (1) of rule 36 or when he knows that he is prohibited from so doing by the provisions of any law applicable to such members or by an order of any competent court of law, then he shall be liable, in respect of each day on which he so sits or votes, to a penalty of two hundred fifty rupees to be recovered as a debt due to the District Council, by the Secretary from such person's salaries or entitlements or otherwise, and the penalty so realized shall be credited to the District Fund of the District Council.

CHAPTER - IV

CHAIRMAN ETC, OF THE DISTRICT COUNCIL, OFFICERS, SECRETARIAT ETC.

Chairman and Deputy Chairman:

14. There shall be a Chairman and a Deputy Chairman of the District Council, who shall be elected from amongst the members by the members having voting rights at the time of such election in the manner prescribed in these Rules hereinafter.

Vacation of Offices, resignation or removal of Chairman and Deputy Chairman:

15. A member holding office as Chairman or Deputy Chairman of the District Council

(a) shall vacate his office or shall be deemed to have vacated his office, if he ceases to be a member of the said Council or has been deprived of his voting right even temporarily by an order of a competent court;

Provided that if his voting right is restored back bv a final order of such court, then he shall be deemed to have been re-elected as the Chairman or the Deputy Chairman, as the case may be, of the District Council.

(b) may, at anytime, by writing under his hand addressed, if such member is the Chairman, to the Governor and if such member is the Deputy Chairman, to the Chairman, resign from his office;

Provided that if both the Chairman and the Deputy Chairman wish to resign from their respective post simultaneously, then both shall submit such resignations to the Governor through the Secretary to Government;

Provided further that if any of the authorities mentioned above fails to forward any resignation received by him to the Governor within a week at the maximum, shall be liable to face legal consequences including temporary disqualification for sitting and voting in the Council, as may be decided by the Governor.

(c) may be removed from his office by a motion of the District Council passed by a majority of the members present of the District Council and having voting right;

Provided that a motion for the purpose of clause (c) shall be moved in the manner laid down in rule 85.

Performance of duties of Chairman or Deputy Chairman when their office is vacant:

16. (1) When the office of Chairman is vacant, the duties attached to his office shall be performed by the Deputy Chairman and if the office of the Deputy Chairman is also vacant, then by such member of the District Council, as the Governor may appoint for the purpose.

(2) During the absence of the Chairman from any sitting or session of the District Council or otherwise including temporary incapacitation, the Deputy Chairman or if he is also absent or similarly incapacitated, then such a member as may be determined under sub-rule (3) of this rule shall act as a Chairman.

(3) At the commencement of the session after election of the Chairman and the Deputy Chairman, the Chairman shall nominate from amongst the members to form a panel of not more than two Chairpersons, and one of them in the order their names figure in the panel shall preside over the session in absence of both the Chairman and the Deputy Chairman, during the period the Chairman and the Deputy Chairman remain absent or incapacitated otherwise to preside.

(4) A Chairman as may be nominated under sub-rule (2) or (3) above, when presiding over any session in the Council, have the same powers as the Chairman.

Chairman or Deputy Chairman not to preside in certain cases:

17. (1) At any sitting of the District Council, while any motion for the removal of the Chairman or the Deputy Chairman from his office is under consideration, the Chairman or the Deputy Chairman, as the case may be, shall not, though he is present, preside over the session, and the provision of sub-rule (2) of rule 16 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Chairman or, as the case may be, the Deputy Chairman is absent.

(2) When any such motion for removal of the Chairman or the Deputy Chairman, as the case may be, from his office has been moved and is under consideration before the District Council, the Chairman or the Deputy Chairman against whom the motion is under consideration shall have the right to speak in his defence, or otherwise to take part in that proceeding and shall, notwithstanding anything contained in this rule, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of equality of votes.

Salaries etc. of Chairman, Deputy Chairman, members and Pension of members:

18. There shall be paid to the Chairman, Deputy Chairman and members of the District Council,such salaries, allowances, and pension of members as may be fixed by the District Council by law subject to approval of the Governor.

Secretariat of the District Council:

19. The District Council shall have its separate Secretariat consisting of a Secretary at its head, who shall be appointed by the Chairman and such other officers and staff as may be decided by the Chairman in consultation with the Executive Committee of the District Council;

Provided that while fixing the strength of the Secretariat of the District Council, if any extra or additional financial implication is found unavoidable, then no such decision shall be taken without prior approval of the Governor.

Conditions of service of officers and staff of the District Council Secretariat:

20. Subject to the previous approval of the Governor, the District Council may make rules regulating the conditions of service of officers and staff appointed to the Secretariat of the District Council;

Provided that where such rules have not been made by the District Council, the condition of service of such officers and Staff of the District Council shall

be regulated by orders to be issued by the Governor, and in the absence of such orders, by the relevant rules applicable to officers and staff of the State Government, subject to such restrictions or modifications as the Governor may direct in the case of a particular appointment or class or classes of appointment.

CHAPTER - V

EXECUTIVE COMMITTEE

Formation of Executive Committee:

21. (1) There shall be an Executive Committee of the District Council with a Chief Executive Member at the head, and nine other members of the Executive Committee to exercise the functions hereinafter specified.

(2) The Executive Committee shall be formed by the largest legislature party having an absolute majority of elected members in the District Council.

(3) The Chairman or the Deputy Chairman shall not be eligible to hold office either as Chief Executive Member or as a member of the Executive Committee of the District Council.

(4) Subject to sub- rule (2) and (3), the Chief Executive Member shall be appointed by the Governor, while other members of the Executive Committee shall be appointed by the Governor on the recommendation or recommendations of the Chief Executive Member;

Provided that a Member of the Executive Committee shall hold office at the pleasure of the Governor and may be removed by him on the advice of the Chief Executive Member;

Provided further that the Governor may appoint a new Executive Member to fili up the vacancy subject to the condition that a removed member shall not be re-appointed.

(5) The Governor may, if he considers necessary, cause the District Council to take up, or direct the Chief Executive Member to secure, a vote of confidence in favour of the Executive Committee within thirty days of the formation of the Executive Committee or of appointment of the Chief Executive Member, as the case may be.

(6) There shall be a Secretary to the Executive Committee, who shall be designated as the Executive Secretary

and such other Deputy Secretaries and Under Secretaries as may be determined by the Executive Committee.

Provided that notwithstanding anything contained in these Rules, the Governor may, for the sake of better administration of the Lai Autonomous District and in consultation with the Chief Executive Member, depute any officer of the State, not below the rank of Additional Secretary of the State Government to the District Council as Principal Secretary.

(7) There shall be paid to the Chief Executive Member and the Executive Members of the District Council such salaries, allowances as may be fixed by the rules made by District Council subject to approval of the Governor.

Oath of office: **22.** Before a Member of the Executive Committee enters upon his office, the Deputy Commissioner or in his absence, the Additional Deputy Commissioner, Lawngtlai shall administer to him the oath of office according to the forms set out for the purpose in Appendix- I.

Vacation of Office by member of the Executive Committee: **23.** (1) A member holding office as Chief Executive Member or member of the Executive Committee -

(a) shall vacate his office if he ceases to be a member of the District Council, subject to the proviso to sub rule (2).

(b) may, at any time by writing under his hand, submit his resignation, if such member is the Chief Executive Member, to the Governor through the Chairman who shall forward such resignation within 48 hours from the time of receipt of the same, and if such member is a member of the Executive Committee, to the Chief Executive Member who shall forward with recommendation, if any, such resignation to the Governor within 48 hours. On his resignation being accepted by the Governor, the Chief Executive Member, as the case may be, such Executive Member shall be deemed to have vacated the office as such.

(2) When the Chief Executive Member vacates or resigns his office under sub-rule (1), the other Members of the Executive Committee shall also cease to hold office as such and a new Executive Committee shall be constituted in accordance with provisions of rules 21 and 22;

Provided that until a new Chief Executive Member is elected and the Executive Committee reconstituted, the Governor may, notwithstanding anything contained in these rules, authorize any one member or more than one member of the District Council to carry on the duties of the Executive Committee, or may make such other arrangements, as he may think proper for carrying on the executive functions of the District Council.

Removal of Members of Executive Committee:

24. (1) The Executive Committee shall be collectively responsible to the District Council and may be removed on a vote of no confidence passed by a majority of the Members of the District Council present at a meeting specially convened for the purpose under rule 83.

(2) In case of removal of the Executive Committee the Chairman shall forthwith submit a report to the Governor and cause election of a new Chief Executive Member within 48 hours of removal.

(3) In case of failure of election within 48 hours the Governor shall assume the powers and functions of the Executive Committee.

Staff of Executive Secretariat:

25. (1) Subject to rule 19 of these Rules, the Executive Committee may, from time to time, determine and the number of officers and staff in the Executive Secretariat within its budgetary allocation and appoint such officers and staff by observing codal formalities.

(2) The condition of services of officers and staff of the Executive Secretariat shall be as provided in Rule 20 of these Rules.

Conduct of Executive functions of the District Council :

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

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

Power and functions of the Executive Committee:

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

(2) The specified matters required to be referred to the District Council as mentioned in sub-rule (1) shall be as follows :-

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

(b) Proposals for making regulations, rules or laws as authorized under the provisions of the Schedule.

(c) Cases which may seriously affect, or are likely to affect the Lai Autonomous District or its relations with other District Councils;

(d) Cases affecting the relations with the State Government,

(e) All correspondences of importance with the Government.

(f) All matters falling within the purview of the discretionary powers of the Governor under paragraph 20 BB of the Sixth Schedule when sought to be consulted under that paragraph by the Governor with the District Council.

(g) Appointment of all Gazetted officers.

(h) Any other matter or matters which the Executive Committee may think proper to be placed before the District Council; and

(3) All matters required to be referred to before the District Council shall be sent to the Secretary in writing for placing before the said Council.

Savings:

28. Notwithstanding anything contained in rule 27, if at any time, except when the District Council is in Session, an emergency arises which renders it necessary for the Executive Committee to take action in respect of any matter or matters specified in clause (a) to (f) of sub-rule(2) of rule 27, the Executive Committee may take such action thereon as the emergency appears to it to require, but every such case shall be forthwith reported to the Governor for

ratification, and shall be laid before the District Council at its next session for confirmation of the action taken by the Executive Committee, together with the views or decisions of the Governor for such action as may be decided by the Council.

Transsaction of business of the Executive Committee:

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

(2) One of the members of the Executive Committee will be in-charge of the District Council Fund referred to in these Rules as the member-in-charge of the Financial affairs of the District Council.

(3) The duties and functions of such Member-in-charge will be as follows :-

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

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

(c) He shall prepare the Budget of the District Council and deal with all the matters relating to budget procedure and the forms and the contents of the financial statement;

(d) He shall be responsible for the 'ways and means' position of the District Fund; and

(e) He shall be responsible for proper audit and accounts pertaining to the District Council and follow-up actions on the reports of the Comptroller and Auditor General of India.

CHAPTER - VI

ELECTION OF CHAIRMAN AND DEPUTY CHAIRMAN OF THE DISTRICT COUNCIL

Election of Chairman:

30. (1) When for the constitution of a new District Council, election of the Chairman is necessary, the Governor shall fix a date for the holding of election, and the Secretary shall send to every member notice of the date so fixed;

Provided that owing to any vacancy in the office of the Chairman, the Deputy Chairman shall fix a date for holding election of the Chairman and preside over the meeting. The Secretary shall send to every member notice of the date so fixed;

Provided further that if both Chairman and Deputy Chairman resign simultaneously, the Governor shall appoint a Protem Chairman on the recommendation of the Chief Executive Member or otherwise to conduct the election of the Chairman.

(2) At any time before 3:00Pm on the date preceding the date so fixed, any member may nominate another member for election as Chairman by delivering or causing to be delivered, in the manner hereinafter provided, to the Secretary a nomination paper in such form as at Appendix - IA signed by himself as proposer and by a third member as a seconder.

(3) The nomination paper shall be delivered to the Secretary either by the candidate himself, by the proposer or by the seconder in person.

(4) In the case of a new Council, a Protem Chairman appointed from the members by the Governor shall perform the duties of the office of Chairman pending the election of a Chairman, and shall preside over the first meeting of the District Council constituted under these Rules, who shall read out in the Council names of the members who have been duly nominated for election as Chairman, together with those of the proposers and the seconders, and if only one member has been so nominated, shall declare that member elected as the Chairman. If more than one member have been so nominated, the Council shall proceed to elect a Chairman by ballot, and the candidate obtaining the highest number of votes shall be declared elected. In case of equality of votes, it shall be determined by the Protem Chairman by casting vote;

Provided that a member appointed as Protem Chairman shall not be nominated for the election of Chairman.

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

(6) A nomination paper may be withdrawn by a candidate or his proposer before the Council meets on the date fixed for the election of the Chairman.

(7) Powers of the Protem Chairman or the person presiding over the District Council for the purposes of these Rules shall be same as laid down in sub-rule(4) of rule 16 of these Rules.

(8) Protem Chairman shall before the Deputy Commissioner subscribe an oath or affirmation according to the form set out in Appendix II

Election of Deputy Chairman: 31. (1) When election of a Deputy Chairman is necessary, the Chairman shall fix a date for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

(2) The procedure for the election of Deputy Chairman shall be the same as that for the election of the Chairman as provided for in rule 30 except that the meeting for the election of the Deputy Chairman shall be presided over by the Chairman.

CHAPTER - VII

DISTRICT COUNCIL SESSION CONDUCT AND BUSINESS THEREOF - GENERAL

Summoning of the District Council: 32. (1) The District Council for its first meeting after the General Election shall be summoned by the Governor to meet at such time as he thinks fit, and the Secretary to Government shall notify to the date, hour and place for such meeting of the Council.

(2) For all subsequent meetings, subject to the provisions of sub-rule (4), the Chairman or in his absence the Deputy Chairman, shall summon the District Council to meet at such time as he thinks fit, and the Secretary

shall inform the Deputy Commissioner of the date, hour and place for each such meeting of the Council.

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

(4) The District Council shall be summoned to meet at least three times in a year, and four months shall not elapse between its last sitting in one session and the date appointed for its first sitting in the next session;

Provided that in the event of an emergency, the Chairman, in consultation with the Chief Executive Member being the Leader of the House, may summon the District Council at a shorter notice than what has been provided in sub-rule (3), and prior intimation of every emergency session shall be given to the Governor, through the Secretary to Government, and to the Deputy Commissioner;

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

(5) The Chairman or such other person who performs the duty of Chairman may also prorogue a session of the Council.

(6) Notwithstanding anything contained in this rule, nothing shall restrict the power of the Governor to summon a meeting of the District Council at any time as he may think fit in public interest.

Hours of sitting: **33.** (1) The District Council shall ordinarily sit from 10:30 a.m. to 1:00 p.m. and from 2:00 p.m. to 4:00 p.m. on all week-days except Saturday and Sunday;

Provided that the Chairman may in his discretion, and according to the exigencies of business, adjourn earlier or extend the hour of sitting.

(2) A sitting of the Council shall be deemed to be duly constituted when it is presided over by the Chairman or any other member competent to preside over a sitting of the Council under the provisions of these Rules.

Adjournment of the Council Session:

34. (1) The Chairman shall determine the time when sitting of the Council shall be adjourned sine die.

(2) The Chairman shall have the power to adjourn a sitting of the Council whenever he thinks necessary;

Provided that when the Chairman adjourn the Council Session for a particular time, it shall not exceed a period of one week;

Provided further that the Chairman may, if it appears expedient and on the advice of the Chief Executive Member recall the sitting of the Council before the date or time to which it has been adjourned or at any time after the house has been adjourned sine die.

(3) Notwithstanding any thing contained in these Rules, where the Leader of the House is of the view that an order of adjournment of the District Council Session by the Chairman substantially contravenes the provisions of these Rules and has affected smooth functioning of the District Council in due disposal of its businesses, he shall make a request to the Chairman to reconsider his decision and if the Chairman agrees, he shall recall the sitting of the House on the day suggested by the Leader of the House.

(4) If the Chairman refuses to reconsider his decision, it shall be the duty of the Leader of the House to give notice of a motion with prior approval of the Governor for such motion, that such order of adjournment be inoperative and the House do proceed with the business before it, and such notice shall be considered by the District Council on a date being the date earlier than the date to which the Council had been adjourned, to be specified by the Leader of the House in such notice of motion.

(5) It shall be the duty of the Secretary, on receipt of such notice, to circulate it to members and include such matter in the list of business for the said date, to be circulated to the members.

(6) If such motion is carried, the District Council shall proceed with its business as if the order of adjournment referred to in sub-rule (3) of this rule were not at all made.

Notice to Members and the order in which they would sit:

35. (1) On summoning of a session of District Council under Rule 32, the Secretary shall serve notices to members specifying the place, date and time for the session, at least thirty days before the date of commencement of the Session;

Provided that when a session is called at short notice or emergency, such notice may be served on all members through special messengers;

Provided further that a notice for the emergency session shall be issued at least ten days before the date of commencement of the session.

(2) The members shall sit in such order as the Chairman may determine.

Oath or affirmation of Members: 36. (1) Every member of the District Council as soon as constituted after the General Elections, shall, before the Protem Chairman appointed in that behalf by the Governor subscribe an oath or affirmation according to the form set out for the purpose in the Appendix-III.

(2) A member who has not already made and subscribed an oath or affirmation in pursuance of the sub-rule (1) may do so before the Chairman at the commencement of a sitting of the Council or at any other time of the sitting as the Chairman may direct or on any day after giving previous notice in writing to the members.

(3) No member shall be entitled to take part in any proceeding of the District Council unless he has made and subscribed an oath or affirmation in pursuance of this rule.

(4) There shall be a roll of members of the District Council, which shall be signed in the presence of the Secretary by every member after making and subscribing the oath or affirmation but before taking his seat and shall be the conclusive proof of making and subscribing of the oath of affirmation by a member.

Voting in the District Council: 37. (1) Save as otherwise provided in these Rules, all questions at any sitting of the District Council shall be determined by a majority of votes of the members present.

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

Power of the District Council to act notwithstanding: 38. The District Council shall have power to act notwithstanding any vacancy in the membership thereof, and no proceedings in the Council shall be invalid, notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

Quorum: **39.** (1) The quorum to constitute any meeting of the District Council shall be one-third of the total number of members including the person presiding over the Council;

Provided that in case of a fraction, any figure of decimal five and above shall be treated as a whole number and fractions less than that shall be ignored for the purposes of calculation under this sub-rule.

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

Language of the District Council: **40.** A member may address the House of the District Council session in any language spoken in the area over which the District Council exercises jurisdiction or in any of the recognized languages of the State;

Provided that if any member seeks to address the House in a language not intelligible to the majority of the Members thereof, he shall have to make over in advance to the Secretary a copy of his speech in original as well as its translation in English, which he proposes to deliver.

Explanation :- For the purposes of this Rule, the expression ' recognized languages of the State' shall include the following languages, namely, Mizo, English and Hindi.

Rules to be observed by the members: **41** When the District Council is in Session, a member-

(a) shall not read any book, Newspaper or Letter except in connection with the business of the House.

(b) while desirous of making any mention on any matter before the House, shall rise and speak from the seat and shall address the Chairman.

(c) shall not interrupt any member while speaking by improper expression or noises in any other improper manner.

(d) shall bow to the Chair while taking or leaving his seat.

(e) shall not pass between the chair and any member who is speaking.

(f) shall not leave the House when the Chairman is addressing the House.

(g) shall keep to his usual seat.

(h) shal l maintain silence while the Chairman is addressing the House.

(i) shall not applaud when a visitor enters any of the galleries or the special box.

(j) shall not, while speaking, make any reference to the visitor in any of the galleries.

(k) shall not obstruct proceeding or businesses of the House or interrupt and shall avoid making running commentaries when speeches are being made in the House.

Rules to be observed by Executive Members: **42.** An Executive Member when a matter relating to his portfolio is under discussion in the House, shall not leave the House without prior permission of the Chairman.

Members to speak when called by the Chairman: **43.** (1) When a member rises to speak, his name shall be called by the Chairman.

(2) If more members than one rise at the same time, the member whose name is so called shall be entitled to speak.

Question to be asked through the Chairman: **44.** (1) When for the purposes of explanation during discussion or for any other sufficient reason or reasons, any member has occasion to ask a question of another member on any matter under the consideration of the House, he shall ask the question through the Chairman.

Personal explanation: **45.** A member may, with the permission of the Chairman, make personal explanation, although there is no question before the House, in which case no debatable matter may be brought forward and no debate shall arise.

Irrelevant motion or repetitions: **46.** The Chairman, after having called the attention of the House as well as of the member who persists in irrelevant mention or in tedious repetitions either of his own explanation or of the arguments used by other members in debate, may direct him to discontinue his speech.

Allegations of defamatory or incriminatory nature against any person: **47.** No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Chairman and also to the Executive Member concerned so that the Executive Member may be able to make an inquiry into the matter for the purpose of reply;

Provided that the Chairman may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.

Use of Session Hall:

48. (1) The Session Hall shall not be used for any purpose other than the Session of the Council.

(2) Admission of persons, other than members, to any part of the Session Hall during the sitting of the Council shall be regulated in accordance with orders or permission made by the Chairman or any Officer authorised by him in this behalf;

Provided that the Chairman, whenever he thinks it necessary, may order the visitor's or press gallery to vacate immediately.

Limitations on debate:

49. (1) Subject matters of every member's speech shall be strictly relevant to the subject under discussion before the District Council.

(2) A member while speaking shall not -

(a) reflect upon the conduct of the President of India or any Governor of a State or Administrator of a Union Territory, or any Court of Law in the exercise of its judicial functions;
(b) utter treasonable or seditious words;
(c) use offensive expressions regarding the Parliament or the Legislature of a State or Union Territory;
(d) refer to any matter of fact on which a judicial decision in pending;
(e) make a personal charge against the Chairman or another member;
(f) exercise his right of speech, after due warning from the Chairman for the purpose of willfully and persistently obstructing the business of the District Council.

Proceeding invalid for failure to comply with Rules:

50. No proceedings of the District Council shall be deemed to be, or ever to have been invalid by reason of any rule not being, or not having been, complied with, but in case of any such non-compliance, any member may raise a point of order.

Points of order:

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

(2) The Chairman shall decide all points of order which may arise and his decision shall be final;

Power of Chairman to order withdrawal of members: **52.** (1) The Chairman shall preserve order in the House and have all powers necessary for the purpose of enforcing his decision on all points.

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

(3) The Chairman may, in case of grave disorder arising in the House of the District Council, suspend any sitting for such time as it may be deemed necessary, in consultation with the Leader of the House.

Provided that such suspension should not exceed one week at a time and a report in this regard shall be submitted to the Deputy Commissioner and the Governor.

Allotment of time for official and non-official business: **53.** The Chairman in consultation with the Leader of the House shall allot such number of days as may in his opinion be possibly compatible with the public interest, for private member's business and may allot different days for the disposal of different classes of such business, while on other days no other business than official business shall be transacted;

Provided that the Chairman may, if he thinks so necessary, prescribe time limit for the speeches.

List of Business: **54.** (1) A list of business for each day of the sitting shall be prepared by the Secretary and shall be circulated to all members at least two days in advance of the sitting.

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

Business outstanding at the end of the day: **55.** (1) All business listed for any day and not disposed of on that day shall remain outstanding until the next day of the Session available for such business.

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

Leave of absence: 56.

(1) If a member finds at any time that he is unable to attend the meeting of the District Council for a period of 30 consecutive days computed in the manner provided in sub-rule(5) of rule 10, he shall apply to Chairman for the leave of the District Council for such absence.

(2) Such application shall be disposed of as it was a motion under Chapter-IX of these Rules.

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

(4) If a member is absent from the meeting without permission of the District Council for a period of 30 consecutive days or more, computed in the manner provided in sub- rule(5) of rule 10, the Chairman shall bring that fact to the notice of the District Council. The District Council shall then decide as to whether the seat of the absent member should be declared vacant in the manner provided in sub-rule (2).

(5) If the District Council declares the seat of the member to be vacant, the Secretary shall communicate such declaration to the Governor, the Deputy Commissioner and the member concerned.

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

CHAPTER - VIII

QUESTIONS

Time for questions: 57. The first hour of every meeting shall be available for asking and answering of question.

Notice of questions: 58. A member who wishes to ask a question shall give notice in writing to the Secretary at least fifteen clear days before the meeting of the District Council, at which he desires to put the question and shall, together with the notice, submit a copy of question or questions which he wishes to ask;

Provided that the Chairman may, with the consent of the Chief Executive Member, allow a question to be put at a shorter notice.

Power to disallow questions: 59. The Chairman may, within the period of notice, disallow any question or any part of the question on the ground that it relates to a matter which is not the concern of the District Council, as provided for in the Sixth Schedule to the Constitution, and if he does so, the question or part of the question shall not be placed on the list of questions to be answered or replied.

Supply of list of business/questions to the Deputy Commissioner 60. The Chairman shall cause a list of business and questions to be supplied to the Deputy Commissioner and if the Deputy Commissioner is of opinion that any question or part thereof relates to a matter falling outside the jurisdiction of the District Council, he shall request the Chairman in writing or otherwise, not to allow the question or part thereof to be answered in the Council;

Provided that in the event of any differences of opinion arising between the Deputy Commissioner and the District Council, the Chairman shall refer the matter to the Governor, and until receipt of the orders of the Governor thereon, the Chairman shall not allow the question to be answered in the Council.

Subject matter of questions: 61. (1) Questions may be asked for the purpose of obtaining information on matters of public concern within the special cognizance of the matter to whom it is addressed. No question shall be asked in regard to any of the following subjects, namely -

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

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

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

(3) There shall be two types of questions namely, starred and unstarred questions:

(a) starred question which shall be answered orally by the concerned Member of the Executive Committee. Any of the members may put supplementary questions to a starred question after being called by the Chairman, but such supplementary questions to a particular question should not exceed normally five in number.

(b) un-starred question which shall be answered with the support of printed or typed copies of answers, and shall be laid on the tables half an hour before the Chairman takes his seat.

(c) any member desiring to ask questions specified at (a) and (b) above, has to give separate notice of his questions belonging to starred or un-starred type respectively;

Provided that members shall be permitted to put any supplementary questions on starred questions with prior permission of the Chairman:

Provided further that the Chairman may disallow any supplementary question, if in his opinion, a sufficient or reasonable number of supplementary questions have already been put in respect of the same question.

Form and content of questions:

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

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

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

(c) it shall not contain arguments, inference, ironical expression or defamatory statement;

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

(e) it shall not relate to the character or conduct of any person by name, except by designation in his official or public capacity;

(f) it shall not be excessive in length;

(g) it shall not be a request for action;

(h) it shall be precisely and definitely expressed, and

(i) it shall be asked with the object of eliciting information, pure and simple.

Questions of controversies: **63.** On matters which are or have been the subject of controversy between the State Government and the District Council, no question shall be asked except as to a statement of facts.

Chairman to decide admissibility of questions: **64.** The Chairman shall decide on the admissibility of a question in term of rule 62 and shall disallow any question which, in his opinion is an abuse of the right of questioning or is in contravention of the rules applicable to it.

List of questions: **65.** Questions which have not been disallowed shall be entered in the list of questions for the day and shall be called, if the time made available for the questions permit, in the order in which they stand in the list before any business is entered upon at the meeting.

Matters to which they shall relate: **66.** A question addressed to a member of the Executive Committee shall relate to the public affairs with which he is officially connected or to a matter of administration for which he is responsible.

Question of absent members: **67.** The Chairman may, in his discretion, allow the questions of an absent member to be put by another member duly authorised to do so in writing. In all such cases, previous intimation of such authorization shall be given to the Chairman.

Members of the Executive Committee to ask for notice for supplementary question: **68.** When a supplementary question is asked at any meeting of the Council and if Member-in charge asks for notice, the member who puts the question shall, if he desires to have an answer during the session, supply the copy of the question to the Secretary. If the question is not disallowed by the Chairman, it will be immediately forwarded to the Executive Member concerned with the request that it may be answered as soon as possible within the session. If, nevertheless, the question is not answered during the session in which it is listed, it will lapse under rule 55.

CHAPTER - IX

MOTIONS

Motions: **69.** (1) A matter requiring the decision of the District Council shall be brought forward by means of a motion proposed by a member.

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

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

Discussion on a matter of public interest by motions: **70.** Save as provided by these Rules, a motion on a matter of general interest can be discussed only with the consent of the Chairman.

Notice of Motions: **71.** Notice of a motion shall be given writing addressed to the Secretary;

Provided that no member shall, except with the permission of the Chairman, be permitted to send notice of more than four motions during one session of the Council;

Provided further that if the number of motions admitted by the Chairman is more than one, the relative precedence of motions, notices of which have been given by members, shall be determined by ballot in such manner as the Chairman may direct.

Conditions of admissibility of motions: **72.** In order that such a motion may be admissible, it shall satisfy the conditions as are applicable to a question under rule 59 of these Rules.

Decision as to admissibility of motions. **73.** (1) The Chairman shall decide on the admissibility of a motion and shall disallow any motion, if, in his opinion, it is not in conformity with provisions of the rules regarding the admissibility of motions.

(2) Any motion tabled by a member to discuss a statement or report made by any member of the Executive Committee may also be the subject-matter of the discussion.

Identical motions: **74.** (1) A motion shall not raise a question substantially identical with one on which the Council has given a decision in the same session. The Chairman's decision on the point whether the question is substantially identical with the previous one shall be final.

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

Order of speeches: **75.** After the member who moved has spoken, the Chairman shall read out the motion to the Council after which other members including the Members of the Executive Committee may speak on the motion in such order as the Chairman may direct.

Rules as to amendments: **76.** (1) An amendment shall be relevant to and within the scope of the motion to which it is proposed.

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

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

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

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

Order of amendments: **77.** (1) When an amendment to any motion is moved, or when two or more such amendments are moved, the Chairman shall before taking the sense of the House thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposed.

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

Divisions of the motions: **78.** When any motion involving several points has been discussed, it shall be in the discretion of the Chairman to divide the motion and put each or any point separately to the vote as he may think fit.

Withdrawal of motions: **79.** (1) A member who has moved an original motion or an amendment may withdraw the same and thereafter there shall be no further discussion on it.

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

Procedure where motions debated and not withdrawn: **80.** If a motion is debated and not withdrawn, the Chairman shall again read the motion when taking the sense of the Council upon it.

Closure: **81.** At any stage in the debate upon any motion any member may request the Chairman to close the debate and put the motion to the vote of the Council. When such a request has been made if the Chairman is satisfied-

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

(b) that the request is in accordance with the wish of two thirds of the members present, he may close the debate and put the motion to the vote.

Provided that notwithstanding anything contained in rule 69(2), it shall not be necessary to record the names of the members who support or oppose a request made under this rule.

Time-limit for speeches: **82.** The Chairman may, if he thinks fit, prescribe a time limit for speeches.

Motion of no-confidence in the Executive Committee: **83.** (1) A motion expressing want of confidence in the Executive Committee or a motion disapproving the policy of the Executive Committee in regard to any particular matter may be made with the consent of the Chairman and subject to the restriction that the member making motion shall present to the Secretary a written notice of the motion before the commencement of the sitting of the day.

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

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

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

Motion for raising discussion on matters before tribunals, commission etc.:

84. No motion which seeks to raise discussion on a matter pending before any statutory tribunal or authority performing any judicial or quasi-judicial functions or any Commission or court of inquiry appointed to enquire into or investigate any matter shall ordinarily be permitted to be moved.

Motion for removal of Chairman or Deputy Chairman:

85. (1) A motion for removal of the Chairman or the Deputy Chairman from office may be made subject to the restriction that the member making the motion shall present to the Secretary a written notice of the motion before the commencement of the sitting of the day;

Provided that if the motion is moved for removal of the Chairman, then the Deputy Chairman or in his absence the member in the serial No.I of the panel, shall preside over the meeting, and in no circumstances the Chairman shall preside over such meeting.

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

(3) If the leave is granted for the motion to be moved, it shall be disposed of in accordance with the procedure laid down for the removal of the Executive Committee under sub-rule (2) of rule 83 of these Rules.

Special motions to get precedence over other motions:

86. (1) Subject to the conditions laid down in the rule 34, whenever any report or any matter of urgent public importance and of recent occurrence is brought before the House, any member can move a motion for the discussion of that matter and such motion precedence over other motions.

(2) The Chairman shall fix the time and date for discussion of such motion.

CHAPTER - X

LEGISLATION

Rules to be made by District Council: 87. All Rules which may be made by the District Council under sub-paragraph (7) of paragraph 2 of the Sixth Schedule with regard to matter specified in sub-paragraph (6) of that paragraph and also Rules with regard to other matters which are under the rare making powers of the District Council shall be drafted by the Executive Committee of the District Council and shall be placed by the Chief Executive Member or any member concerned of the Executive Committee before the District Council for consideration and confirmation, and the District Council in session shall have the power to amend, reconsider or replace them, either in the Council or with the help of a Select Committee appointed by the Council.

Rules to be signed by the Chairman: 88. All Rules thus made and confirmed by the District Council shall be authenticated and signed by the Chairman of the Council. A copy of such Rules shall be submitted to the Governor for information through the Secretary to Government and also a copy thereof shall be sent to the Chief Executive Member and the Deputy Commissioner.

Rules made by the District Council with approval of the Governor: 89. All Rules which may be made by the District Council with the approval of the Governor shall be drafted by the Executive Committee, and after being passed by the District Council with or without amendment, shall be submitted to the Governor for his approval. If the Governor cannot approve the rules, he may return it to the District Council for reconsideration under succeeding provision of Rule 111.

Publication of Rules: 90. All Rules made by the District Council and the Rules made otherwise with the approval of the Governor in the cases requiring such approval under any of the provisions of the Sixth Schedule, shall be published in the Gazette by the Secretary to Government, and on such publication only, the same shall come into force.

Introduction of Bills: 91. (1) All proposals to make laws specified in paragraph 3 of the Sixth Scheduled and regulations, and to amend such laws shall be introduced in the District Council in the form of Bills.

(2) Bills shall be introduced, on behalf of the Executive Committee, by any member of the Executive Committee and such Bills shall hereinafter be referred

to as 'Official Bills' and Bill introduced by any other member of the District Council shall hereinafter be referred to as ' Private Member's Bills.

(3) Any member of the Executive Committee, subject to the provisions of rule 92, shall cause every official Bill with the statement of objects and reasons to be published in such manner as he may deem appropriate, within a period of not less than thirty days before the commencement of the session of the District Council in which the Bill is to be introduced;

Provided that the period of thirty days may be waived by the order of the Chairman of the District Council, if he is satisfied that there is an urgency for doing so.

(4) When a Bill has thus been published, it shall not be necessary to move for leave to introduce the Bill, and if the Bill is afterwards introduced, it shall not be necessary to publish it again.

(5) No Bill in respect of any matter which requires previous approval of the Governor under any of the provisions of the Sixth Schedule shall be introduced in the District Council without prior approval of the Governor.

(6) No Bill in respect of any other matter may be introduced in the District Council without such prior approval;

Provided that copies of all such Bills, whether official or private members, shall be sent to the Governor and the Deputy Commissioner sufficiently in advance;

Provided further that the Governor shall have the powers to direct the District Council not to introduce any Bill as may appear to him to adversely affect the harmonious relationship between the State and the District Council and to adversely affect the public interest, peace and tranquility.

(7) If it is found that any Bill refers to matters falling outside the jurisdiction of the District Council, the Governor may direct that the Bill shall not be introduced in the District Council and the decision of the Governor in this matter, as under the second proviso to sub-rule (6), shall be final.

(8) On receipt of the order of the Governor that a bill shall not be introduced in the District Council, the Chairman of the District Council shall not allow the Bill to be introduced.

Notice of motion for leave to introduce Bill: **92.** (1) No private Member's Bill shall eintroduced in the District Council unless the leave of the District Council has been sought for and granted for the introduction of the Bill in the manner hereinafter laid down.

(2) Any member other than a Member of the Executive Committee desiring to move for leave to introduce a Bill shall give notice of his intention and shall, together with the notice, submit a copy of the Bill and full Statement of Objects and Reasons to the Secretary.

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

Notice of Private Member's Bill copy to Executive Committee: **93.** Whenever a member other than a Member of the Executive Committee gives notice of his intention to move for leave to introduce Bill, the Secretary shall forthwith send a copy of the Bill and Statement of objects and reasons to the Member of the Executive Committee, to whose Department or business the Bill relates.

Publication of Bill: **94.** As soon as may be, after a Bill has been introduced, the Bill, unless it has already been published, shall be published in such a manner as it may be deemed appropriate by the Chairman.

Motion for leave to introduce a Bill: **95.** (1) As soon as may be after the notice of a motion under sub-rule (2) of rule 92 has been received, the Chairman shall fix a date for the consideration of the motion by the District Council.

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

(3) If a motion for leave to introduce a Bill is opposed, the Chairman after permitting, if thinks fit, a brief explanatory statement from the member who moved and from the member who has opposed the motion, may, without further debate, put the question thereon.

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

Motion after introduction: **96.** At the time when a Bi!i is introduced or on some subsequent occasion, the Member in charge may

make one of the following motions in regard to the Bill, namely -

(a) that it be taken into consideration by the Council either at once or at some further day to be then mentioned ; or
(b) that it be referred to a Select Committee or
(c) that it be circulated for the purpose of eliciting opinion thereon;

Provided that if a member gives notice of a particular motion specified in clauses (a) and (c), he shall not be permitted to move a different motion.

Persons by whom motion be made:

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

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

Discussion of Bills first reading:

98. (1) On the day on which any such motion is made, or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provision may be discussed and the details of the Bill must not be discussed further than is necessary to explain its principle.

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

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

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

(3) Where a motion that a Bill be circulated for the

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

Composition of a Select Committee:

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

(2) Other Members of the Select Committee shall be appointed by the Chairman of the District Council.

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

(4) The Secretary shall be Secretary of the Select Committee.

Procedure for the Select Committee:

100. (1) In the case of an equality of votes, the fact of such equality shall be recorded in the proceeding.

(2) A Select Committee may hear expert advice and representatives of special interests affected by the measure before them.

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

(4) A quorum to constitute a meeting of the Committee shall be fixed by the Chairman, while constituting such Committee.

(5) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of members fixed by the Chairman is not formed, the Chairman of the Select Committee shall either suspend the meeting until the quorum is formed or adjourned to some future day.

(6) Where the Select Committee has been adjourned in pursuance of sub-rule (5) on two successive dates fixed for the meeting, the Chairman of the Select Committee shall report the fact to the Council through the Chairman.

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

Reports by the Select Committee: **101.** (1) After the publication of a Bill in the manner herein before laid down, the Select Committee to which the Bill has been referred shall make a report thereon to the Chairman of the District Council.

(2) Reports may be either preliminary or final.

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

(4) It shall be stated in the report whether the Select Committee were unanimous or otherwise in their recommendations, and the whole report shall be signed by all the members of the Select Committee;

Provided that any member present in the meeting and signing the report desires to record a note of dissent, he may state so against his signature and such a note of dissent shall be attached to the report if furnished within the time as may be fixed by the Chairman of the Select Committee, which time shall not be less than seven days after signing of the report.

Publication of report: **102.** The Secretary, on receipt from the Select Committee, of a complete report (including notes or minutes of dissent, if any) duly signed by the members of the Committee, with the Bill as amended shall cause the report and the amended Bill to be made available for the use of each members of the Council. The report with the amended Bill, shall be published in such manner as the Chairman may deem appropriate.

Presentation of report: **103.** (1) Report of the Select Committee on a Bill shall be presented to the District Council by the Member -in - charge of the Bill.

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

Procedure on report after presentation: **104.** (1) After the representation of the final report of the Select Committee on a Bill, the Member-in-charge may move-

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

(ii) that the Bill be recommitted either

(a) without limitation, or
(b) with respect to particular clauses or amendment only;
(c) with instruction to the Select Committee to make some particular or additional provisions in the Bill.

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

Proposals of amendment: **105.** After a motion has been agreed to by the District Council that a Bill be taken into consideration, any member may propose an amendment of the Bill.

Notice of amendment: **106.** (1) If a notice of a proposed amendment has not been sent to the Secretary three clear days before the meeting of the District Council, at which the Bill is to be considered, any member may object to the motion of the amendment, and such objection shall prevail, unless the Chairman, in his discretion, allows the amendment to be moved.

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

Order of amendments **107.** An amendment shall ordinarily be considered in the order of the clauses to which they respectively relate.

Second reading:

Submission of Bill Clause by clause: **108.** Notwithstanding anything in the foregoing rules, it shall be in the discretion of the Chairman, when a motion that a Bill be taken into consideration has been carried, to submit the Bill or any part of the Bill to the Council clause by clause. When this procedure is adopted, the Chairman shall call each clause separately and

when the amendment relating to it have been dealt with, shall put and mention that "that clause or, as the case may be, that clause as amended stands part of the Bill"

Passing of Bills Third reading: **109.** (1) If no amendment be made when a motion that Bill be taken into consideration has been agreed by the District Council, the Bill may at once be passed.

(2) If any amendment be made, any member may object to the passing of the Bill at the same meeting, and such objection shall prevail, unless the Chairman in his discretion, allows the Bill to be passed.

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

Formal revision of Bill and submission to Chairman for authentication and to the Governor for assent: **110.** (1) When a Bill has been passed, the Secretary shall, if necessary, renumber the clauses, revise and complete the marginal notes thereof and make such purely formal consequential amendments therein as may be required and a copy of the Bill shall be submitted to the Chairman and shall be signed by him.

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

(i) The Governor through the Secretary to Government for his approval or assent, as the case may be. where it is so required under any provisions of the Sixth Schedule ; or

(ii) the Governor through the Secretary to Government for information, if the Bill does not require the approval of the Governor, being not so specified in any of the provisions of the Schedule;

(iii) the Chief Executive Member for information.

(iv) the Deputy Commissioner.

Reconsideration of Bills returned by the Governor: **111.** When a Bill which has been passed by the District Council and submitted to the Governor under rule 110 (2) (i) is returned by the Governor with a message to the District Council for reconsideration, the point or points referred for reconsideration or the amendments recommended shall be put up to the Council by the Chairman, and shall be discussed and voted upon in the same manner as amendments to a Bill and it shall be presented to the Governor through

the Secretary to Government for his approval or assent, as the case may be.

Effect of Laws made by the District Council: **112.** When a Bill has been passed by the District Council, a copy thereof shall be signed by the Chairman and after having been assented to or approved by the Governor, wherever required under any provisions of the Sixth Schedule to Constitution of India, it shall be published by the Secretary to Government in the Official Gazette and on such publication shall have the force of law as provided for in paragraph 11 of the Sixth Schedule.

CHAPTER - XI

RESOLUTIONS

Notice of resolutions: **113.** (1) A member who wishes to move a resolution shall give fifteen days notice before the opening day of the Council Session, of his intention, and shall, together with the notice, submit a copy of the resolution which he wishes to move; Provided that the Chairman, with the consent of the Chief Executive Member, may allow a resolution to be entered on the list of the business at a shorter notice than fifteen days.

(2) Immediately on receipt of the notice of a resolution under sub-rule (1), the Chairman shall cause to send a copy of the resolution to the members.

Power to disallow Resolutions: **114.** (1) The Chairman shall have the power to disallow any resolution on the ground that it relates to matters falling outside the jurisdiction of the District council.

(2) When a resolution is so disallowed, the Secretary shall intimate the fact to the member concerned.

(3) When a resolution or part of a resolution is so disallowed, such resolution or part of such resolution shall not be placed on the list of business.

Restriction on the subject for discussion: **115.** (1) Every resolution shall be in the form of a declaration of opinion by the District Council indicating, whenever necessary, a line of action to be taken by the Council.

(2) No resolution shall be moved on any matter falling outside the jurisdiction of the District Council and on any of the followings, namely:-

(a) any matter which is under adjudication by court of law having jurisdiction in any part of the Union of India.

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

(3) Subject to the provision of rules 110 and 111 and 114, the decision of the Chairman on the point whether any resolution is or is not within the restriction imposed by sub-rule (2) shall be final.

Forms and contents of Resolution:

116. Subject to the restrictions imposed by these rules, any member may move a resolution relating to a matter of general public interest.

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

(a) it shall be clearly and precisely expressed and shall raise a definite issue, and

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

Moving of resolutions or otherwise:

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

(a) decline to move the resolution, in which case he shall confine himself to a mere statement to that effect, or

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

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

Provided that on the authorization in writing of such absent member and with the permission of the Chairman, any other member may move his resolution.

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

Limits of discussion: **118.** Discussion on a resolution shall be strictly limited to the subject of the resolution.

Amendment of resolution: **119.** After a resolution has been moved, any member may move an amendment to such resolution if the Chairman in his discretion allows such amendment to be moved.

Notice of Amendment: **120.** If a copy of such amendment has not been sent to the Secretary two clear days before the day fixed for the discussion on the resolution, any member may raise objection to the moving of the amendment, and such objection shall prevail, unless the chairman in his discretion, allows the amendment to be moved.

Withdrawal of resolution: **121.** (1) A member who has moved a resolution or amendment to a resolution shall not withdraw the same except with the leave of the Council.

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

Resolution not discussed: **122.** A resolution, of which notice has been given by a member and which has been admitted, if it not discussed during the session, shall, subject to the provisions of rule 79 be deemed to have been withdrawn.

Copy of resolution to be forwarded: **123.** A copy of every resolution which has been passed by the District Council shall be forwarded to the Governor through the Secretary to Government.

Resolution on a matter of general public interest: **124.** Save in so far as is otherwise provided by these Rules, no discussion on a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions, except with the consent of the Chairman and of the Member of the Executive Committee in-charge of the subject matter of the resolution.

CHAPTER - XII

FINANCIAL PROCEDURE

District Council Budget:

125. (1) The statement of the estimated receipt and expenditure pertaining to the Lai Autonomous District, which are to be credited to or is to be made from the Consolidated Fund of the State of Mizoram in respect of every financial year shall, as required under paragraph 13 of the Sixth Schedule, be placed before the District Council for discussion on such day in the preceding financial year as may be appointed by the Chairman or such other person authorized by the Governor in this behalf. Immediately after the District Council has discussed the District Council Budget, the Chairman or the person authorized shall send a copy of the budget to the Governor so as to enable him to finalize the District Council Budget and to take steps to show it separately in the Annual Financial Statement of the State to be laid before the legislature of the State under Article 202 of the Constitution of India.

(2) The provisions of rule 32 shall apply as regards the summoning of the District Council for the purpose envisaged in sub-rule (1).

Annual Financial Statement:

126. (1) The Chief Executive Member or the Executive Member-in-charge of financial affairs shall in respect of every financial year cause to be laid before the District Council a statement of the estimated receipts and expenditure for that year which are to be credited to, or is to be made from the District Fund of the Lai Autonomous District (hereinafter referred to as the "District Council Budget").

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

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

Authentication of schedule of authorized expenditure:

127. (1) The Chief Executive Member or the Executive member-in-charge of financial affairs shall authenticate by his signature a schedule specifying the grants made by the District Council under the preceding rule.

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

(3) Subject to the provisions of the succeeding rule, no expenditure from the District Fund shall be made unless it is specified in the Schedule so authenticated.

Supplementary Statement of expenditure:

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

Presentation of Budget:

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

(2) The Budget should conform to the system of classification generally followed by the State Government or as may be advised by the Accountant General from time to time.

(3) No discussion on the District Council Budget shall take place on such day not less than three days from the date on which it is presented.

Demands for grants:

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

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

(3) Subject to the provisions of these rules, the District Council Budget shall be prepared and presented with necessary adaptations under the heads, sub-heads etc. as contained in the District Fund Rules.

Discussion on District Council Budget:

131. The District Council Budget shall be dealt with by the District Council in two stages, namely --

(a) A general discussion, and
(b) the voting of demands for grant.

General discussion on Budget:

132. (1) On the day or days to be appointed by the Chairman subsequent to the day on which the Budget is presented and for such time as the Chairman may allot for the purpose, the District Council shall be at liberty to discuss the budget as a whole or any question of principle involved therein, but the budget shall not be submitted to the vote of the District Council.

(2) The Executive Member-in-charge of financial affairs shall have the general right of reply at the end of the discussion.

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

Voting on Demands:

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

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

(3) On the last day of the days so allotted, the Chairman shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants and the consideration thereof shall not be anticipated by any motion for adjournment or be interrupted in any manner whatsoever nor shall any dilatory motion be moved in regard thereto.

Vote on account, vote of credit and exceptional grants:

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

(a) any grant for meeting unexpected demand upon the resources of the Lai Autonomous District when on account of the magnitude of the

indefinite character of the service, the demand cannot be stated with details ordinarily given in the District Council Budget;

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

(c) any grant in advance in respect of the estimated expenditure for any part not exceeding four months of any financial year.

(2) Such demand shall be dealt with by the District Council in the same way as if they were demands for grants and the provisions of rules 126, 129-132 shall, mutatis mutandis, apply.

(3) The Executive Member-in-charge of financial affairs shall first within the same financial year cause to be laid before the District Council a statement of expenditure incurred out of a grant or grants made under sub-rule (1), and the approval of the Council shall then be obtained thereon.

Motion at this stage:

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

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

(3) When tabling a motion for reduction, if it be for reduction or omission of the amount of an item, a member shall give full details of the reduction or omission proposed by him with reference to original provision in the District Council Budget.

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

(5) In case any such motion or motions are carried by the Council, the Financial Statement shall be accordingly modified and finalized for the purpose of rule 127.

Notice of Motions: **136.** Notice of motion to refuse or reduce any demand shall be given to the Secretary one day before the day on which the demand is to be taken up for consideration.

Statement of supplementary or additional grants: **137.** (1) The Chairman, in consultation with the Chief Executive Member from time to time, shall allot a day or days for the presentation of supplementary statement of expenditure and for discussion and voting on the demand thereof.

(2) A demand may be presented to the District Council for an additional or supplementary grant in respect of any demand for grant to which the District Council has previously refused its assent, or in respect of the amount the District Council has previously reduced.

(3) The consideration of the business stated in the foregoing sub-rules shall not, on the day or days allotted therefore, be anticipated by any motion for adjournment or be interrupted in any manner whatsoever, nor shall any dilatory motion be moved in regard thereof.

Limitations: **138.** The District Council Budget shall not in principle exceed the total amount available by way of grant-in-aids from the State Government, and by way of Special Grant, if any, from the Central Government under a special scheme, or otherwise, and also the revenue earnings anticipated or projected during the financial year under reference.

CHAPTER - XIII

CONDUCT OF BUSINESS - MISCELLANEOUS

Proceedings of the District Council:

139. (1) The Secretary shall cause a full report of the District Council at each of its meetings, to be prepared as soon as possible after such meeting. He shall send a copy of such report signed by the Chairman to-

(a) the Governor through the Secretary to the Government,
(b) Chief Executive Member,
(c) Deputy Commissioner and
(d) All members of the District Council.

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

Other duties of the Secretary:

140. In addition to the duties specially entrusted by these Rules, it shall generally be the duty of the Secretary-

(a) to take charge of all records of the District Council,
(b) to keep the books of the District Council,
(c) to keep a list of business for the time being before the District Council,
(d) to make out from time to time a list of all Committee-sittings,
(e) to assist the District Council and all Committees in such manner as they may direct.

District Council Committee and Powers of the Chairman:

141. (1) The Chairman may at any time, nominate a Committee of Privileges and the Business Advisory Committee. The Chairman shall be the Chairman of the Committees and the Secretary shall be the Ex-officio Secretary of the Committee.

(2) The size of such Committees and their powers and functions shall be as determined by the Chairman.

(3) The Chairman shall have the powers to regulate the conduct of business in the District Council in all matters not provided for in these Rules.

CHAPTER - XIV

ELECTION-GENERAL PROVISIONS

Holding of General Elections: **142.** (1) A general election shall be held under these Rules for the constitution of the District Council of Lai Autonomous District on the expiration of the duration of the existing District Council or on its dissolution, as the case may be.

(2) The Governor shall, by notification in the official Gazette, call upon every constituency to elect a member in accordance with these Rules within such time as may be specified in such notification;

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

(3) State Election Commission :

a) The State Election Commission duly constituted by the State Government, consisting of a State Election Commissioner appointed by the Governor under the provisions of Part-IX and Part-IX A of the Constitution shall be vested with superintendence, direction and control of the preparation, revision and correction of electoral rolls and the conduct of elections under these rules.

b) The State Election Commission shall co-ordinate and supervise the works of the District Election Officer in due discharge of his functions and duties under these rules.

(4) The superintendence, direction and control of the preparation of electoral rolls, for and the conduct of elections to the District Councils shall vest in the State Election Commission.

Publication of results of the General Elections: **143.** As soon as may be after the expiry of the time fixed for the election of members at any general election the names of the members elected from various constituencies at such election shall be notified in the official Gazette.

Casual vacancies: **144.** (1) When the seat of an elected member of the District Council becomes vacant, the ***Governor shall in consultation with the State Election Commission*** , by notification in the official Gazette call upon each

Constituency to elect a person to fill the vacancy within six months and these Rules shall apply to the procedure for the election of a member to fill such a vacancy.

(2) If a vacancy occurs in the case of a nominated member, the Governor shall subject to the provisions contained in Rule 6(4) of these Rules, appoint a person having the necessary qualification under these Rules.

Effect of Disqualification:

145. If any person having been elected or nominated is found to have been subject, at the time of thiselection or nomination, to any of the disqualifications prescribed in Rule 11 or lacking in the qualifications prescribed in Rule 9, the ***Governor may in consultation with the State Election Commission***, if such disqualification has not been removed, declare, by notification in the official Gazette, such member's seat to be vacant.

CHAPTER - XV

ELECTION-ELECTORAL ROLLS etc.

Qualification for electors:

146. (1) Every person who is-

(a) a citizen of India belonging to any Scheduled Tribe,
(b) an ordinarily resident in any constituency within the Lai Autonomous District,
(c) not below the age of 18 years on the qualifying date,
(d) not of unsound mind and does not stand so declared by any competent court, and
(e) for the time being, not disqualified from voting under the provisions of any law relating to corrupt or illegal practice or other offences in connection with election, shall be entitled to vote at any election to the District Council of the Lai Autonomous District.

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

(3) No person shall be entitled to be registered in the electoral roll for more than one constituency or for any constituency more than once.

(4) For the purpose of this rule, "the qualifying date," as used in sub-rule(I) and in relation to the preparation of every electoral roll under this Chapter, means the first day of January of the year it is so prepared or revised.

Electoral roll for every Constituency: **147.**

(1) There shall be an electoral roll for every Constituency for election to the District Council prepared in accordance with the Rules hereinafter provided -

(a) The electoral roll of constituency of the Mizoram Legislative Assembly prepared in accordance with the provisions of Section 23 of the Representation of the People Act, 1950 (No.43 of 1950) in as much as it relates to the areas comprised within the constituencies of the District Council shall be electoral roll for the purposes of the general elections to the District Council.

(b) There shall be conducted a summary revision of the electoral rolls for deletion, or correction of names in the electoral roll of the District Council preceding any election to the Council - constituencies/constituency by such time-frame as may be decided and notified by the ***State Election Commission***;

Provided that the entire process of revision of electoral rolls should be completed on or before the date fixed for filing of nomination-papers for the general elections to the District Council.

Appointment of Election Observers, District Election Officer, Electoral Registration Officer, etc.: **148 A**

<u>148 A – Election Observers</u>:

1) The State Election Commission may appoint adequate number of officials of the State or Central Government as Observers for observing the elections to the Lai Autonomous District Council.

2) The Observer appointed under sub-rule (1) shall assist the State Election Commission to ensure free and fair election and shall discharge such other functions as may be entrusted by the Commission.

Appointment of District Election Officer **148 B**

<u>148 B – District Election Officer</u> :

1) The State Election Commission shall appoint the concerned Deputy Commissioner as District Election Officer for the preparation of Electoral Rolls and the conduct of elections under these rules.

2) The State Election Commission may also appoint officers in the office of Deputy Commissioner concerned or such other Officer of the State Government, as may be necessary, as Assistant

District Election Officer to assist the District Election Officer and perform all such duties under his direction.

3) *The District Election Officer shall also perform such other functions and duties as may be directed by the State Election Commission from time to time.*

4) *The District Election Officer, Electoral Registration Officers etc, referred to in this part, and any other officers or staff employed in connection with the preparation, revision and correction of electoral rolls for, and the conduct of, all elections shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.*

Appointment of Electoral Registration officer

148 C

148 C – Electoral Registration Officer :

1) *For each Autonomous District Council Constituency to which these rules extend, the State Election Commission shall appoint or designate any officer of the State Government as Electoral Registration Officer for each Autonomous District Council area to perform all necessary functions for the preparation and revision of Electoral Rolls for all constituencies in the said area.*

2) *The State Election Commission may, designate one or more officers as Assistant Electoral Registration Officer to assist the Electoral Registration Officer and perform duties under his direction.*

3) *The Electoral Registration Officer shall also perform such other functions as may be directed by the State Election Commission.*

4) *An Electoral Registration Officer may, subject to any prescribed restrictions, employ such other persons as he thinks fit for the preparation and revision of the electoral roll for the constituency.*

Appointment of Returning Officer and Assistant Returning Officer:

149.

149 A – Returning Officer: For every election to fill a seat or seats in the Lai Autonomous District Council, the State Election Commission shall appoint or nominate a Returning Officer who shall be an officer of the State Government or of a local authority. It shall be the general duty of the Returning 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 this rules or orders made there-under.

Provided that nothing in this Rule shall prevent the State Election Commission from appointing or nominating the same person to be the Returning Officer for more than one constituency.

<u>149 B – Assistant Returning Officers:</u>

1) The State Election Commission may appoint one or more persons to assist any Returning Officer in the performance of his functions.

Provided that every such person shall be an officer of the State Government or of a local authority.

2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer.

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function.

Decision of District Election Officer to be final:

150. ***If any difficulty or question arises to the preparation or revision of any electoral rolls, or dispute as to whether a person is ordinarily resident in that locality/constituency under these Rules, the same shall be decided by the District Election Officer who shall function as Appellate Authority and his decision there-upon shall be final***

CHAPTER - XVI

ELECTION-NOMINATION etc. OF CANDIDATES

Filing of Nomination and steps to be taken thereunder: **151.** (1) ***The State Election Commission*** shall appoint for each constituency-

(a) a date or dates, not later than three weeks after the date of the notification under Rule 142 calling upon each constituency to elect a member, for filing of nomination papers by candidates for scrutiny of such nomination papers, and

(b) a further date or dates on which a poll shall, if necessary, be taken, and

the dates so fixed shall be notified in the constituency in such a manner as the Returning Officer may think fit.

(2) On the date or dates so appointed for the filing of nomination papers by candidates, each candidate shall, either in person or by his proposer or seconder, between the hours of 11:00 O' Clock in the forenoon and 3:00 O' Clock in the afternoon, deliver to the Returning Officer or such other person as may be authorized in this behalf by the Returning Officer, nomination paper completed in the form prescribed in Appendix IV and subscribed by the candidate himself as assenting to the nomination and by two other persons referred to in sub-rule (3) of these Rule as proposer and seconder.

(3) Any person whose name is included in the electoral roll of the constituency and who is not subject to any disqualification for being so included under these Rules, may subscribe as proposer or seconder but no person shall be a proposer and seconder of more than one candidate.

(4) Every nomination paper delivered under sub-rule (2) shall contain a declaration in writing subscribed by the candidate that the candidate has appointed or does thereby appoint as his election agent for the election either himself or some other person who is not disqualified under these Rules for such appointment and no candidate shall be deemed to be duly nominated unless such declaration is made on the nomination paper.

Provided that notwithstanding the fact that more than one nomination paper have been presented by or

on behalf of a candidate, only such declaration by a candidate shall be necessary.

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

(6) All nomination paper which is not received before 3:00 O'clock the afternoon on the date fixed by the State Election Commission for the nomination of candidates, shall be rejected.

(7) The Returning Officer or any other officer authorised by the Returning Officer in writing shall, on receiving a nomination paper under sub-rule (2), sign thereon a certificate stating the date on which and the hour at which nomination paper has been delivered to him, and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in the office a notice of all the nominations received containing same descriptions as contained in the nomination papers, both of the candidates and of the persons who have subscribed the nomination paper as proposers and seconders.

(8) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered by him either in person or by his proposer or seconder to the Returning Officer at any time before the Returning Officer has completed the preparation of the list of valid nomination under sub-rule (4) of rule 153. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to renominate as a candidate for the same election.

(9) The Returning Officer or any other person authorised in this behalf shall, on receiving a notice of withdrawal under sub-rule(8), as soon as may be, cause a notice of the withdrawal to be affixed in some conspicuous place in the office.

Filing of nomination: **152.** (1) At the time of delivery of a nomination paper under sub-rule(2) of rule 151, each candidate shall deposit a sum of Rs.1000/-(Rupees one thousand) in cash to the Returning Officer and no candidate shall be deemed to be duly nominated unless such deposit has been made and the office of the Returning Officer

shall issue a proper receipt in duplicate of such deposit.

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

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

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

Scrutiny of nomination:

153. (1) After 3:00 O'clock in the afternoon on the date fixed by ***the State Election Commission*** for the nomination of candidates under sub-rule (1) of rule 151, the candidates, their election agents, one proposer and one seconder of each candidate and one person duly authorised in writing by each candidate but no other person may attend at such place as may be notified by the Returning Officer who shall give them all reasonable opportunities for examining the nomination papers of all candidates, which have been delivered within the time and in the manner laid down in Rule 151.

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

(i) that the candidate is not qualified to be elected to fill the seat under these Rules.

(ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 151.

(iii) that there has been a substantial failure to comply with any of the provisions of rule 151 or rule

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

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

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

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

(3) (a) The Returning Officer shall endorse on each nomination paper his decision on 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.

(b) The scrutiny shall be completed, if possible, on the day fixed for the nomination of candidate but if it cannot be completed on that day it may be adjourned to the following day, or if the following day is a holiday, to the next working day.

(4) On completion of the scrutiny of nomination papers, the Returning Officer shall forthwith examine the symbols chosen by the candidates, and if such symbols are found to be in conflict with each other or with any symbols already assigned, he shall allocate the symbols in conformity, as far as possible, with the choices of the candidates, and if necessary, by lot, and his decision in this respect shall be final. Each candidate or his election

agent shall, at the same time, be informed of the symbol assigned to him and shall be given a specimen thereof. The Returning Officer shall then prepare the list of valid nominations indicating therein the symbols assigned to each candidate and shall cause such list to be affixed in some conspicuous place in his office.

Death of candidate before poll:

154. If a candidate who has been duly nominated under these Rules dies after the date fixed for the scrutiny of nominations and before commencement of poll, the Returning Officer shall, on being satisfied of the fact of such death, countermand the poll in the constituency concerned and report the fact to ***the State Election Commission***, and all proceedings with reference to the election in that constituency shall be commenced afresh in all respects as if for a new election;

Provided that no fresh nomination shall be necessary in the case of a candidate whose nomination has been valid at the time of countermanding of the poll.

Effect of nominations:

155. (1) If the number of candidates who have been duly nominated and who have not withdrawn their candidature exceeds that of the seats to be filled, the Returning Officer shall forthwith publish in the official Gazette, in such manner and in such places in the constituencies as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order the symbols assigned to each candidate and the names of sponsoring political parties and in case, not sponsored by any political party, then showing such candidate or candidates as independent, a poll shall then be taken in the manner provided hereafter in the Rules.

(2) If the number of such candidates is equal to the number of seats to be filled, the Returning Officer shall declare all such candidates, if any, to be elected to fill as many of those seats and the poll shall be conducted in remaining constituency / constituencies in accordance with the notification issued under Rule 151, to elect a person or persons to fill the remaining seat or seats.

CHAPTER - XVII

DISTRICT COUNCIL ELECTION: VOTING

Method of voting: **156.** (1) Voting at any election to a District Council shall be conducted by the Symbol system and the symbols to be utilized for the purpose shall be those as specified in Appendix-V to these Rules.

(2) At elections in every constituency where a poll is taken, votes shall be given by means of Electronic Voting Machine.

(3) An Electronic Voting Machine shall be common for all the candidates and there shall be only one Electronic Voting Machine in use at a time and place in such manner to ensure secrecy of voting

Right to vote: **157.** (1) Every person who is not disqualified under these Rules and who is, for the time being, included in the electoral roll of the constituency delimited for elections to the District Council shall be entitled to vote in that constituency.

(2) No person shall vote at any election in any constituency if he is, for the time being, not entitled to vote under the provision of rule 146 of these Rules.

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

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

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

Hours of commencement and close of poll: **158.** (1) ***The State Election Commission*** shall, by notification in the official Gazette, fix hours at which the poll shall commence and the hour at which it shall close on the date or dates fixed for the poll;

Provided that the hours fixed for the polling shall also be published in the constituencies in such manner as the Returning Officer may consider necessary.

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

Selection of polling stations:

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

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

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

Appointment of Presiding Officer and Polling Officer:

160. (1) The Returning Officer shall appoint a Presiding Officer for each polling station and such other person (hereafter referred to as Polling Officer) to assist the Presiding Officer as he may consider necessary;

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

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

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

Duties of Presiding Officer at polling:

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

(a) the polling officers, the candidate and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate or his election agent.

(b) the Police officials or other public servants on duty and

(c) Such other persons as the Presiding Officer may from time to time admit for the purpose of conducting elections under succeeding rule 166.

(2) A contesting candidate or his election agent may-appoint in prescribed form in Appendix VI one polling agent and two relief agents for each polling station and every such appointment shall be made over to the polling agents and other agents for production to the Presiding Officer at the Polling Station;

Provided that in case of revocation of appointment of or death of any polling agent, the candidate or his election agent may make a fresh appointment in the manner specified above.

(3) The Presiding Officer shall close at the hour fixed in the behalf under sub-rule (1) of the rule 158 so as to prevent the admission thereto of any other voters than those already admitted within the polling station before it was so closed, who shall be entitled to have their votes recorded.

(4) In emergencies, disturbance of the public peace or occurrences of any natural calamity etc., the Presiding Officer may, with the approval of the Returning Officer, close the poll and announce the adjournment of postponement of the poll to a subsequent day. The Returning Officer shall immediately report the circumstances to ***the State Election Commission*** for his approval.

Fresh poll in case of destruction etc., of Electronic Voting Machine:

162. (1) If at any election any Electronic Voting Machine is or are unlawfully taken out of the custody of the Returning Officer or of any Presiding Officer or is or are in any way tampered with, or is or are either accidentally or intentionally destroyed or lost, the election to which such Electronic Voting Machine relates or relate, shall be void, but only in respect of the polling station or stations provided under sub-rule (1) of rule 163, at which such Electronic Voting Machine was used and no further.

(2) Whenever the polling at any polling station or stations

becomes-void under sub-rule (1), the Returning Officer shall, as soon as practicable after the act or event causing such violence has come to his knowledge, report the matter to ***the State Election Commission*** and shall, with the previous approval of ***State Election Commission*** , appoint a day for the taking of a fresh poll in such or every such polling station and fix the hours during which the poll will be taken, and shall not count the votes casted at such election until such fresh poll has been taken.

(3) In every such case as aforesaid, the Returning Officer shall take a fresh poll in such or every such polling station on the day so appointed by him, and shall notify the day so appointed and the hours of polling so fixed by him in such of these rules or orders, if any, made thereunder shall apply to every such fresh poll as they apply to the original poll.

Arrangement for secrecy of Voting:

163. (1) Each polling station shall be provided with necessary Electronic Voting Machines by the Returning Officer.

(2) Every Electronic Voting Machine used at a polling station shall be packed with its cover and bear labels outside the cover of the Electronic Voting Machine, marked with:

(a) serial number, if any, and name of the constituency;
(b) serial number and name of the polling station;
(c) date of the poll.

(3) The Returning Officer shall provide each polling station with necessary Electronic Voting Machine, copies of the relevant part of the electoral roll. Postal ballot papers, instruments for stamping the official mark on postal ballot papers by the electors.

(4) Outside and inside each polling station there shall be displayed at a conspicuous place by the Presiding Officer before the commencement of the poll, a notice showing the name of each candidate in English or local language issued by the Returning Officer together with the symbol assigned for him, at the entrance of the polling station.

Electronic Voting Machine to be locked up and sealed before commencement of poll:

164. (1) The Presiding Officer in any polling station immediately before the commencement of the poll, shall show to all such polling agents and others as may be present at such station that the Electronic Voting Machine is empty and in good order and place

his seal upon it in such manner as to prevent it being opened without breaking such seal and shall keep it so locked and sealed.

(2) Where it is necessary to use a paper seal for securing the Electronic Voting Machine, the Presiding Officer shall fix in each paper seal provided for the purpose. He shall also affix on such paper seal his own signature or seal, signatures or seals of such candidates or of such election or polling agents of the candidates, as may be present. He shall then secure and seal each Electronic Voting Machine in their presence.

Precautionary measures before recording of votes **165.** Before the polling station is opened for recording of votes, the Presiding Officer shall read to such persons as may be present, the provision of rule 212, 213, 214 and shall explain the substance thereof in the language as may be understood by such persons.

Precedure before recording of votes: **166.** (1) Every voter, on entering the polling station, shall first approach the Polling Officer in charge of that part of the electoral roll in which the voter's name, address, his or her father's name, or her husband's name and such other particulars as appear on the roll, and having checked those with the roll, the Polling Officer shall call out the number, name and description of the voter as printed, and shall then place against the number of the voter in the roll a short horizontal line. No other mark shall be made on the roll.

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

(3) On the voter's name being called out, the Polling Officer shall clearly instruct the voter how to use the Electronic Voting Machine for voting and also mark on left forefinger nail of the voter with indelible ink.

(4) The Presiding Officer or any other Officer as may be authorized by him in every Polling Station, shall keep the "Control Unit" on; before casting of every vote to ensure the Electronic Voting Machine is ready to record of every casting vote.

Persons to be present at the polling station to assist the Polling Officer in identifying voters: **167.** At every polling station, arrangements shall be made far suitable village authorities such as Village Council President and government officials to be present so that when the voters of such village appear to record their votes, such officers shall sit in close proximity to the polling officer in charge of the electoral roll and shall assist him in identifying the voter calling his attention to any case of impersonation or misrepresentation when the matter shall at once be referred to the Presiding Officer.

The manner of recording votes: **168.** ***A voter shall go inside the voting compartment and record his vote by pressing appropriate button of the Electronic Voting Machine against the symbol of the candidate he or she wishes to vote***

Recording of votes by infirm votes: **169.** If owing to any physical infirmity or ignorance, an elector is unable to recognize the symbol on the Electronic Voting Machine without assistance, the Presiding Officer shall permit the elector to take with him a companion.

Tendered votes: **170.** If a person representing himself to be a particular voter named on the electoral roll comes to cast vote after another person has voted as such voter, the applicant shall after satisfactorily answering such questions as the Presiding Officer may ask, be entitled to cast a vote. He shall then be supplied with tendered ballot paper as in Appendix- VII. The person tendering such ballot paper shall sign his name and address thereon or affix his or her thumb impression against relevant entry as in the list in Appendix VIII. Elector shall after casting vote in the voting compartment give the ballot paper to the Presiding Officer who shall place it in a cover envelope specially kept for the purpose.

Challenged votes: **171.** (1) If any candidate, election agent or polling agent declares and undertakes to prove that any person by applying for a vote has committed the offence of false personation, the Presiding Officer shall require such person to enter in the list of “challenged votes” which shall be in the form in Appendix-IX, his name and address, or if he is unable to write, to affix his thumb impression there-to, and may further require such person to produce evidence of identification.

Provided that no action shall be taken by the Presiding Officer under this rule unless a sum of Two Hundred rupees (Rs.200/-) has been deposited in cash to the Presiding Officer by the candidates or his / her agent for each challenge he or she makes.

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

(3) If the presiding Officer, after such inquiry on the spot as he thinks necessary, is of the opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and has been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to government and his order in this respect shall be final.

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

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

Provision for voting by post by persons on duty: **172.** Every Presiding Officer, Polling Officer or polling agent who, is being entitled to vote in the constituency is duly appointed or authorized for duty in connection with any election to the District Council at a polling station at which he is not ordinarily entitled to vote, may apply to the Returning Officer for a certificate entitling him to record his vote by postal ballot and the Returning Officer shall, if satisfied that the applicant is in order, grant a certificate in the form prescribed in Appendix-X.

Method of voting by persons on duty: **173.** A person in possession of a certificate in the form prescribed in rule 172 shall record his vote at the time and place appointed by the Returning Officer in a postal ballot paper issued by the Presiding Officer in a form of Appendix- XI. After casting vote in a voting compartment, the voter shall place the ballot paper in the envelope and close the envelope in a cover and then hand over to the Returning Officer or any other officers authorized in this behalf.

Delivery of Electronic Voting Machine to the Returning Officer after the close of the poll: **174.** The Presiding Officer of each polling station, as soon as practicable after the close of the poll, shall in presence of the candidates or their polling agents who may be present, close the control unit to ensure that no further vote can be recorded and shall dispatch the balloting unit from the control unit, and pack the Electronic Voting Machine and seal with his own seal and the seals of the candidates or their agents who may desire to affix their seals, the following, namely -

(a) Marked copy of the electoral roll.
(b) the tendered votes' list.
(c) the list of challenged votes.
(d) the envelopes referred to in rule 173

and shall deliver such packets or parcels or causes them to be delivered to the Returning Officer.

Statement by the Presiding Officer after close of the poll: **175.** The packets of parcels as prepared under rule 174 shall be accompanied with a statement in the form given in the Appendix-XII by the Presiding Officer showing the number of votes polled and other related documents as may be directed by the Returning Officer

CHAPTER - XVIII

DISTRICT COUNCIL ELECTIONS: COUNTING OF VOTES

Appointment of time, date for counting of votes: **176.** (1) ***The State Election Commission*** shall appoint a time and place and place for the counting of votes, and the Returning Officers shall give notice thereof in writing to all candidate and their election agents.

(2) If, at the time appointed, all the Electronic Voting Machines have not been received by the Returning Officer or due to any other unavoidable cause he is unable to proceed with the counting of vote, he shall, with the previous approval of the Governor, postpone the counting to some other date and time as may be appointed by the Governor. The Returning Officer shall give notice thereof in writing to all candidates and election agents.

Persons who may be present at the counting of votes: **177.** No person shall be allowed to be present at the counting of votes except the Returning Officer with such other persons as he may appoint to assist him in counting the votes, the candidate, election agents arid counting agents, as may be required, authorized in writing by the candidates who .shall have the right to be present at the time of counting.

Procedure to be followed at the counting of votes: **178.** (1) On the day and the time appointed under rule 176. the Returning Officer shall, before he commences counting of votes, read the provisions of rules 177 and 178 to such persons who may be present.

(2) The procedure for counting of votes shall be the same as normally followed in the counting of votes in the Assembly election of the State of Mizoram.

(3) If an equality of votes is found to exist between any two candidates, and the addition of one vote will entitle any of such candidates to be declared elected, the

Returning Officer shall decide by drawing lots.

(4) The Returning Officer shall declare the candidate to whom the largest number of valid votes has been given, to be elected and grant to such candidate a certificate of election in the form given in Appendix- XII. An acknowledgement receipt shall be offered for sending the same to ***the State Election Commission*** .

Report of the result of election to Government and publication of the result in the Official Gazette:

179. The Returning Officer shall, without delay, report the result of every election in a constituency of which he is the Returning Officer to the ***State Election Commission, Secretary to the Govt. of Mizoram and to such other Officers as the State Election Commission may direct*** and the name or names of the candidates elected shall be published in the official Gazette under the signature of the Returning Officer.

Verification of Statement by the Presiding Officer:

180. The Returning Officer shall not immediately open sealed packets of tendered votes, marked copy of the Electoral roll or counterfoil of the ballot papers, he shall first verify the statements submitted by the Presiding Officer under rule 174 and then only after being satisfied, shall open or cause to open the sealed packets of tendered votes etc.

Returned by the Returning Officer:

181. The Returning Officer shall then prepare 74 and certify a return setting forth :

(a) Result of the verification referred to in rule 180;
(b) The Names of the candidates for whom valid votes have been given;
(c) Number of valid votes given for each candidate;
(d) Names of candidates declared elected;
(e) Number of votes declared invalid, and
(f) Number of tendered votes given, and

shall permit any candidate and his election agent or his authorized representative to take a copy of, or an extract from such return.

Return to be sent to the Government:

182. The Returning Officer shall, after reporting the result of the election under rule 179 forward the return mentioned in the preceding rule to the ***State Election Commission with a copy to the Secretary to the Government of Mizoram.*** Copies of returns by the Returning Officer may be obtained from the ***State Election Commission with a copy to the Secretary to the Government of Mizoram*** on payment of a fee of Rs. 10 (Ten rupees) only.

CHAPTER - XIX

DISTRICT COUNCIL - ELECTION AGENT AND EXPENSES.

Election agent: **183.** As provided for in sub-rule (4) of 151, every person nominated as a candidate at an election, shall appoint some other person who is not disqualified for such appointment to be his election agent.

Revocation of appointment of agent: **184.** (1) The appointment of an election agent shall be revoked only in writing signed by the candidate and lodged with the Returning Officer and shall operate from the date on which it is so lodged.

(2) In the event of such a revocation or of the death of any election agent, whether it occurs before or during election, or after the election but before a return of the candidates election expenses has been lodged in accordance with the provisions of rule 186 the candidate shall appoint forthwith some other person to be his election agent, and shall give notice in writing of the appointment to the Returning Officer.

Account of Election: **185.** Every candidate or his agent shall keep an account of all expenses incurred in connection with his or her election.

Return of election expenses: **186.** (1) Within sixty days from the date of publication of the result of an election under rule 179, there shall be lodged with the Returning Officer in respect of each person who has been nominated as a candidate for the election, a return of the election expenses of that person, duly signed by him or his agent.

(2) The return of election expenses shall be in the form in Appendix XIV which shall contain such particulars as prescribed therein. Every such return shall be submitted by the candidate or his election agent, which shall be in the form contained and shall be made an oath before a Magistrate.

(3) Every such return shall be accompanied by Rupees five in cash.

(4) If a candidate or an election agent who is required to sign the return of election expenses and declarations referred to in this rule is unable to write his name, then he may authenticate the same by making a mark as prescribed in rule 219.

(5) The Returning Officer shall report to ***the State Election Commission*** within fifteen days from the date by which the return of election expenses of candidates ought to have been lodged with him whether or not the candidates and their election agents have complied with the requirements of the rule, in the form given in Appendix XV

(6) On receipt of a report under sub-rule (5), ***the State Election Commission*** shall decide whether the disqualification under Clause(a) & (b) of sub-rule (5) of rule 11 has in fact been incurred in any election to fill a seat, with the result that the seat shall be declared by him as failing vacant.

Inspection and copy of return of election expenses:

187. When any return and declaration made in respect thereof have been lodged with the Returning Officer, he shall, as soon as may be, cause notice of the date on which the return and the declaration in question have been lodged and of the time and place at which they can be inspected, to be posted in some conspicuous place in his office and to be published in the Gazette, and any person shall, on payment of a fee of Rs.5/- (Rupees Five), be entitled to inspect any such return and declaration and on payment of a fee of Rs.50 (Rupees fifty) only to obtain a copy or copies thereof or of any part thereof.

Maintenance of record regarding such return of election expenses:

188. ***The State Election Commission*** shall cause to be prepared in the manner, and maintained for such time, as he may direct, a record showing the names of all the election agents of each such candidate and the date in which the return of the election expenses of each candidate has been lodged with the Returning Officer.

Maximum of election expenses:

189. The maximum scale of election expenses (including the personal expenses of a candidate) which may be incurred by a candidate for any election in a constituency of the District Council shall not exceed ***Rs.1,00,000/- (Rupees One Lakh)*** only.

CHAPTER - XX

DISTRICT COUNCIL ELECTION: DECISION ON DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

Definitions: **190.** In this Chapter, unless the context otherwise requires :-

(a) "agent" includes an election agent and any person who, on the trial of an election petition, is held by the Commissioner to have acted as an agent in connection with the election with the knowledge or consent of the candidate;

(b) "candidate" means a person who has been or claims to have been duly nominated as a candidate at an election and includes a candidate who, with the election in prospect, has held himself out as a prospective candidate;

(c) "costs" means all costs, charges and expenses incidental to atrial of election petition;

(d) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being a candidate, or to voting at an election;

(e) "returned candidate" means a candidate whose name has been published under these rules as duly elected.

Election petition: **191.** Save as provided in rule 11 or in rule 145 no election shall be called in question except by an election petition resented in accordance with the provisions of the succeeding rules.

Presentation of election petition: **192.** (1) An election petition against any returned candidate may be presented to ***the State Election Commission*** -

(a) by any candidate or elector on any of the grounds specified in sub-rule (2), within sixty days from the date on which result of the election is published in the Official Gazette;

Explanation :- In this sub-rule, "elector" means a person who was entitled to vote at the election petition relates, whether he has voted at such election or not.

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

(a) that in fact the petitioner received majority of the valid votes ; or
(b) that, but for votes obtained for the returned candidate by corrupt or illegal practices, the petitioner would have obtained a majority of the valid votes.
(c) that the returned candidate was disqualified for being elected as such member.

(3) An election petition shall be deemed to have been presented to ***the State Election Commission*** when it is delivered to the ***Secretary, State Election Commission***-

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

Contention of election petition: **193.** (1) Every such petition shall contain a statement in materials facts on which the petitioner relies and shall be signed by the petitioner.

(2) Every such petition shall be accompanied by a list signed by the petitioner setting forth full particulars of any corrupt or illegal practice which the petitioner has alleged, including as full statement as possible of the names and address of parties alleged to have been committed by the Commission of each such practice.

Deposit of security: **194.** At the time of presentation of the election petition the petitioner shall enclose with the petition a copy of the Government Treasury Challan showing the deposit of Rs. 100/-(Rupees one hundred) only as security deposit towards the cost of the petition.

Petition when to be dismissed: **195.** ***If the provisions of Rules 191,192,193 and 194 are not complied with, the "State Election Commission shall dismiss the petition without further hearing***

Appointment of Commissioner: **196.** (1) If an election - petition is not dismissed under rule 195, ***the State Election Commission*** shall appoint a Commissioner for hearing and disposing of the petition, a person who is or has been an Additional District Magistrate or Civil Judge (Senior Division) and thereafter all applications and proceeding in connection therewith shall be dealt with and held by such Commissioner.

(2) When, in respect of an election in a constituency more petitions than one are presented, ***the State Election***

Commission shall refer all those petitions to the same Commissioner who may at his discretion inquire into the petitions either separately or jointly as he may think fit.

(3) Where the election petition relate to different constituencies of a District Council, ***the State Election Commission*** shall refer all those petition to the same Commissioner or may appoint one Commissioner in respect of petition or petitions from each constituency or a group of constituencies and the provision of sub-rule (2) shall apply to the inquiry thereto.

Hearing by Commissioner:

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

(2) As regard the procedure for hearing the petition, the Commissioner shall be guided by the spirit, not by the letters, of the Code of Civil Procedure, 1908 as amended from time to time;

Provided that he shall only be required to make such inquiry and to take so much evidence as may be considered sufficient in his opinion for the purpose of deciding the case, if so demanded by the parties.

Withdrawl of petition:

198. (1) An election petition may be withdrawn only with the permission of the Commissioner by filing an application for withdrawal before the Commissioner by the petitioner himself under his verification and signature.

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

(3) No application for withdrawal shall be allowed if in the opinion of the Commissioner, such application has been induced by any bargain on the part of the petitioner.

(4) If the application is allowed.-

(a) the petitioner shall, where the application has been made to the Commissioner, be ordered to pay the costs to the respondent incurred therefore or such portion thereof as the Commissioner may direct;

(b) any person who might himself have been a petitioner, may, within fourteen days of the grant

of such withdrawal, apply to be substitute as petitioner in place of the party withdrawing, and upon compliance of the conditions of rule 194 as to security, shall be entitled to be so substitute and to continue the proceeding upon such term as the Commissioner may direct.

(5) When an application for withdrawal is granted by the Commissioner and no person has been substituted as petitioner in place of the party withdrawing under clause (b) of sub-rule (4), the Commissioner shall report the fact to ***the State Election Commission*** .

Abatement or Substitution on death of an election petitioner: **199.** (1) An election-petition shall abate only on the on the death of a sole petitioner or of the survivor of several petitioner, provided that where such sole petitioner was an officer empowered under clause (b) of sub-rule (1) of rule 191, the proceedings may be continued by any other officer empowered in thisbehalf by ***the State Election Commission*** .

(2) Any person who might himself have been a petitioner, and upon compliance with the requirement of rule 194 as to security, shall be entitled to be, so substituted to continue the proceedings upon such terms as (he Commissioner may think fit.

Abatement or substitution on the death of respondent such: **200.** If before conclusion of the trail of an election petition, a respondent dies or gives notice mat he does not intend to oppose the petition, the Commissioner shall cause notice of event to be published in the Gazette and thereupon any person may within fourteen days of such application, apply to be substituted for such respondent to oppose the petition and shall be entitled to continue the proceedings upon such terms as the Commissioner may direct.

Recrimintion: **201.** (1) Where at an enquiry into an election petition any candidate other than the returned candidate, claims the seat as for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate complaining of his election.

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give evidence unless he has, within fourteen days from the date of submission of the election petition, given notice of his intention to the Commissioner and make the deposit under rule 194.

(2) Every notice referred to in sub-rule (I) shall be accompanied with a statement and list of particulars required under rule 193 in the case of an election and shall be signed and verified in the like manner.

Grounds for declaring an election to be void: **202.** (1) Subject to the provisions of this rule, if in the opinion of the Commissioner.

(a) the election of the returned candidate has been procured or induced, or the result of the election has been materially affected by any corrupt or illegal practice or

(b) any corrupt or illegal practice has been committed in the interest of a returned candidates; or

(c) the result of election has been materially affected by the improper acceptance or rejection of any nomination or by reason of the fact that any person nominated was not qualified or was disqualified for election, or by any non-compliance with the provisions of the rules relating to the election, or by any mistake in the use of any prescribed form, or

(d) the election has not been a free election by reason of the large number of cases in which bribery or undue influence has been exercised or committed the election of the returned candidate shall be void.

(2) if in the opinion of the Commissioner, and agent other than the election-agent of a returned candidate has been guilty of any corrupt or illegal practice but is satisfied -

(a) that no such corrupt or illegal practice was committed at the election by the candidate or his election agent, and every such corrupt, or illegal practices mentioned in the report were committed contrary to the orders, and without the consent or connivance of the candidate or his election agent.

(b) that the candidate and his election agent took all reasonable means for preventing the commission of such corrupt or illegal practices at the election.

(c) that the corrupt or illegal practice mentioned in the reports were of a trivial and limited character or took the form of customary hospitality which did not materially affect the result of the election; and

(d) that in all respects the election was free from any corruption or illegal practice on the part of the candidate or his agents, then the Commissioner may decide that the election of the returned candidate should stand valid.

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

Report of the Commissioner and procedure thereon: **203.** (1) At the conclusion of the inquiry, the Commissioner shall report whether the returned candidate, or any other party to the petition, who has under the provisions of these Rules claimed the seat, has been duly elected, and so reporting shall have regards to the provisions of the rule 202.

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

(3) The report shall be in writing and shall be signed by the Commissioner. The Commissioner shall forthwith forward his report to ***the State Election Commission*** who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the official Gazette and orders of the Governor shall be final.

(4) the inquiry into election petition shall be completed within 60 days from the date of appointment of Commissioner by the State Election Commission under sub-rule(1) of Rule 199.

Finding as to corrupt practices: **204.** Where any charge is made in an election petition of any corrupt or illegal practices, the Commissioner shall record in his report

(a) a finding whether a corrupt or illegal practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt or illegal practice, and

(b) the names of the person, if any who have been found on the inquiry to have been guilty of any corrupt or illegal practices, with any such recommendations as the Commissioner may desire to make for exemption of any such persons from any disqualification, under these Rules;

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

CHAPTER - XXI

DISTRICT COUNCIL ELECTIONS : CORRUPT AND ILLEGAL PRACTICES

Major corrupt practices:

205. The following shall be deemed to be major corrupt practices for the purposes of election to the District Council, namely

(1) Bribery, that is to say,

(A) any gift, offer or promise by a candidate or his agent or by any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing -

(i) a person to stand or not to stand as, or to withdraw from, being a candidate at an election , or

(ii) an elector having voted or refrained from voting;

(a) a person for having so stood or not stood or for having withdrawn his candidature or

(b) an elector for having voted or refrained from voting;

(B) receipt of, or agreement to receive, any gratification, whether as a motive or a reward,

(i) by a person for standing or not standing as, or for withdrawing or not withdrawing from being a candidate ; or

(ii) by any person whomsoever for himself or any other person for voting for refraining for voting, or inducing or attempting to induce to elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation : For the purposes of this rule, the term “gratification” is not restricted to pecuniary gratification or gratifications estimable in money and includes all forms of entertainment for reward, but it does not include the payment of any expenses incurred bonafide at, or for the purpose of any election;

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

connivance of the candidate or his election agent, with the free exercise of any electoral right;

Provided that without prejudice to the generality of the provisions of this clause, any such person as is referred to there-in who -

(i) threatens any candidate or elector, or any person in whom a candidate or an elector is interested, with any injury of any kind of social ostracism and the like, or

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

Provided further that a declaration of public policy, or a promise of public action or the mere exercise of a legal right without any intention to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) Personating, that is to say, procuring or abetting or attempting to procure by a candidate or his election agent or by any other person with the connivance of a candidate or his election agent the application by a person for a ballot paper in the name of any other person, whether living or dead, or in a fictitious name or by a person for a ballot paper in his own name, in spite of the fact that he has already voted in the same or other constituency and thus he is not entitled to vote;

(4) Publication of false statement, that is to say, publication by a candidate or his election agent, or by any other person with the connivance of such candidate or his agent, of any statement of fact, which is false and which he neither believes to be True in relation to the personal character or conduct of any other candidate, being a statement reasonably calculated to prejudice the prospect of such other candidate's election.

(5) Use of vehicle, that is to say, no government vehicle including District Council's vehicles to be used by a candidate or his agents for that electioneering purposes.

Minor corrupt practices:

206. The following shall also be deemed to be corrupt practices of minor nature for the purpose of election to the District Council, namely ---

(1) Any act specified in rule 205, when done by a person who is not a candidate or election agent or a person acting with connivance of a candidate or his election agent;

(2) Personation, that is to say, application by a person at an election for voting in the name of any other person, whether living or dead, or in fictitious name, or for a ballot paper in his own name, in spite of the fact that he has already voted in the same or other constituency and thus he is not entitled to vote.

(3) Bribery, that is to say, receipt of or agreement to receive any gratification, whether as a motive or a reward,

(a) by a person for standing or not standing as, or for withdrawing from, being a candidate or;
(b) by a person who-so-ever for himself or any other person for voting, or for inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

Explanation : For the purposes of this clause, the term ‘’gratification” has the same meaning as it has for the purposes of sub-rule (1) of rule 205.

(4) False return, that is to say, making of any return of election expenses, which is false in any material particular, or making of a declaration verifying the truth of any such return;

(5) Use of or appeal to religious or national symbol, a systematic appeal to vote or refrain from voting on the grounds of caste, race, community or religion or use of or appeal to religious and national symbols such as the national flag and emblem for furtherance of the prospect of a candidate’s election.

Illegal practices:

207. The following shall be deemed to be illegal practices for the purposes of election to the District Council, namely ---

(a) Incurring election expenses without authority, that is to say, incurring or authorization by any person other than a candidate or his agent, of expenses on account of holding any public meeting or upon any other way

whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorized in writing to do so by the candidate

(b) Hiring of liquor shops, that is to say , hiring, using or letting as a Committee-room or for the purpose of any meeting to which electors are admitted or any building, room or other place where intoxicating liquor is served to such electors or sold to the public.

(c) Issue of circulars etc. without address, that is to say, issuing of any circular, placard or poster having a reference to the election, which does not bear on its face the name and address of the printer and publisher thereof.

CHAPTER - XXII

DISTRICT COUNCIL ELECTION : OTHER ELECTORAL OFFENCES

Prohibition of public meeting on the poll day etc. : 208. (1) No person shall-

(a) convene, hold, attend, join or address any public meeting or procession in connection with an election ; or

(b) display to the public any election -matter by means of cinematograph, television or other similar apparatus; or

(c) propagate any election-matter to the public by holding , or by arranging the holding of, any musical concert or theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, to any polling area during the forty eight hours ending with the hour fixed for conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) In this rule, the expression “election matter’ means any matter intended or calculated to influence or effect the result of any election.

Disturbance at election meetings: 209. (1) Any person who at a public meeting to which this rule applies, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months with fine which may extend

to two thousand rupees, or with both;

provided that an offence punishable under this rule shall be cognizable

(2) This rule applies to any meeting of a political character held in any constituency between the date of issue of a notification under these Rules calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police personnel on duty reasonably suspects any person of committing an offence under sub-rule (1), he may, if required so to do by the Chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, the Police Officer may arrest him without warrant.

Duty to maintain secrecy of voting:

210. (1) Every Officer, clerk, agent or other person who performs any duty in connection with the recording or counting votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not, except for some purpose authorized by or under any law, communicate to any person any information calculated to violate such secrecy.

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

Officers etc. at election, not to act for candidates, or to influence voting:

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

(2) No such person as aforesaid, and no member of any police force shall endeavour :-

(a) to persuade any person to give his or her vote at an election, or
(b) to dissuade any person from giving his or her 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 up to one thousand rupees or with both.

(4) An offence punishable under sub-rule (3) shall be cognizable.

Prohibition of canvassing in or near Polling Station: **212.** (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 area in any public or private place within a distance of one hundred meters of the polling station, namely,

(a) canvassing for votes,
(b) soliciting the vote of any elector,
(c) persuading any elector not to vote for any particular candidate,
(d) persuading any elector not to vote at the election, or
(e) exhibition 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 two hundred and fifty rupees.

(3) An offence punishable under this rule shall be cognizable

Penalty for disorderly conduct in or near polling station: **213.** (1) No person shall, on the date or dates on which a poll is taken at any Polling station,

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

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, annoyance so as to cause to any person visiting the polling station for the poll, or so as to interfere with or interrupt 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 up to five hundred rupees or with both.

(3) If the Presiding Officer of a polling station has sufficient reasons to believe that any person is committing an offence punishable under this rule, he may direct the Police Officer on duty to arrest such person and thereupon the Police Officer shall arrest him.

Any Police Officer may take such steps and used such force as may be reasonably necessary for preventing any contravention of the provision of sub-rule (1) and may seize any apparatus used for such contravention.

Penalty for mis-conduct at polling station:

214. (1) Any person who during the hours fixed for the poll at any polling station misconducts himself of fails to obey the lawful directions of the Presiding Officer may be removed from the polling station 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 under sub-rule (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station for having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the Presiding officer, he shall be punishable with imprisonment for a term which may extend to three months or with a fine upto five hundreds Rupees or with both.

(4) An offence punishable under sub-rule (3) shall be cognizable.

Penalty for illegal hiring or procuring of conveyance at elections:

215. If any person is guilty of any such corrupt practice as is specified in rule 205 (6) in connection with an election, he shall be punishable with imprisonment which may extend to three months and with a fine.

Breach of official duties in connection with election:

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

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

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

(4) The expression, namely, "persons whom this rule applies" shall mean and include the Returning Officers, Assistant Returning Officers, Presiding Officer, Polling Officer and any other person appointed to perform any duty in connection with the receipt of nominations, withdrawal of candidature, recording or counting of votes at an election, and the expression, namely, "Official duty" shall, for the purposes for this rule, be construed accordingly, but shall not include duties imposed otherwise than by under these Rules.

Removal of election material from polling station to be an offence:

217. (1) Any person who at any election unauthorisedly takes or attempt to take election material out of 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 one thousand rupees or with both.

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

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

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

Other offence and penalties therefor:

218. A person shall be guilty of an electoral offence, if, at any election, he -

(a) fraudulently defaces, or destroys any nomination paper;

(b) fraudulently defaces, destroys or removes any list, notice or other documents fixed by or under the authority of a Returning Officer;

(c) fraudulently defaces or destroys any ballot paper or the official mark on any ballot-paper on any

declaration of identity, or of any official envelop used in connection with voting by postal ballot:

(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) without due authority destroys, takes, opens or otherwise interferes with any Electronic Voting Machine or ballot papers then in use for the purposes of the election;

(f) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids abets the doing of any such acts;

(g) having received a postal ballot paper, refuses to observe the procedure prescribed for voting.

(h) being in the services of the Government, acts as an election-agent or a polling agent or a counting agent of a candidate at an election.

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

(a) if he is Returning Officer or an Additional or Assistant Returning Officer, or a Presiding Officer or Polling Officer at a polling station or any other official or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine up to two thousand rupees or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine up to one thousand rupees or with both;

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

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

CHAPTER - XXII

DISTRICT COUNCIL ELECTIONS : MISCELLANEOUS

Interpretation: **219.** In the foregoing Chapters relating to elections, unless the context otherwise requires --

(a) "serial number of an elector in an electoral roll" shall include such particulars regarding the name or description of the electoral area with reference to which the said electoral roll has been prepared, as will identify the entry relating to such elector in that electoral roll.

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

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

Requisitioning of premises, vehicles, etc. for election purposes: **220.** The provisions of sections 160, 161, 163, 164, 165, 166 and 167 of the Representation of the People Act, 1951 (No. XLIII of 1951) and of rules 98 and 99 ofthe Conduct of Elections Rules, 1961 shall apply mutatis mutandis in respect of elections to the District Council.

Provided that if the circumstances so demand, the Governor may apply other sections and rules of the said Act and Rules, on the recommendation of the Returning Officer.

CHAPTER - XXIV

GENERAL

Jurisdiction of Civil courts barred: **221.** No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Returning Officer or by any other person appointed under these Rules, in connection with an election.

Repeal and savings: **222.** (1) The Lai Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2002 with all amendments made up to the date of commencement of these Rules and the Lai Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2010 as notified by the Government notification No. C. 11018/ 2 / 2006- DCA dt. 30.9.2010 and published in Mizoram Gazette to issued No. 373 dt. 4.10.10 are hereby repealed.

(2) Notwithstanding such repeal, any action taken or proceedings made under the repealed Rules shall be deemed to have been taken or made under these Rules.

Expression not defined: **223.** Any expression not defined in these Rules but occurring therein shall be deemed to have the same meaning in which they are used in the Constitution of India.

Overriding effect: **224.** In case of any conflict between the provisions contained in the Sixth Schedule to the Constitution and the provisions of these Rules, the former shall have the overriding effect.

Special power of the Governor: **225.** The Governor shall have the powers to regulate, by order or orders, official tours of Chairman, Deputy Chairman, Chief Executive Member and Executive Members of the District Council beyond the State and to call for perusal any official records or documents of the District Council as may be found expedient for proper administration of the autonomous district and in due discharge of his discretionary powers under paragraph 20BB of the Sixth Schedule.

Provided that in normal cases the official tour programmes of Chairman Deputy Chairman, Chief Executive Member and Executive Members outside the State shall be given to the Governor for information.

APPENDIX - I
(See rule 22)

FORM OF OATH OR AFFIRMATION TO BE MADE BY A CHIEF EXECUTIVE MEMBER OR AN EXECUTIVE MEMBER OF THE LAI AUTONOMOUS DISTRICT COUNCIL

I _____ having been appointed as the Chief Executive Member/ Executive Member of Lai Autonomous District Council, Lawngtlai, do swear in the name of God/ solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as the Chief Executive Member or the Executive Member of the Lai Automous District Council and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill- will.

Signature of the Chief Executive Member/ Executive Member,
Lai Autonomous District Councl.

Dated Lawngtlai _____, 20 ____.

APPENDIX -1 A
(See Rule 30)

FORM OF NOMINATION PAPER FOR THE ELECTION OF CHAIRMAN / DEPUTY CHAIRMAN / CHIEF EXECUTIVE MEMBER

I, _____, propose Pi/Pu _____ for the election of Chairman/Deputy Chairman/Chief Executive Member of the Lai Autonomous District Council.

I have ascertained that Pi/Pu _____ is willing to serve as Chairman/Deputy Chairman/Chief Executive Member, if elected, and he/she does not suffer from any disqualification under the Rules.

Signature of proposer,

I _____, second the above proposal.

Signature of Seconder.

APPENDIX - II
[See Rule 30(8)]

FORM OF OATH OR AFFIRMATION TO BE MADE BY THE PROTEM CHAIRMAN.

I, _____ having been appointed as a Protem Chairman of the Lai Autonomous District Council do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.

Signature of Protem Chairman.

Signed before me

Deputy Commissioner,
Lawngtlai.

APPENDIX - III
(See Rule 36(1))

FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER

I, _____ having been elected or nominated as a member of the Lai Autonomous District Council, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.

Signature of Member.

Signed before me

Signature of the Protem Chairman.

APPENDIX - IV
(See Rule 151(2))

NOMINATION PAPER FOR ELECTION TO THE LAI AUTONOMOUS DISTRICT COUNCIL

Name of the constituency for which the candidate is nominated. _____

Name of the candidate & postal address _____

Father's or Husband's name _____

Age _____

Name of the constituency on the electoral roll of which the name of the candidates is included, and the Part no. of such electoral roll. _____

Serial number of the proposer in the electoral roll of the constituency. _____

Name of seconder _____

Serial number of the seconder in the Electoral roll of the constituency. _____

Signature of the proposer _____

DECLARATION BY PROPOSER

I, _____as above-named, propose to nominate _____as above-described, as a candidate for election to the Lai Autonomous District Council from _____ MDC-constituency. His/Her particulars and address as given above are true to the best of my information and knowledge. He/She does not suffer from any disqualification under the Rules.

Place _____
Date _____ *(Signature of the proposer)*

DECLARATION BY SECONDER

I, _____ as above named, do hereby second the nomination of Pi/Pu _____ as proposed above.

My name is entered at S.No.____ in Part No. _____of the electoral Roll for the _____ MDC constituency.

Place _____
Date _____ *(Signature of Seconder)*

DECLARATION BY CANDIDATE

I, _____as above named assent to this nomination and hereby declare that-

(a) I have completed _____ years of age.

(b) that I am a candidate set up by the _____ Party.

(c) that the symbols I have chosen are. in order of preference, as follows, viz.

(1) (2) (3)

(d) that I have appointed Pi/Pu _____(name) of _____ (Address) to be my election agent for the ensuing election. Neither myself nor my election-agent as proposed suffer or suffers from any disqualification under the Rules.

Place _____

Date _____ *(Signature of candidate)*

CERTIFICATE OF DELIVERY

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

Sl.No. _____

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

Seal *Returning Officer.*

CERTIFICATE OF SCRUTINY

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

I have scrutinised the nomination paper in accordance with the Rules and found that they are respectfully qualified to stand for election, to propose and to second.

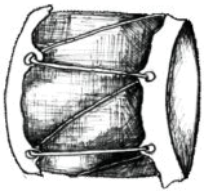
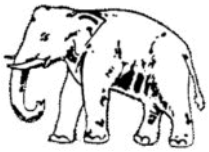
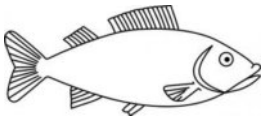
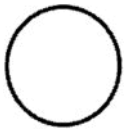
Date _____ *Seal* *Returning Officer.*

APPENDIX - V
(See Rule - 156(1))

LIST OF SYMBOLS.

1. Bicycle
2. Boat
3. Bulb (reserved for Mizoram People Conference Party)
4. Cart
5. Cup
6. Dao
7. Drum
8. Ears of Corn and sickle (reserved for Communist Party of India)
9. Elephant (reserved for Bahujan Samaj Party)
10. Fish
11. Flower
12. Haldhar within wheel (reserved for Janata Party)
13. Hammer, Sickle and Star [Reserved for Communist Party of India (Marxist)]
14. Hand (reserved for Indian National Congress Party)
15. Hat
16. House
17. Hut
18. Lantern
19. Lotus (reserved for Bharatya Janata Party)
20. Pot
21. Sun without ray (reserved for Zoram Nationalist Party)
22. Scale
23. Spade
24. Spectacle
25. Star (reserved for Mizo National Front)
26. Tree
27. Two Leaves.

LIST OF SYMBOLS

Bicycle	Boat	Mizoram People Conference Party Bulb	Cart
Cup	Dao	 Drum	Communist Party of India Ears of Corn and sickle
Bahujan Samaj Party  Elephant	 Fish	Flower	Janata Party Haldhar within wheel
Communist Party of India (Marxist) Hammer Sickle and Star	Indian National Congress Party Hand	Hat	House
Hut	Lantern	Bharatya Janata Party Lotus	Pot
Zoram Nationalist Party  Sun without ray	Scale	Spade	Spectacle
Mizo National Front Star	Tree	Two Leaves	

APPENDIX - VI
(See Rule - 161 (2))

FORM OF APPOINTMENT OF POLLING AGENT

Election to Lai Autonomous District Council

I, _____ a candidate/ election agent in the ensuing election to the Lai Autonomous District Council do hereby appoint _____ as a Polling agent / Relief agent to attend Polling Station No. _____ at / place fixed for the Poll _____ at _____ Village.

Date _____

Signature of
Candidate/election agent.

I agree to act as Polling agent / Relief agent.

Date _____

Signature of
Polling agent / Relief agent.

Signed before me.

Signature of Presiding Officer.

APPENDIX - VII
(See Rule - 170)

FORM OF TENDERED BALLOT PAPER

Polling Station No _____

Constituency _____

Name of Voter _____

Number of Voter in electoral roll _____

Name of candidate for whom this is tendered _____

Date _____ Signature of Presiding Officer,

APPENDIX -VIII
(See rule 170)

TENDER VOTES LIST

Name and number of Polling Station :

.....

Name of Constituency / Name of Voter / Member In electoral roll.	Signature of thumb impression of Voter and his / her address.
.....	
.....	

APPENDIX -IX
(See rule 171)

LIST OF CHALLENGED VOTES

Sl. No. in the Electoral roll	Name	Signature of Voter, if literate, or thumb impression	Signature & address of identifier, if any	Order of the Presiding Officer	Remarks

APPENDIX -X
(See rule 172)

CERTIFICATE

Certified that _____is registered as an election vide/ no _____ at polling station _____in the _____ constituency of the _____ District Council, and as he is prevented from voting at the said station by reason of his employment at the _____polling station in the _____ constituency, I hereby authorize him to vote at the last named polling station.

Date _____

Signature
Returning Officer.

APPENDIX - XI

(See rule 173)

FORM OF POSTAL BALLOT PAPER

1. [Lawngtlai] Council Constitution / 03 - General
Electoral Roll Part No .....
Serial No. of Elector .....
No. 00001

Signature/
Thumb Impression

Liana

No. 00001
Thanga

Lawngtlai Council Constutition /03 – General

APPENDIX - XII
(See Rule - 175)

FORM OF BALLOT PAPER ACCOUNT

Sl./No.	Particulars	Ordinary Ballot Paper	Tendered Ballot Paper

1. No. of Ballot papers received by the Presiding Officer.
2. No. of unused ballot papers returned:
3. No. of spoilt ballot paper
4. No. of tendered ballot papers used
5. No. of ballot papers dealt with under rule 173
6. No. of ballot papers issued.

APPENDIX - XII

[See Rule - 178 (4)]

CERTIFICATE OF ELECTION

I, _____Returning Officer for the _____ MDC Constituency hereby certify that I have on the _____ day of _____ declared Pi/Pu _____ of _____ to have been duly elected by the said constituency to be a Member of the Lai Autonomous District Council and that in taken thereof, I have granted to him this certificate of election.

Place _____
Date _____

Signature of
Returning Officer,

For the_____
MDC Constituency.

APPENDIX -XIV
(Sec rule 186 (2))

FORM OF RETURN OF ELECTION EXPENSES

Election to the Lai Autonomous District Council.

Name of candidate : _____
Name of constituency : _____
Date of election : _____

Sl/No	Date of which expenditure Incurred	Particulars	Amount	Name and address of prayer	Particulars of Vouchers (copies be enclosed)	Remarks if any

Certified that the above statement are true to the best of my Knowledge and belief.

Place : _____
Date : _____

(Signature of the candidate / election agent)

APPENDIX - XV
[See Rule - 186 (5)]

REPORT TO THE SECRETARY TO THE GOVERNMENT OF MIZORAM
LODGING OF ELECTION EXPENSES ACCOUNTS

_____ District Council.
Serial Number and Name of Constituency _____
Date of declaration of result _____
Last date for lodging of accounts of Election Expenses _____
Name of elected candidate _____

Sl. No.	Name (Party affiliation of candidate) and address of contesting candidate.	Whether accounts have been Lodged	Date of lodging of accounts	Whether lodged in time	Whether lodged in the manner required by law	If not, a brief statement of defect/lapses noticed	Total expense incurred as per the account filed	Remarks
1	2	3	4	5	6	7	8	9

Place _____
Date _____

_____ Returning Officer.

SUPPLEMENTARY FORMS DEVISED BY STATE ELECTION COMMISSION

APPENDIX - IV A
[See Rule - 152(1)]

Receipt of Security Deposit

Part 'A'

No..... Date.....

Received a sum of Rs. 1000/- (Rupees one thousand) only from Pi/Pu..... ..... of .....on account of security deposit for his/her nomination for election to the Lai Autonomous District Council from the_____Constituency.

Returning Officer
..... Constituency

Part 'B'
HOW DISPOSED OF

Date .....

Refunded/forfeited

Signature of Candidate

Returning Officer
....Constituency

APPENDIX – IVB
[See Rule 153(4)]

List of Contesting Candidates

Name and No. of Constituency : …….

Sl. No.	*Name of Candidate*	*Address of Candidate*	*Party Affiliation*	*Symbol Allotted*	*Whether recognized/or Registered/or others*	*Remarks*
1	*2*	*3*	*4*	*5*	*6*	*7*

Place : ……. **Returning Officer**
Date : …….

APPENDIX - IV C
[See Rule 151(8)]

Notice of withdrawal of candidature

General Election to Lai Autonomous District Council, 2015

from the ..... Constituency

The Returning Officer,

I, ...a candidate validly nominated at the above election do hereby give notice that I withdraw my candidature.

Place .....

Date .....

Signature of validly nominated candidate

This notice was delivered to me at my office at..... (hour) on ..... (date) by .....(name), the .....**

Place..... **Returning Officer**

Date .....

Receipt for Notice of Withdrawal
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by ..... a validly nominated candidate at the election to Constituency No. ..... of the Lai Autonomous District Council was delivered to me by the **..... a t my office at .....(hour) on ..... (date)

Returning Officer

*****Here insert one of the following alternatives as may be appropriate :-***

- ***(1) Candidate***
- ***(2) Candidate's proposer who has been authorized in writing by the candidate to deliver it.***
- ***(3) A person authorized in writing by the candidate to deliver it.***

APPENDIX - IV D
[See Rule 151]

Notice of Election

Notice is hereby given that:

(1) an election is to be held of a Member to the .....Constituency of the Lai Autonomous District Council, 2015.

(2) Nomination papers may be delivered by a candidate or his proposer to the Returning Officer or Addl. Returning Officer at ..... between 11 A.M and 3 P.M on any day (other than public Holiday) not later than the .....;

(3) forms of nomination paper may be obtained at the place and times aforesaid;

(4) the nomination papers will be taken up for scrutiny on ..... at.....;

(5) notice of withdrawal of candidature may be delivered either by a candidate or by any proposer or by his election agent who has been authorised in writing by the candidate to deliver it to either of the Officers specified in paragraph (2) above at his office before 3:00 PM on the .....;

(6) In the event of the election being contested, the poll will be taken on ..... between the hours of ..... and .....

Place .....

Date .....

Returning Officer

APPENDIX - VI A

[See Rule 161 (2)]

Revocation of Appointment of Polling Agent

General Election to Lai Autonomous District Council, 2015

from the .....Constituency

To,

The 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.**

APPENDIX-XIII A
[See Rule 178(4)]

General Election to Lai Autonomous District Council, 2015

from the ..... Constituency

RETURN OF ELECTION

Sl. No.	Name of Candidate	Party Affiliation	Number of Votes polled
1.			
2.			

Total number of electors _____

Total number of valid votes polled _____

Total number of rejected votes _____

Total number of tendered votes _____

I declare that -

_____

_____

has been duly elected to the seat.

Place:
Date:

_____

Returning Officer

APPENDIX-XIIIB
[See Rule 178(4)]

Declaration of the result for General Election to Lai Autonomous District Council, 2015.

General Election to the Lai Autonomous District Council, 2015 from the ..... Constituency

In pursuance of the provision contained in Rule 181(4) of the Lai Autonomous District Council (Constitution, Conduct of Business, etc.) Rules, 2010 as amended.

I declare that –

_____ sponsored by _____ has been duly elected to fill the seat in Lai Autonomous District Council, 2015 from the above Constituency.

Place:
Date:

Returning Officer

Memo No._____ : Dated _____.
Copy to:

1. The Secretary, State Election Commission, Mizoram.
2. The Secretary, District Council Affairs Department.
3. The Deputy Commissioner/DEO, Lawngtlai District, Lawngtlai.
4. The Returned Candidate.
5. President, all Political Parties, Lawngtlai District.

Returning Officer

APPENDIX - XIII C
[See Rule -178(4)]

ACKNOWLEDGEMENT RECEIPT TO THE CERTIFICATE OF ELECTION

I, _____ acknowledge receipt of the Certificate of Election in Appendix-XIII in respect of my election to Lai Autonomous District Council from the _____Constituency declared on _____

Date:

Signature of Returned Candidate

Attested and forwarded to the Secretary -

1) State Election Commission, Mizoram
2) District Council Affairs Department.

Returning Officer

APPENDIX - XVI

[See Rule 177]

Appointment of Counting Agents

General Election to Lai Autonomous District Council, 2015

from the ..... Constituency

I, ...* a candidate/the election agent of .....who is a candidate at the above election, do hereby appoint the following persons(s) as my counting agent(s) to attend the counting of votes at.....

Name of the counting agent(s)	Address of the counting agent(s)
1.	
2.	
3.	
4.	

Signature of candidate/election agent

***I/we agree to act as such counting agent(s)**

1.
2.
3.
etc.

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

Signature of Counting agent(s)

Accepted and admitted

Returning Officer

APPENDIX - XVI A
[See Rule 177]

Revocation of Appointment of Counting Agent

General Election to Lai Autonomous District Council, 2015

from the ..... Constituency

I, ...*the election agent of ...../a candidate at the above election hereby revoke the appointment of..... "my/his counting agent appointed earlier to attend the counting of votes at .....

Place .....

Date .....

Signature of person revoking.

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

सत्यमेव जयते

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NOTIFICATION

No.C.11018/3/2012-DCA (L), the 12th January, 2016. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules passed by the Lai Autonomous District Council and approved by His Excellency the Governor of Mizoram on 02.10.2015 is hereby published for general information namely :-

"THE LAI AUTONOMOUS DISTRICT COUNCIL (CONSTITUTION, CONDUCT OF BUSINESS ETC.) (THIRD AMENDMENT) RULES, 2015".

R. Thanga,
Secretary to the Government of Mizoram,
District Council Affairs Department.

THE LAI AUTONOMOUS DISTRICT COUNCIL (CONSTITUTION, CONDUCT OF BUSINESS etc.) (THIRD AMENDMENT) RULES, 2015.

In exercise of the powers conferred by sub-paragraph (7) of paragraph 2 of the Sixth Schedule to the Constitution of India, read with paragraph 20 BB of the said Schedule, the Lai Autonomous District Council makes the following rules further to amend the Lai Autonomous District Council (Constitution,Condust of Business etc.) Rule, 2010 (hereinafter referred to as the Principal Rules), namely ;

1. Short title and commencement :
   (i) These rules shall be called the Lai Autonomous District Council (Constitution, Conduct of Business etc.) (Third Amendment) Rules, 2015.
   (ii) It shall come into force from the date of its publication in the Mizoram Gazette.

2. Amendment of Rule 147 :-
   In sub-rule (1) (b) of Rule 147 of the Principal Rules, the word "addition" shall be inserted after the word "deletion".

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