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#### NOTIFICATION

**No. B. 13017/41/2011-UD&PA, the 6<sup>th</sup> February, 2015.** The following Rules “The Mizoram Municipalities (Election to Local Councils) Rules, 2015” is hereby published for general information.

**R. Lalvena,**  
Secretary to the Govt. of Mizoram,  
Urban Development & Poverty Alleviation Deptt.

**CHAPTER - I****PRELIMINARY****1. Short title, extent and commencement:**

- (1) These Rules may be called the Mizoram Municipalities (Election to Local Councils) Rules, 2015.
- (2) They shall have the like extent as the Municipalities Act, 2007 as amended.
- (3) They shall come into force from the date of their publication in the Mizoram Gazette.

**2. Definitions:**

- (1) In these Rules, except where it is expressly provided otherwise or the context otherwise requires-
  - (a) "Act" means the Mizoram Municipalities Act, 2007 as amended from time to time.
  - (b) "Ballot box" means any box, bag or other receptacle used for the insertion of ballot papers by voters;
  - (c) "Contesting candidate" means a candidate whose nomination has been duly accepted under **Rule 43** and who has not withdrawn his candidature;
  - (d) "Constituency" means a Local Council constituency;
  - (e) "Corrupt practices" means the corrupt practice as defined in section 123 of the Representation of the People Act, 1951 (43 of 1951) in so far as they are relevant to the system of Village Council election under these Rules;
  - (f) "District" means an administrative district;
  - (g) "**District Municipal Election Officer**" means the **District Municipal Election Officer** appointed or designated under Rule 5, **who may be assisted by Assistant District Municipal Election Officer**;
  - (h) "Election" means an election to fill vacancy or vacancies in a Local Council;
  - (i) "Election Tribunal" means an election tribunal constituted under Rule 86 and 87;
  - (j) "Elector" means a person whose name is for the time being entered in the electoral roll;
  - (k) "Municipal Electoral Registration Officer" means an Officer appointed or designated as such under Rule 6 in connection with preparation and revision of electoral rolls, **who may** be assisted by Assistant Municipal Electoral Registration Officer ;
  - (l) "Electoral roll" means a list of persons whose names are registered and who are entitled to vote in an election under these Rules;
  - (m) "Form" means a form appended to these Rules;
  - (n) "Governor" means the Governor of Mizoram ;
  - (o) "Multiple election" means an election to fill two or more vacancies at one time where each elector is entitled to give as many votes as there are vacancies to be filled;
  - (p) "Presiding Officer" means an Officer appointed under Rule 11 to conduct election in a polling station under these Rules;
  - (q) "Polling Officer" means an officer appointed to assist the Presiding Officer to conduct election in a polling station;
  - (r) "Qualifying Date" means the first day of January of the year in which the electoral roll is prepared ;
  - (s) "Qualifying Period" means the year which immediately precedes the year in which the electoral roll is prepared;
  - (t) "Returning Officer" means an Officer appointed or designated as such under Rule 8, who shall be responsible for proper conduct of election in one or more constituencies and he may be assisted by Assistant Returning Officer;

- (u) "Roll" means electoral roll;
  - (v) "State Election Commission" means the State Election Commission of Mizoram constituted under Article 243ZA read with Article 243K of the Constitution of India.
- (2) Words and expressions used in these rules, which have not been defined in sub-section (1), shall have the same meanings as have been respectively assigned to them in the Act and the Mizoram Municipalities (Ward Committee and Local Council) Rules, 2010, as amended from time to time.

## CHAPTER - II

### STATE ELECTION COMMISSION AND APPOINTMENT OF OFFICERS

#### 3. State Election Commission:

- (1) The State Election Commission duly constituted by the State Government, consisting of a State Election Commissioner appointed by the Governor under Article 243K of the Constitution of India read with sub-section (1) of section 345 of the Mizoram Municipalities Act, 2007 as amended, shall be vested with the superintendence, **direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to the Local Councils under these Rules.**
- (2) The State Election Commission shall co-ordinate and supervises the work of **District** Municipal Election Officers in the State in due discharge of their functions and duties under these Rules.

#### 4. Observers:

- (1) The State Election Commission may appoint a **Roll Observer who shall be an officer of the Central or State Government or Pubic Undertakings to review, supervise and monitor the preparation, or revision of electoral rolls and to perform such other functions as may be entrusted to him by the State Election Commission;**
- (2) **The State Election Commission may also appoint an Election Observer, who shall be an officer of the Central or State Government or Public Undertakings to watch the conduct of election or elections in a Constituency or a group of Constituencies and to perform such other functions as may be entrusted to him by the State Election Commission. The Election Observer so appointed or nominated shall report to the State Election Commission and function under the direction and control of the State Election Commission .**

#### 5. District Municipal Election Officer:

- (1) For each Municipal area to which these Rules extend, the State Election Commission shall appoint the concerned Deputy Commissioner as **District** Municipal Election Officer for the preparation of electoral rolls and the conduct of elections under these Rules.
- (2) The State Election Commission may also appoint **Election Officer of the District Municipal Election Officer's office** concerned or such other Officer of the State Government as may be necessary as Assistant **District** Municipal Election Officer to assist the **District** Municipal Election Officer and perform all such duties under his direction.
- (3) The **District** Municipal Election Officer shall also perform such other functions and duties as may be directed by the State Election Commission from time to time.

**6. Municipal Electoral Registration Officer:**

- (1) For each Municipal area to which these Rules extend, the State Election Commission shall appoint or designate any officer of the State Government as **Municipal** Electoral Registration Officer for each such Municipal area to perform all necessary functions for the preparation and revision of electoral rolls for all Local Council constituencies in the said area.
- (2) The State Election Commission **may designate** one or more officers as Assistant Municipal Electoral Registration Officer to assist the Municipal Electoral Registration Officer and perform duties under his direction.
- (3) The Municipal Electoral Registration Officer shall also perform such other functions as may be directed by the State Election Commission.
- (4) A Municipal Electoral Registration Officer may, subject to any prescribed restrictions, employ such persons as he thinks fit for the preparation and revision of the electoral roll for the constituency.

**7. Appointment of same person as both District Municipal Election Officer and Municipal Electoral Registration Officer:** Nothing in these Rules shall prevent the State Election Commission from appointing or designating one and same Officer to be both the **District** Municipal Election Officer and the Municipal Electoral Registration Officer for the same Municipal area.**8. Returning Officer:**

- (1) For every election to fill a seat or seats of a Local Council in any constituency, the State Election Commission shall, in consultation with the **District** Municipal Election Officer, appoint any officer of the State Government to be the Returning Officer to conduct the election in that constituency. There shall be a separate Returning Officer for each of the Local Council constituency.
- (2) If the **District** Municipal Election Officer concerned is satisfied that the functions of the Returning Officer in any constituency cannot be performed satisfactorily by one officer, he may, submit proposal to the State Election Commission, for appointment of any officer of the State Government to be Assistant Returning Officer to assist the Returning Officer in the conduct of election in that constituency.
- (3) 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.

**9. References to Returning Officer:** All references in these Rules to any Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer performing any function which he is authorized to perform under Rule 8.**10. General duty of the Returning Officer :** 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 effectively conducting the election in the manner provided by these Rules or orders made thereunder.**11. Presiding Officer and Polling Officers for Polling Station:**

- (1) The **District** Municipal Election Officer shall, in consultation with the State Election Commission, appoint a Presiding Officer for each Polling Station and such Polling Officers as may be required from amongst the employees of the State Government to conduct the election in the manner provided by these Rules or orders made there under.

- (2) If the Presiding Officer, owing to illness or other unavoidable cause, is unable to perform his functions, the Polling Officer whose name stands at serial number one of the list of Polling Officers, shall perform the functions of the Presiding Officer.
- (3) References in this Rule to the Presiding Officer shall be deemed to include the Polling Officer, who performs the functions of the Presiding Officer under sub-rule (2) of this Rule.

**12. Duties of Presiding Officer:** The Presiding Officer shall -

- (1) keep order at the Polling Station;
- (2) ensure that the poll is taken fairly and strictly in accordance with the provisions of these Rules;
- (3) regulate the number of voters to be admitted at any one time inside the Polling Station and exclude therefrom all other persons except -
  - (a) the Polling Officers and other staff engaged on polling duty;
  - (b) the Candidates, **Election Agents** and their Polling Agents;
  - (c) **Public Servants including Police personnel on duty;**
  - (d) **a companion of illiterate or blind or infirm elector;**
  - (e) **observers appointed by the State Election Commission;**
  - (f) **persons authorized by the State Election Commission such as media persons.**

**13. Duties of Polling Officers and other Staff:**

- (1) It shall be the duty of the Polling Officers at a Polling Station to issue Ballot Papers to electors according to the provisions of **Rule 57** and to mark on the electors to whom ballot papers are issued, and to assist the Presiding Officer as may be required by him.
- (2) For the purpose of sub-rule (1), the Polling Officers shall be provided with-
  - (a) sufficient number of Ballot Papers;
  - (b) notified final electoral roll of the constituency;
  - (c) a stamp pad as may be required for taking thumb impression of illiterate elector under sub-rule (2) of **Rule 57** and;
  - (d) other articles or forms which may be required.
- (3) The other Staff appointed, if any, in a Polling Station shall perform such functions and duties as may be assigned to them by the Presiding Officer.

**14. Functions of the Returning Officer and the Presiding Officer:**

- (1) The Returning Officer shall function under immediate control and supervision of the **District Municipal Election Officer** and shall perform such functions and duties as may be directed by the State Election Commission or the **District Municipal Election Officer**, as the case may be.
- (2) The Presiding Officer shall function under the control and supervision of the Returning Officer and shall perform such functions and duties as may be directed by the District Municipal Election Officer or the Returning Officer, as the case may be.

**15. Observer, District Municipal Election Officer, Municipal Electoral Registration Officer, Returning Officer etc deemed to be on deputation to the State Election Commission: The Observer, District Municipal Election Officer, Municipal Electoral Registration Officer, Returning Officer, etc. referred to in Chapter - II, 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.**

**CHAPTER – III****ELECTORAL ROLL****16. Electoral roll for every Constituency and adoption of electoral roll of the Assembly Constituency:**

- (1) For every Local Council Constituency, there shall be **prepared** an electoral roll in accordance with the provisions of these Rules.
- (2) **Notwithstanding anything contained in these Rules, the State Election Commission may prepare the electoral rolls of Local Councils without conducting an enumeration by adopting the last published electoral rolls of the Assembly Constituencies prepared for the purpose of election to the State Legislative Assembly under the provisions of the Representation of the People Act, 1950 (Act 43 of 1950) as draft roll or mother roll.**
- (3) **The electoral roll of Assembly Constituency as adopted under sub-rule (2) shall be divided into separate parts for each Local Council Constituency and all electors included in the electoral roll for the Assembly Constituency relating thereto shall be incorporated in the electoral roll of the Local Council Constituency concerned.**

**17. Preparation and Revision of electoral roll:**

- (1) **Notwithstanding anything contained in Rule 16, the roll shall be revised either intensively or summarily or partly intensively and partly summarily as the State Election Commission may direct.**
- (2) **The electoral roll for every constituency shall be prepared by reference to the qualifying date before each general election or mid-term or by-election to the Local Councils. The electoral roll so prepared and published in accordance with the provisions of these Rules may be referred to as the mother roll of the constituency.**
- (3) **The electoral rolls under these Rules need not be revised annually or summarily as a matter of course. However, if in the opinion of the State Election Commission, there is sufficient reason so to do, it may, by a notification, order that the electoral roll or rolls of particular constituency or constituencies shall be revised summarily at any time of the year other than the year before or during which the election to Local Councils was conducted.**
- (4) **For the purpose of sub-rule (3), re-election to a dissolved Local Council to restore the Local Council for the remaining period of the general term, or by-election to fill any casual vacancy in a Local Council at any time, shall not normally be counted as a sufficient reason for ordering summary revision.**
- (5) **Summary revision under sub-rule (3) shall be done in such a way that the Municipal Electoral Registration Officer shall, by reference to the mother roll, invite claims and objections and dispose them of in the manners as provided under the following Rules, and shall publish a list of amendments containing additions or deletions or corrections or all showing the year of such revision, and shall append the lists to the mother roll. The mother roll together with such lists of additions or deletions or corrections or all appended to it, shall become the electoral roll of the constituency.**

**18. Disqualifications for registration in an electoral roll:**

(1) A person shall be disqualified for registration in an electoral roll if he -

(a) is not a Citizen of India; or

(b) is not a member of a Scheduled Tribe whose affairs are triable by Village Court under Rule 14 of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953; or

(c) is of unsound mind remaining so declared by a competent court; or

(d) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after having been registered in an electoral roll shall forthwith be struck off from the electoral roll in which it is registered.

(3) Notwithstanding anything contained in clause (b) of sub-rule (1), permanently resident Gorkhas and their direct descendants as notified by the State Government, who are not otherwise disqualified, shall be entitled to be registered in an electoral roll.

**19. No person to be registered in more than one constituency:** No person shall be entitled to be registered in the electoral roll for more than one constituency at a time.

**20. No person to be registered more than once in any constituency:** No person shall be entitled to be registered in the electoral roll for any constituency more than once.

**21. Conditions of Registration:**

(1) Subject to the provisions of foregoing Rules in this Chapter, every person who -

(a) is not less than eighteen years of age on the qualifying date, and;

(b) is ordinarily resident in a **Local Council** constituency for one hundred eighty days **as on the qualifying date**, shall be entitled to be registered in the electoral roll **for that Constituency**.

(2) For the purpose of clause (b) of sub-rule (1), the expression "Ordinarily Resident" shall have the same meaning as assigned to it by section 20 of The Representation of the People Act, 1950 (43 of 1950).

**22. Making false declaration: If any person makes any false declaration in connection with:-**

(a) the preparation, revision or correction of an electoral roll, or

(b) the inclusion or exclusion of any entry in or from an electoral roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

**23. Order of Names:**

(1) The names of Electors in each roll shall be arranged so far as practicable according to house number **of the mother roll**.

(2) The names of electors in each part of the roll shall be numbered, so far as practicable, consecutively with a separate series of numbers beginning with the number one.

**24. Electoral roll not to be divided in parts:**

- (1) The electoral roll of a **Local Council** constituency shall not be divided in parts but shall be numbered consecutively beginning from the number one.
- (2) Where there are different localities in a constituency, the Municipal Electoral Registration Officer may direct to enter the names of the electors locality- wise **by dividing into sections**. This, however, shall not be compulsory but shall be left to the discretion of the Municipal Electoral Registration Officer. In any case, the serial numbers of the electors shall be consecutive all through.

**25. Information to be supplied by occupants:**

- (1) The Municipal Electoral Registration Officer may, for the purpose of preparing electoral roll, send letter of request in Form 1 to the occupants of any dwelling house in a constituency, if no person is available to give the required information on particulars of the occupants at the time of visit during Intensive Revision of electoral roll, and every person receiving any such letter shall furnish the information called for therein to the best of his **knowledge** and ability.
- (2) **In case any question arises as to whether a person is ordinarily resident at a place at a relevant time, the instructions prescribed in Form 1 may also be considered by the State Election Commission for the determination of a person's ordinary residence.**

**26. Access to certain registers:** For the purpose of preparing electoral roll or deciding any claim or objection to electoral roll, the Municipal Electoral Registration Officer and any person employed by him for the purpose shall have access to any **Registrar** of births and deaths and to the admission register of any educational institution, and it shall be the duty of every person in charge of any such register to give to the said officer or person such information and such extracts from the said register as he may require.**27. Publication of electoral roll in draft:** As soon as the electoral roll for a constituency is ready, the Municipal Electoral Registration Officer shall publish it in draft, by making a copy thereof available for inspection and displaying a notice in **Form 2-**

- (a) at his Office, and
- (b) at such places in the constituency as may be specified by him for the purpose.

**28. Further publicity to the draft roll and notice:** The Municipal Electoral Registration Officer shall also-

- (a) make a copy of each draft roll with a copy of the notice in **Form 2** available for inspection at a specified place accessible to the public and in or near the constituency to which the draft roll relates;
- (b) give such further publicity to the notice in Form 2 as he may consider necessary; and
- (c) supply free of cost two copies of each draft roll to every Political Party **recognised** by the Election Commission of India.

**29. Period for lodging claims and objections:** Every claim for the inclusion of a name in the roll and every objection to an entry therein shall be lodged within a period of fifteen days from the date of publication of the roll in draft under **Rule 27:**

Provided that the State Election Commission, may by a notification, extend the period not exceeding 15 days in respect of a Municipal area as a whole or in respect of any constituency.



**30. Form for claims and objections:**

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

**31. Manner of lodging claims and objections:**

Every claim and objection shall-

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

**32. Disposal of claims and objections: The Municipal Electoral Registration Officer shall-**

- (a) ensure that all claims and objections received after draft publication within the prescribed time period are duly disposed of in accordance with law and directions or instructions of the State Election Commission;
- (b) reject any claim or objection that is not lodged within the period or in the Form and manner specified under Rule 31;
- (c) hold a summary enquiry into every claim or objection in respect of which a notice has been given and shall record his decision thereon. At the hearing, claimant, or as the case may be, objector and the person objected to and any other person, who, in his opinion, is likely to be assistance to him, shall be entitled to appear and to be heard;
- (d) record not only his decision in each case but also brief reasons for the decision;
- (e) dispose of all the claims and objections within thirty days from the last date of the period for lodging such claims and objections under Rule 29;
- (f) communicate his decision to every applicant within 24 (twenty four) hours from the date of order made by him to enable the applicants whose applications are rejected to file their appeals within the stipulated period of fifteen days.

**33. Final publication of electoral roll:**

(1) The Municipal Electoral Registration Officer shall thereafter-

- (a) prepare a list of amendments to carry out his decisions under Rule 32 and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll;
- (b) publish the roll, together with the list of amendments by making a complete copy thereof available for inspection and displaying a notice in Form 6 at his office; and
- (c) subject to such general or special directions as may be given by the State Election Commission, supply free of cost, two copies of the roll, as finally published, with the list of amendments, if any, to every political party for which a symbol has been exclusively reserved by the Election Commission of India.

- (2) On such publication, the roll together with the list of amendments shall be the electoral roll of the constituency.
  - (3) Where the roll, together with the list of amendments, becomes the electoral roll for a constituency under sub-rule (2) the Municipal Electoral Registration Officer may, for the convenience of all concerned, integrate, subject to any general or special directions issued by the State Election Commission in this behalf, the list in to the basic roll by incorporating inclusion of names, amendments, deletion of entries in the relevant parts of the basic roll itself, so however that no change shall be made in the process of such integration in the name of any elector or in any particulars relating to any elector, as given in the list of amendments.
34. Appeals from orders deciding claims and objections:
  - (1) An appeal shall lie from any decision of the Municipal Electoral Registration Officer under Rule 32 to such officer of Government as the State Election Commission may designate in this behalf (hereinafter referred to as the appellate officer):

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by, or to make representations to the Municipal Electoral Registration Officer on the matter which is the subject of appeal.
  - (2) Every appeal under sub-rule (1) shall be-
    - (a) in the form of a memorandum signed by the appellant and accompanied by a copy of the order appealed against and a fee of Rs.10 (Rupees ten) to be paid-
      - (i) by means of non-judicial stamps, or
      - (ii) in such other manner as may be directed by the State Election Commission, and
    - (b) presented to the appellate officer within a period of fifteen days from the date of announcement of the decision of the Municipal Electoral Registration Officer or sent to that officer by registered post so as to reach him within that period.
  - (3) The presentation of an appeal under this Rule shall not have the effect of staying or postponing any action to be taken by the Municipal Electoral Registration Officer under Rule 33.
  - (4) Every decision of the appellate officer shall be final; but insofar as it reverses or modifies a decision of the Municipal Electoral Registration Officer, shall take effect only from the date of the decision in appeal.
  - (5) The Municipal Electoral Registration Officer shall cause such amendments to be made in the roll as may be necessary to give effect to the decisions of the appellate officer under this Rule.
35. Breach of official duty in connection with the preparation etc, of electoral rolls:
  - (1) If any Municipal Electoral Registration Officer, Asst. Municipal Electoral Registration Officer or other person required by or under this Rule to perform any official duty in connection with the preparation, revision or correction of an electoral roll or inclusion or exclusion of any entry in or from such electoral roll is, without reasonable cause, guilty of any act or commission in breach of such official duty, he shall be punishable with fine which may extend to Rs. 500/- ( rupees five hundred );

- (2) No suit or other legal proceedings shall lie against any such officer or other person for damages in respect of any such act or omission as aforesaid;
- (3) No court shall take cognizance of any offence punishable under this Rule unless there is a complaint made by an order of, or under the authority from the State Election Commission or the District Municipal Election Officer concerned.

#### CHAPTER IV

##### NUMBER OF VACANCIES, ELECTION NOTICE, NOMINATIONS, SCRUTINY AND SYMBOLS

36. **Publication of Locality numbers and vacancies:** As soon as may be after the publication of **final electoral rolls under Rule 33 or 34** as the case may be, the State Election Commission, in consultation with the **District Municipal Election Officer**, shall publish a list of Local Councils for which election is to be held, giving each Locality a distinctive Locality number and showing number of vacancies to be filled in each by such election.
37. **Notification for General Election to Local Councils:**
  - (1) A general election to Local Councils shall be held on or before the expiration of the duration of the existing Local Councils or on their dissolution, if any, and the State Election Commission shall call upon every Constituency to elect members of the Local Council in accordance with this Rule within such time as may be specified in such notification.
  - (2) For the purpose of holding elections to fill ordinary or casual vacancies, the State Election Commission shall by a notification in the Official Gazette, appoint –
    - (a) the last date for making nominations which shall be the seventh day after the date of publication of the first mentioned notification or, if that is a public holiday, the next succeeding day which is not a public holiday;
    - (b) the date for the scrutiny of nominations which shall be the day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
    - (c) the last date for the withdrawal of candidature, which shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
    - (d) the date or dates on which a poll shall, if necessary, be taken which or the first of which shall be a date not earlier than the fourteenth day after the last date for the withdrawal of candidatures; and
    - (e) the date before which the election shall be completed;
    - (f) the date before which the Executive body of each Local Council shall be formed.
  - (3) (a) Where general election is to be held otherwise on the dissolution of the existing Local Council, no such notification shall be issued earlier than 6(six) months prior to the date on which the duration of the Local Council would expire.

- (b) **When a Local Council is dissolved, election to constitute the Local Council for the remaining period of the fixed tenure, shall be completed before the expiry of 6(six) months from the date of its dissolution:**

**Provided that where the period for which such dissolved Local Council would have continued is less than 6(six) months, it shall not be necessary to hold any election to constitute the Local Council for the remaining period.**

**38. Timeline for issue of notification:**

- (1) The **period between announcement of schedule of elections to the Local Councils by the State Election Commission and issue of notification for the elections to the Local Councils by the State Election Commission shall not exceed 14(fourteen) days.**
- (2) The notification for election to Local Councils shall be issued on a date, giving time not less than 7(seven) days ahead of the date appointed for the last date of filing of nominations.
- (3) The date or dates of poll shall be fixed, leaving at least 21(twenty one) days between the date fixed for withdrawal of candidature and the actual date of poll, for preparation of ballot boxes, ballot papers and other election materials.

**39. Public notice of intended election and time of nominations: On the issue of a notification by the State Election Commission under Rule 37, the Returning Officer shall, in Form 7, give public notice of the intended election in such form and manner, as may be prescribed, inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered.**

**40. Qualifications of candidates:**

**A person shall not be qualified for chosen to fill a seat in a Local Council if -**

- (a) **he is not a citizen of India;**
- (b) **he is not a member of a Scheduled Tribe;**
- (c) **he has not attained the age of 25 years;**
- (d) **his name is not registered in the electoral of the Local Council Constituency concerned;**
- (e) **he is member of any other Local Council;**
- (f) **if he is an employee or holds any office of profit under the Central Government or State Government or Public Undertakings;**
- (g) **he is of unsound mind and stands so declared by the competent court; or**
- (h) **he is, for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections;**
- (i) **whether before and after the commencement of these Rules, he has been convicted of an offence under the law for the time being in force in India, unless a period of three years has elapsed since his conviction, and if imprisoned, since his release from prison.**

**41. Filing of nomination: Any person who is qualified to be a candidate under Rule 40 may offer himself as a candidate and file his own nomination duly countersigned by an witness, who is an elector of the constituency, in Form 8 and deliver it in person or by his representative duly authorised in writing at the appointed place and within the appointed dates under Rule 37 and 39, between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon:**

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

**42. Security deposit, refund or forfeiture:**

- (1) A candidate shall deposit a security deposit of **Rs. 500/- (rupees five hundred)** along with his nomination paper which shall be refunded to him at once in the case of his withdrawing the candidature, or as early as possible after the conclusion of the election unless he gets forfeited the deposit.
- (2) The Returning Officer shall issue to the candidate a receipt in Form 9 which shall be taken back from him in the case of refund of the deposit.
- (3) The security deposit of a candidate shall be forfeited to the State Government if-
  - (a) at an election to fill one vacancy the candidate is not elected and the number of valid votes polled by him is less than one-sixth of the total number of valid votes polled by all candidates; or
  - (b) at an election to fill two or more vacancies the candidate is not elected and the total valid votes polled by him is less than one-sixth of the total votes polled by all the candidates divided by the number of vacancies.

**43. Scrutiny of nominations:**

- (1) On the date appointed for the scrutiny of nominations under **Rule 37 and 39**, the candidates and one person duly authorized in writing by each candidate, but no other person, may attend at such place and time as the Returning Officer may appoint for such scrutiny. The Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered in time.
- (2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, namely:
  - (a) that the candidate is either not qualified or disqualified for being elected as a member of Local Council under the provisions of the Act or of these Rules; or
  - (b) that there has been a failure to comply with the provisions of **Rule 41 or Rule 42**; or
  - (c) that the signature of the candidate/**thumb impression** on the nomination paper is not genuine:

**Provided that the nomination of a candidate shall not be rejected merely on the ground of any incorrect description of his name or of any other particulars relating to the candidate as entered in the electoral roll, if the identity of the candidate, as the case may be, is otherwise established beyond reasonable doubt.**

- (3) **The Returning Officer shall endorse on each nomination paper, his decision, accepting or rejecting the same and, if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for such rejection. The scrutiny shall be completed on the date appointed in this behalf and no adjournment of the proceedings shall be allowed except where such proceedings are interrupted or obstructed by riot or open violence or for causes beyond the control of the Returning Officer:**

**Provided that in case an objection is made, the candidate concerned may be allowed time to rebut the same not later than the next day and the Returning Officer shall record his decision on the date to which the proceedings are adjourned.**

- (4) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the Returning Officers shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it to his notice board. Form 10 - "List of validly nominated candidates" shall be arranged in alphabetical order under the three categories-
- (a) Candidates of recognized National and State political parties:
  - (b) Candidates of registered political parties other than those recognised National and State political parties:
  - (c) Other (Independent) candidates.
44. **Withdrawal of candidature:**
- (1) Any candidate may withdraw his candidature by a written notice in **Form 11** and subscribed by him and delivered before three O'clock in the afternoon on the last date fixed under **Rule 39** for such withdrawal, to the Returning Officer either by such candidate or any person authorized by him in writing in that behalf. The Returning Officer shall normally accept such withdrawal and refund the security deposit to the withdrawing candidate.
  - (2) No person who has given a notice of withdrawal of candidature under sub-rule(1) shall be allowed to cancel the notice.
45. **Election without contest:** If, after the scrutiny of nominations or expiry of the period within which candidature may be withdrawn, the number of valid candidates is either less than or equal to the number of vacancies to be filled, the Returning Officer shall forthwith declare all the validly nominated candidates elected without contest.
46. **Allotment of symbols and publication of list of contesting candidates:**
- (1) In every contested election under these Rules, a symbol shall be allotted to all contesting candidates.
  - (2) If, immediately after the expiry of the period within which candidatures may be withdrawn under sub-rule (1) of Rule 44, the no. of validly nominated candidates is more than the no. of vacancies to be filled for a Local Council, the Returning Officer shall forthwith consider the allotment of symbols to those contesting candidates who have not withdrawn their candidatures.
  - (3) For the purpose of these Rules, symbols are either "reserved" or "free" as shown in Table-I and Table-II respectively in the Appendix. A reserved symbol is a symbol which is reserved for recognized political party for exclusive allotment to a contesting candidate or candidates set up by that party. A free symbol is a symbol other than a reserved symbol.
  - (4) For the purposes of these Rules, a recognized political party means a political party as may be recognized by the Election Commission of India as a National Party or a State Party of Mizoram as on the date of notification under Rule 37.
  - (5) Subject to the provisions of sub-rule (3), a candidate set up by a recognized political party shall choose, and be allotted, the symbol reserved for that party and no other symbol.
  - (6) Subject to the provisions of sub-rule (3), a candidate set up by a registered but unrecognized political party shall be given a preference of choosing any symbol out of the symbols specified as "Free symbols".

- (7) Any candidate other than a candidate of a recognized or a registered but unrecognized political party shall choose and be allotted one of the symbols specified as “free symbols”. If the choices come into conflict, the Returning Officer shall allot symbols in conformity, as far as possible, with the wishes of the candidate and, if necessary, by lot and his decision shall be final.
- (8) Each candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and shall be given a specimen thereof.
- (9) A candidate shall be deemed to be set up by a recognized political party if-
  - (a) the candidate has made a declaration to that effect in his nomination paper;
  - (b) a notice in writing in Form 12 to that effect has, not later than 3:00 p.m. on the last date of withdrawal of candidatures, been delivered to the Returning Officer; and
  - (c) the said notice is signed by the Unit President of the recognized political party.
- (10) A candidate shall be deemed to be set up by a registered but unrecognized political party if –
  - (a) the candidate has made a declaration to that effect in his nomination paper,
  - (b) a notice in writing in Form 12 to that effect has, not later than 3:00 p.m. on the last date of withdrawal of candidatures, been delivered to the Returning Officer,
  - (c) the said notice is signed by the Unit President of the registered but unrecognized political party, and
  - (d) a copy of the letter registering the said political party by the Election Commission of India is enclosed.
- (11) The Returning Officer shall then prepare a list in Form 13 of all contesting candidates with their distinctive symbols and display it on the wall of Polling Station and also in two or more conspicuous places in the constituency.
- (12) The list shall contain the names of contesting candidates as prescribed in their nomination papers in alphabetical order and in the same order as specified below:-
  - (a) candidates of National and State recognized political parties;
  - (b) candidates of registered political parties with a reserved symbol;
  - (c) candidates of registered political parties without a reserved symbol;
  - (d) Other (Independent) candidates.

## CHAPTER V

### CONDUCT OF ELECTION

#### 47. Polling Station:

- (1) One or more Polling Station shall be set up for each constituency depending upon the number of electors in the electoral roll of the constituency. At each Polling Station, there shall be set up one or more voting compartments in which electors can record their votes free from observation.
- (2) The **District** Municipal Election Officer shall provide at each polling station-
  - (a) a ballot box or boxes as may be necessary with reference to the number of electors assigned to it;
  - (b) **marked** copies of the electoral roll of the constituency;
  - (c) ballot papers;

- (d) materials for making voting compartments;
  - (e) **arrow cross mark rubber stamp to mark ballot papers;**
  - (f) **distinguishing mark rubber stamp;**
  - (g) **seal of Presiding Officer;**
  - (h) **indelible ink;**
  - (i) **statutory and non-statutory forms, other papers and stationery.**
- (3) Outside each Polling Station, there shall be displayed prominently-
- (a) a copy of the list of contesting candidates and their distinctive symbols in **Form 13;**
  - (b) a notice specifying the polling area; and
  - (c) a notice showing the hours of poll.

#### **48. Appointment of Election Agent and Polling Agents :**

##### **(1) Election Agent:**

- (a) A candidate at an election may appoint, in the prescribed manner any one person other than himself to be his Election Agent and when any such appointment is made, notice of the appointment shall be given in the prescribed manner, to the Returning Officer.
- (b) Any person, who is, for the time being disqualified under these Rules for being a member of a Local Council, shall be disqualified for being an Election Agent at any election.
- (c) The notice for appointment of an Election Agent shall be in Form 14 and such notice with 2 copies shall be forwarded to the Returning Officer and subject to the conditions of clause (a) & (b), the Returning Officer shall return one copy thereof to the Election Agent after affixing thereon his seal and signature as a token of his authority.
- (d) An Election Agent may perform such functions in connection with the election as are authorized by or under these Rules to be performed by an Election Agent.
- (e) Any revocation of the appointment of an Election Agent in Form 15, shall be signed by the candidate, and shall operate from the date on which it is lodged with the Returning Officer.

##### **(2) Polling Agent:**

- (a) The number of Polling Agents that may be appointed by a Contesting Candidate or his Election Agent, shall, in respect of each Polling Station, be one agent and a relief agent.
- (b) Every such appointment of Polling Agent shall be made in Form 16 and the Polling Agent shall deliver it to the Presiding Officer.
- (c) No Polling Agent shall be admitted to the Polling Station unless he has delivered to the Presiding Officer the instrument of his appointment under sub-rule(2)(b) after duly completing and signing before the Presiding Officer the declaration contained therein.
- (d) Any revocation of the appointment of a Polling Agent in Form 17 shall be signed by the Candidate or his Election Agent and shall operate from the date on which it is lodged with such officer as may be prescribed, and in the event of such a revocation or of the death of a Polling Agent before the close of the poll, the Candidate or his Election Agent may appoint in the prescribed manner



another Polling Agents at any time before the poll is closed and shall forthwith give notice of such appointment in the prescribed manner to such officer as may be prescribed.

- (e) A Polling Agent may perform such functions in connection with the poll as are authorised by or under these Rules, to be performed by a Polling Agent.
  - (3) Attendance of a Contesting Candidate or his Election Agent at Polling Station, and performance by him of the functions of a Polling Agent :
    - (a) At every election where a poll is taken, each Contesting Candidate at such election and his Election Agent shall have a right to be present at any polling station provided under Rule 48 for the taking of the poll.
    - (b) A Contesting Candidate or his Election Agent may himself do any act or thing which any Polling Agent of such Contesting Candidate, if appointed, would have been authorised by or under these Rules to do, or may assist any Polling Agent of such Contesting Candidate in doing any such act or thing.
  - (4) Non-attendance of polling agent: Where any act or thing is required or authorised by or under these Rules to be done in the presence of the polling agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.
49. **Fixing the time of Poll:** The State Election Commission shall fix the hours during which the poll will be taken and the hours so fixed shall be published by notification in the official gazette:

Provided that the total period allotted on any one day for polling shall not be less than eight hours in between 7:00 A.M to 5:00 P.M.

50. **Method of Voting:**

- (1) At every election where a poll is taken under these Rules, votes shall be given by ballot and no votes shall be received by proxy.
- (2) Save as otherwise provided, all electors voting at an election shall exercise their franchise in person at the Polling Station provided under **Rule 47**.

51. **Ballot Box:**

- (1) There shall be a single ballot box **for all contesting candidates at each polling station**. A ballot box shall be made of strong materials such as plastic, wood iron and shall be constructed in such a way that ballot papers can be inserted therein but cannot be withdrawn there-from without the box being unlocked.
- (2) Every ballot box used at a Polling Station shall bear label outside and marked with the name of the Local Council **Constituency**, the number of the locality, and the serial number of the Polling Station if more than one Polling Station are set up for one Local Council.
- (3) **Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the contesting candidates, polling agents and other persons who are present that the ballot box is empty and bears the labels referred to in sub-rule (2).**
- (4) **The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the Polling Agents.**

**52. Ballot Papers:**

- (1) Every ballot paper shall be in Form 20 with a counterfoil portion shall be provided a space for signature or thumb impression of elector just above the words "Signature or Thumb Impression" on the right hand side.
- (2) On each ballot paper the names of all contesting candidates shall be printed with their respective symbols in the order in which their names are published under **sub-rule (12) of Rule 46 in Form 13.**
- (3) The ballot papers shall be serially numbered and shall be stamped on their reverse by such distinguishing marks, so that the determination of a ballot paper as the original part of a counterfoil can be determined or in such a manner as the State Election Commission may direct from time to time.

**53. Procedure for voting by a voter on election duty:**

- (1) A voter on election duty, who wishes to vote, shall, at least five days before the date of poll, approach the District Municipal Election Officer concerned and make an application in Form 21 for the issuance of the ballot paper in order to enable him to cast his vote as may be prescribed by the State Election Commission.
- (2) The District Municipal Election Officer shall, on being satisfied as to the identity of such voter on production of the letter of appointment in connection with the election -
  - (a) have the person's name marked in the electoral roll; and
  - (b) issue to such voter a ballot paper and permit him to vote on the spot with instrument provided for the purpose.
- (3) After recording his vote, such voter shall make over the ballot paper to the District Municipal Election Officer in a sealed cover for onward dispatch to the Returning Officer concerned.
- (4) The District Municipal Election Officer shall keep the counterfoil of such ballot paper in a separate sealed cover and keep the cover containing the ballot paper in his safe custody.

**54. Challenging of identity:**

- (1) Any Polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of rupees ten in cash with the Presiding Officer for each such challenge.
- (2) In the case of challenge made under sub-rule (1) the Presiding Officer shall—
  - (a) warn the person challenged of the penalty for personation;
  - (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
  - (c) enter his name and address in the list of challenged votes in Form 22; and
  - (d) require him to affix his signature in the said list.
- (3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose,-
  - (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
  - (b) put to the person challenged any questions necessary for the purpose of establishing his identity require him to answer them on oath; and

- (c) administer an oath to the person challenged and any other person offering to give evidence.
  - (4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.
  - (5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to Government, and in any other case, he shall return to the challenger at the conclusion of the inquiry.
- 55. Safeguards against personation:**
- (1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and indelible ink mark to be put on it.
  - (2) If any elector refuses to allow his left forefinger to be inspected or marked, in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.
  - (3) Any reference in this Rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.
- 56. Identification of electors:**
- (1) As each elector enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.
  - (2) Every elector shall produce identity card issued to him under the provisions of the Registration of Electors Rules, 1960 made under the Representation of the People Act, 1950 or any such documents as may be specified, by order, by the State Election Commission before the Presiding Officer or the Polling Officer authorized by him in this behalf, in order to establish his identity at the polling station.
  - (3) In deciding the right of a person to cast his vote, the Presiding Officer or the Polling Officer, as the case may be, shall overlook the clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.
- 57. Issue of ballot papers:**
- (1) Before any ballot paper is delivered to an elector, the Presiding Officer shall sign his name in full on the back of the ballot paper.
  - (2) At the time of issuing a ballot paper to the elector, the signature or thumb impression of the elector shall be taken on the counterfoil of the ballot paper. No ballot paper shall be delivered to the elector unless he puts his signature or thumb impression on the counterfoil of the ballot paper.

- (3) After the elector put his signature or thumb impression as at sub-rule (2), the Polling Officer shall record on the counterfoil, the serial number of the elector as at the electoral roll and then deliver the ballot paper to the elector.
- (4) The Polling Officer in-charge of the marked copy of the electoral roll shall mark the name of the elector in the marked copy by underlining the entry, and if elector is a female, put a tick mark also on the left hand side of the name of the elector.
- (5) No person in the polling station shall be allowed to note down the serial number of ballot paper issued to a particular elector.
- (6) Each elector shall be given only one ballot paper for each election. Every elector to whom a ballot paper has been issued shall maintain secrecy of voting and for that purpose observe the voting procedure hereinafter laid down.

**58. Voting procedure:**

- (1) On receiving the ballot paper, the elector shall-
  - (a) forthwith proceed to the voting compartment and there, with the aid of the instruments supplied for the purpose, mark the ballot paper on or near the symbol of the candidate in case of an election for one seat, or on or near the symbols of the candidates in case of multiple election for more than one seats, for whom he intends to vote; and
  - (b) fold the ballot paper first vertically and then horizontally so as to conceal his vote and put it into the ballot box kept for the purpose.
- (2) Every elector shall vote without any undue delay and shall quit the Polling Station as soon as he has voted.
- (3) No elector shall be allowed to enter a voting compartment when another elector is inside it.
- (4) If an elector to whom a ballot paper has been issued, refuses after warning given by the Presiding Officer to observe the procedure laid down in sub-rule (1), the ballot paper issued to him shall, whether he has recorded his vote therein or not, be taken back from him by the Presiding Officer or Polling Officer under the direction of the Presiding Officer.
- (5) After the ballot paper has been taken back, the Presiding Officer shall record on its back the words "Cancelled-Voting procedure violated" and put his signature below these words.
- (6) All the ballot papers on which the words "Cancelled-Voting procedure violated" are recorded shall be kept in the cover for unused ballot papers, and shall in no way be counted as votes.

**59. Marking of ballot paper in excess or deficit:**

- (1) If any elector gives votes on ballot paper in favour of more candidates than the vacancy or vacancies for filling which the election is held, then at the counting of votes, his vote shall be invalid and rejected as void.
- (2) If any elector gives on the ballot paper in favour of less candidates than the vacancies for filling which the multiple election is held, his vote shall be valid and counted at the counting of votes.

**60. Recording of votes of illiterate or blind or infirm electors:**

- 1) If the Presiding Officer is satisfied that owing to old age or blindness or other physical infirmity **or illiteracy**, an elector is unable to recognize **the names of the contesting candidates and their symbols** on the ballot paper or to make a mark thereon, the Presiding Officer shall

permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

Provided that no person shall be permitted to act as the companion of more than one elector at any Polling Station on the same day;

Provided further that before any person is permitted to act as the companion of an elector under this Rule, the person shall be required to declare in **Form 23** that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any Polling Station on that day.

- (2) The Presiding Officer shall keep a record in **Form 24** of all such cases under this Rule.

**61. Spoilt and returned ballot papers:**

- (1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as ballot paper may, on returning it to the Presiding Officer or Polling Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked "Spoilt – cancelled" by Presiding Officer.
- (2) If an elector after obtaining a ballot paper desires not to use it he shall return it to the Presiding Officer or Polling Officer and the ballot paper so refused shall be marked "Refused – cancelled" by the Presiding Officer.
- (3) All ballot papers cancelled under sub-rule (1) or (2) shall be kept in the cover for unused ballot papers.

**62. Adjournment of poll in emergencies:**

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

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

- (1) If at any election-
  - (a) any ballot box used at Polling Station is unlawfully taken out of the custody of the Presiding Officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered

with to such an extent that the result of the poll at that Poling Station cannot be ascertained;  
or

- (b) any such error or irregularity in procedure, as is likely to vitiate the poll, is committed at a Polling Station, the Presiding Officer shall forthwith report the matter to the Returning Officer and the **District** Municipal Election Officer.
- (2) There-upon **the State Election Commission** shall, after taking all material circumstances into account, either-
- (a) declare the poll at that Polling Station to be void; thereafter appoint a day and fix the hours, for taking a fresh poll at that Polling Station, and notify the day so appointed and the hours so fixed in such manner as he may think fit; or
  - (b) **issue such directions to the Returning Officer as it may deem proper for the further conduct and completion of the election, provided the Commission is satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material.**
- (3) The provisions of these Rules shall apply to every such fresh poll or re-polls as they apply to the original poll.

**64. Tendered votes:**

- (1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this Rule, to mark a ballot paper (hereinafter in these Rules referred to as a 'Tendered Ballot Paper') in the same manner as any other elector.
- (2) Every such person shall, before being supplied with tendered ballot paper, sign his name against the entry relating to him in a list in **Form 25**.
- (3) A tendered ballot paper shall be the same as the other ballot papers used at the Polling Station except that it shall be-
  - a) serially the last in the bundle of ballot papers issued for use at the Polling Station; and
  - b) endorsed on the back with the words, "Tendered Ballot Paper" by the Presiding Officer in his own hand and signed by him.
- (4) The elector, after marking a tendered ballot paper in the voting compartment and folding it as specified in the related foregoing provisions, shall instead of putting it into ballot box, give it to the Presiding Officer who shall place it in a cover specially kept for the purpose:

Provided that if there is reasonable ground for believing that the person, by applying for tendered ballot paper, has committed the offence of personating, the Presiding Officer shall immediately report it to the Police to register a case and to arrest him.

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

**65. Sealing of ballot boxes after poll:**

- (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the ballot box, and seal up the box and also allow any polling agent present to affix his seal.
- (2) The ballot box shall thereafter be sealed and secured.

- (3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rule (1) and (2) before another ballot box is put into use.
- 66. Ballot paper account of Presiding Officer :** The Presiding Officer shall at the close of the poll prepare a ballot paper account in **Form 26** and enclose it in a separate cover with the words “Ballot Paper Account of Presiding Officer” superscribed thereon showing the number & name of the Local Council and the date of election on the cover.
- 67. Sealing of other packets:**
- (1) The Presiding Officer shall then make into separate packets-
    - (a) the marked copy of the electoral roll;
    - (b) the unused ballot paper;
    - (c) the cancelled ballot papers;
    - (d) the cover containing the tendered ballot papers and **Form 25**.
    - (e) declaration of companion of **illiterate** or blind or infirm elector in **Form 23** with the record in **Form 24**; and
    - (f) any other papers directed by **District** Municipal Election Officer to be kept in a sealed packet.
  - (2) Each such packet shall be sealed with the seals of the Presiding Officer and of those polling agents who may desire to affix their seals thereon.

## CHAPTER VI

### COUNTING OF VOTES , APPOINTMENT OF COUNTING AGENT AND SEALING OF ELECTION PAPERS

- 68. Appointment of place and time for counting of votes, Appointment of Counting Agent, Admission to the place of counting of votes, etc.:**
- (1) **Appointment of place and time for counting of votes:** Counting of votes shall be taken up as soon as possible after the close of the poll and the Returning Officer shall appoint the place and time of counting of votes and inform the candidates or their **Election agents**. The Returning Officer may appoint any public servant or servants available as may be necessary to assist him in the counting of votes.
  - (2) **Appointment of Counting Agent:**
    - (a) A **Contesting Candidate** or his **Election Agent** may appoint in the prescribed manner one or more persons, but not exceeding such number as may be prescribed by the **State Election Commission**, to be present as his **Counting Agent** or **Agents** at the counting of votes, and when any such appointment is made notice of the appointment in **Form 18** shall be given, in the prescribed manner, to the **Returning Officer**.
    - (b) Any revocation of the appointment of a **Counting Agent** shall be signed by the **Candidate** or his **Election Agent** in **Form 19** and shall operate from the date on which it is lodged with the **Returning Officer**, and in the event of such revocation or of the death of a **Counting Agent** before the commencement of the counting

of votes, the Candidate or his Election Agent may appoint in the prescribed manner another Counting Agent at any time before the counting of votes is commenced and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer.

(c) A Contesting Candidate or his Election Agent may himself do any act or thing which any Counting Agent of such Contesting Candidate, if appointed, would have been authorised by or under these Rules to do, or may assist any Counting Agent of such Contesting Candidate in doing any such act or thing.

(3) **Non-attendance of counting agent:** Where any act or thing is required or authorised by or under these Rules to be done in the presence of the counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

**69. Admission to the place of counting of votes, etc.:**

- (1) The Returning Officer shall exclude from the place fixed for counting of votes all person except-
  - (a) **such person to be known as counting supervisors and counting assistants as he may appoint to assist him in the counting;**
  - (b) the candidate/election agent and his counting agents duly authorized in writing by each candidate;
  - (c) persons authorized by the State Election Commission, if any; and
  - (d) public servants on duty in connection with the election.
- (2) Any person who during the counting of votes misconducts himself or fails to obey the directions of the Returning Officer may be removed from the place by any Police Officer on duty or by any other person authorized in this behalf by the Returning Officer.
- (3) **The Returning Officer shall, before the commencement of the counting, briefly explain the counting procedure to all those allowed admission in the counting place under sub-rule (1) and caution them as to the maintenance of secrecy, the violation of which shall be an electoral offence under Rule 91.**

**70. Scrutiny and opening of ballot boxes:** The Returning Officer shall satisfy himself that t h e ballot box is intact, and also allow the candidates present to inspect the seals on the ballot box to satisfy themselves that it is intact, and thereafter open the ballot box.

**71. Scrutiny and rejection of ballot papers:**

- (1) The ballot papers taken out of the ballot box shall be arranged in convenient bundles and scrutinized.
- (2) It shall be noted clearly and carried out severally that in a multiple election, a single ballot paper consist of as many votes as there are vacancies to be filled. There-upon, a particular vote or votes found to be invalid on a ballot paper do not invalidate the whole ballot paper while certain votes recorded thereon may be clear and valid.
- (3) The Returning Officer shall reject any ballot paper in whole only if-
  - (a) it is a spurious ballot paper; or



- (b) it bears any mark or writing by which the elector can be identified; or
- (c) no vote is recorded thereon; or
- (d) votes are recorded on it in favour of more candidates than there are vacancies to be filled; or
- (e) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (f) it bears a serial number, or a design different from the serial number or design of the ballot papers authorized for use at the particular polling station; or
- (g) it does not bear the mark which it would have borne under the provisions of **sub-rule (2) of Rule 52.**

Provided that where the Returning Officer is satisfied that any such defect as is mentioned in clause (f) or clause (g) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect.

- (4) Before rejecting any ballot paper under sub-rule (3), the Returning Officer shall allow each candidate present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.
- (5) The Returning Officer shall record on every ballot paper which he rejects the letter 'R' and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.
- (6) All ballot papers rejected under this Rule shall be bundled together.

**72. Rejection of particular vote recorded on a ballot paper:** The Returning Officer shall reject a particular vote as invalid vote if the mark indicating the vote on a ballot paper is placed in such a manner so as to make it doubtful to which candidate the vote has been given.

Provided that a vote shall not be rejected as invalid merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

**73. Counting of votes:**

- (1) Each valid vote recorded on ballot paper which is not rejected, shall be counted as one valid vote:

Provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

- (2) The Returning Officer shall count all valid votes in all valid ballot papers and also the total number of valid votes polled by each candidate. **Round-wise counting sheet, counting table-wise results tabulation sheet and round-wise tabulation sheet shall be in Form 27, 28 and 29 respectively.**
- (3) The candidate or his counting agent shall be allowed full view of the counting process and sufficient proximity so as to enable him to discern the votes cast on each ballot paper and also on the record of votes for tabulation. Under no circumstances shall physical contact with the ballot paper for him or his counting agent be allowed.

**74. Re-count of votes:**

- (1) After the completion of the counting of votes under Rule 73, the Returning Officer shall record in the result sheet in Form 30 the total number of votes recorded in favour of each candidate and announce the particulars.
- (2) After the announcement of particulars so made, a candidate or, in his absence his election agent may apply in writing to the Returning Officer to recount the ballot papers either wholly or in part stating the grounds on which he demands such re-count.
- (3) On such an application being made the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it, in toto if it appears to him to be frivolous or unreasonable.
- (4) Every decision of the Returning Officer under sub-rule (3) shall be in writing and shall contain the reasons therefore.
- (5) If the Returning Officer decides under sub-rule (3) to allow an application either wholly or in part, he shall,-
  - (a) re-count the ballot papers in accordance with Rules 71, 72 and 73;
  - (b) amend the result sheet in Form 30 to the extent necessary after such re-count; and
  - (c) announce the particulars of amendments so made by him.
- (6) After the total number of votes polled by each candidate has been announced under sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form 30 and no application for a re-count shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken on the completion of the counting of votes until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (3) of Rule 73.

**75. Declaration of result of election:**

On completion of procedures under Rule 73 the Returning Officer shall forthwith, subject to the provisions of Rule 74 declare as elected-

- (a) in the case of multiple election, as many candidates standing at the top of the poll in descending order as there are vacancies to be filled; or
- (b) in the case of an election to fill one vacancy, the candidate who obtains the largest number of valid votes.

**76. Equality of votes: If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates and the addition of one vote will lead to any of those candidates being declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received the additional vote.**

**77. Publication of election results:**

- (1) The Returning Officer shall prepare the election results in **Form 30** and send the results to the State Election Commission and also to the District Municipal Election Officer.
- (2) The Returning Officer shall also display the election result in **Form 30**, in the Notice Board of the constituency.
- (3) On receipt of all the results from the **District** Municipal Election Officer or the Returning Officer, the State Election Commission shall publish the election results in the Official Gazette.

**78. Grant of certificate of election to returned candidate:** As soon as may be after the declaration of the election result, the Returning Officer shall grant to each returned candidate a certificate of election in **Form 31**.

**79. Ballot Paper account of Returning Officer:**

- (1) The Returning Officer shall prepare a ballot paper account in **Form 32** which shall consist of-
  - (a) total number of ballot papers found in the ballot box or boxes;
  - (b) total number of rejected ballot papers under **sub-rule (3) of Rule 71**;
  - (c) total number of valid ballot papers i.e. ballot papers which are not rejected;
  - (d) total number of votes contained by the total number of valid ballot papers i.e. total number of valid ballot papers multiplied by total number of vacancies to be filled;
  - (e) total number of invalid votes on all valid ballot papers;
  - (f) total number of valid votes on all valid ballot papers i.e. (d) minus (e).
- (2) The Returning Officer shall enclose the ballot paper account in a separate cover with the words "Ballot paper account of Returning Officer" subscribed thereon and showing the name of the Local Council and the date of counting of votes, and submit the cover to the **District Municipal Election Officer** along with the election result.

**80. Packet of election papers and sealing:**

- (1) The Returning Officer shall make a packet of election papers consisting of-
  - (a) a bundle of all valid ballot papers;
  - (b) a bundle of rejected ballot papers under **sub-rule (3) of Rule 71**;
  - (c) a copy of ballot paper account of Returning Officer under sub-rule (1) of **Rule 79**; and
  - (d) a copy of election result under **Rule 77**.
- (2) The packet shall be sealed with the seal of Returning Officer and of those candidates who may desire to affix their seals thereon.
- (3) The Returning Officer shall submit to the **District Municipal Election Officer**
  - (a) the packet under this Rule;
  - (b) the cover containing the ballot paper account of Presiding Officer under **Rule 66**; and
  - (c) all other packets under **Rule 67**.

**81. Safe keeping of the packet containing election papers:** While in the custody of the District Municipal Election Officer, the packets and cover under sub-rule (3) of **Rule 80**, shall not be inspected by, or produced before, any person or authority except under order of an Election Tribunal appointed under **Rule 86**.

**82. Custody of ballot boxes and papers relating to election:**

- (1) All ballot boxes used at an election shall be kept in such custody as the State Election Commission may direct.
- (2) The District Municipal Election Officer shall keep in safe custody -
  - (a) the packets of unused ballot papers with counterfoils attached thereto;
  - (b) the packets of used ballot papers whether valid, tendered or rejected;
  - (c) the packets of counterfoil of used ballot papers ;
  - (d) the packets of marked copy of the electoral roll;
  - (e) the packets of the declaration by electors;
  - (f) all other paper relating to election and they shall not be opened except under the order of a competent authority.

**83. Disposal of Election Papers:** Subject to any direction given by the State Election Commission or by a competent court or Tribunal –

- (a) the packets of unused ballot papers shall be retained for a period of 45 (forty five) days and shall thereafter be destroyed in such manner as the State Election Commission may direct ;
- (b) the other packets referred to in sub-rule (2) of Rule 82 shall be retained for a period of one year and shall therefore be destroyed:

Provided that packets containing the counter foil of used ballot paper shall not be destroyed except with the approval of the State Election Commission;

- (c) all other papers relating to the election shall be retained for such period as the State Election Commission may direct.

## CHAPTER VII

### DISPUTES REGARDING ELECTION

**84. Election petition:**

- (1) An election petition challenging the validity of election of any returned candidate may be presented by a contesting candidate of such election on one or more grounds specified in **Rule 88**.
- (2) No election petition shall be presented on a mere ground –
  - (a) that the name of any person qualified to vote has been omitted from the electoral roll; or
  - (b) that the name of any person not qualified to vote has been included in the electoral roll.
- (3) A petitioner shall join as respondents to his petition any or all contesting candidates at the election.
- (4) A petitioner may in addition to challenging the validity of any returned candidate, make further claim that himself shall be declared duly elected.
- (5) An election petition shall-
  - (a) contain a concise statement of the material facts on which the petitioner relies;
  - (b) set forth with sufficient particulars the ground or grounds on which the validity of an election is challenged;
  - (c) in the case of sub-rule (4), set forth the ground or grounds on which he claims himself to be declared as elected; and
  - (d) be accompanied by a deposit of Rupees three hundred as the petition fee which is not refundable.
- (6) An election petition may be submitted to the State Election Commission within twenty-one days from the date of publication of the election result.

**85. Action to be taken by State Election Commission:** As soon as may be after the receipt of an election petition the State Election Commission shall –

- (1) inform the **District** Municipal Election Officer to retain packets and other papers referred to in **Rule 81** of the concerned Local Council in respect of which the election petition has been presented; and

- (2) as soon as possible after the constitution of Election Tribunal under Rule 86, send the election petition to the Election Tribunal for its disposal.

**86. Election Tribunal: The State Election Commission** may, by a notification published in the official gazette, constitute an Election Tribunal consisting of a Chairman and **two** Members to hear, examine and dispose of all election petitions under these Rules.

**87. Powers of Election Tribunal:** It shall be open to the Election Tribunal to-

- (1) direct the petitioner, all or any of the respondents and any other persons to appear in person whenever it considers necessary;
- (2) enforce the attendance of witnesses;
- (3) compel the production and examination of the packets and other papers referred to in **Rule 81**; and
- (4) examine the witnesses on oath.

**88. Grounds for declaring to be void:**

- (1) Subject to the provisions of **section 4 of the Act**, if the Election Tribunal is of the opinion-
  - (a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a member under these Rules; or
  - (b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent; or
  - (c) that any nomination paper has been improperly rejected; or
  - (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected –
    - (i) by improper acceptance of any nomination; or
    - (ii) by any corrupt practice committed in the interest of the returned candidate by a person other than that candidate or his agent or a person acting with the consent of such candidate or agent; or
    - (iii) by the improper acceptance or refusal of any vote or reception of any vote which is void; or
    - (iv) by the non-compliance with the provisions of the Act or these Rules or orders made there-under, the Election Tribunal shall declare the election of the returned candidate to be void.
- (2) If in the opinion of the Election Tribunal a returned candidate has been guilty of any corrupt practice committed by his agent, but the Tribunal is satisfied-
  - (a) that no such corrupt practice was committed at the election by the candidate, and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate;
  - (b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election; and
  - (c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, then the Election Tribunal may decide that the Election of the returned candidate is not void.

**89. Decision of the Election Tribunal:**

- (1) It shall be the duty of the Election Tribunal to dispose of any election petition within one hundred twenty days from the date on which the election petition was sent to them under **clause (b) of Rule 85**.
- (2) At the conclusion of the trial of an election petition, the Election Tribunal shall make order-
  - (a) dismissing the election petition; or
  - (b) declaring the election of the returned candidate to be void.
- (3) If the petitioner has, in addition to challenging the validity of the election of any returned candidate, claimed declaration that he himself has been duly elected, and the Election Tribunal is of opinion that the claim of the petitioner is correct, the Election Tribunal shall, after declaring the election of the returned candidate to be void, declare the petitioner to have been duly elected.
- (4) **The Election Tribunal shall report its findings and decisions to the State Election Commission where-upon the State Election Commission shall notify the decision of the Tribunal and a copy of the same shall be sent to the petitioner, the concerned candidate whose election was challenged, the State Government and the District Municipal Election Officer.**
- (5) The decision of the Election Tribunal under this Rule shall be final and binding.

**CHAPTER - VIII****ELECTORAL OFFENCES****90. Prohibition of public meeting on the date of poll:**

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

**91. Maintenance of Secrecy of voting:**

- (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not communicate to any person any information calculated to violate such secrecy.
- (2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with imprisonment for a term which may extend to **6(six) months** or with fine or with both.

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

- (1) No person who is a Magistrate or a Presiding Officer or Polling Officer at an election shall in the conduct of or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.
- (2) No such person as aforesaid, and no member of a Police force, shall endeavour-
  - (a) to persuade any person to give his vote at an election; or
  - (b) to dissuade any person from giving his vote at an election; or

- (c) to influence the voting of any person at an election in any manner.
- (d) any person who contravenes the provisions of sub-rule (1) or sub-rule(2) shall be punishable with imprisonment which may extend to **3(three )years** or with fine or with both.

**93. Prohibition of canvassing in or near polling stations:**

- (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred **metres** of the polling station, namely:
  - (a) canvassing for votes; or
  - (b) soliciting the vote of any elector; or
  - (c) persuading any elector not to vote for any particular candidates; or
  - (d) persuading any elector not to vote at the election; or
  - (e) exhibiting any notice or sign (other than an official notice) relating to the election.
- (2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with imprisonment for a term which may extend to **3(three months)**or with fine which may extend to **Rs.1000/ - (rupees one thousand)**.
- (3) An offence punishable under this Rule shall be cognizable.

**94. Penalty for disorderly conduct in or near polling stations:**

- (1) No person shall, on the date or dates 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 so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.
- (2) Any persons who contravenes, or willfully aids or abets the contravention of, the provisions of sub-rule (1) shall be punishable with the imprisonment which may extend to 3(three months) or with fine or with both.
- (3) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under these Rules, he may direct any Police Officer to arrest such person, and thereupon the Police Officer shall arrest him.
- (4) Any Police Officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-rule(1), and may seize any apparatus used for such contravention.

**95. Penalty for misconduct at the polling station:**

- (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the Presiding Officer may be removed from the polling stations by the Presiding Officer or by any Police Officer on duty or by any person authorized in this behalf by such Presiding Officer.
- (2) The powers conferred by sub-rule (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

- (3) If any person who has been so removed from a polling station, re-enters the polling station without the express permission of the Presiding Officer shall be punishable with imprisonment for a term which may extend to **3(three years) or with fine which may extend to Rs.1000/-(rupees one thousand) or with both.**
- (4) An offence punishable under sub-rule (3) shall be cognizable.

**96. Removal of ballot papers from polling station to be an offence:**

- (1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or willfully aids or abets the doing on any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to Rs. 500/-(rupees five hundred) or with both.
- (2) If the Presiding Officer of a Polling station has reason to believe that any person is committing or has committed an offence punishable under sub-rule (1), such officer may, before such person leaves the polling station, arrest or report to a Police Officer to arrest such person and may search such person or cause him to be searched by a Police Officer:  

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.
- (3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a Police Officer by the Presiding Officer, or when the search is made by a Police Officer, shall be kept by such officer in safe custody.
- (4) An offence punishable under sub-rule (1) shall be cognizable.

**97. Other offences and penalties therefore:**

- (1) A person shall be guilty of an electoral offence if at any election he -
  - (a) fraudulently defaces or fraudulently destroys any nomination paper; or
  - (b) fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of a Magistrate or the Returning Officer or the Presiding Officer; or
  - (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelope used in connection with voting; or
  - (d) without due authority supplies any ballot paper to any person or receives any ballot from any person or is in possession of any ballot paper; or
  - (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or
  - (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or
  - (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.
- (2) Any person guilty of an electoral offence under this Rule shall be punishable with imprisonment which may extend to 6(six) months or with fine or with both.



- (3) For the purpose of this Rule, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election.
- (4) An offence punishable under sub-rule (2) shall be cognizable.

**98. Penalty for corrupt practice:** Whoever commits a corrupt practice at an election shall be punishable with a fine not exceeding Rs. 500/- (rupees five hundred) rupees.

**99. Breaches of official duty in connection with elections:**

- (1) **If any person, to whom these Rules apply, is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to Rs. 500/- ( rupees five hundred).**
- (2) **No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.**
- (3) **The persons, to whom these Rules apply, are the District Municipal Election Officer, Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election.**
- (4) **No court shall take cognizance of any offence punishable under these Rules unless there is a complaint made by an order of, or under the authority from the State Election Commission or the District Municipal Election Officer concerned.**

## CHAPTER IX

### MISCELLANEOUS PROVISIONS

**100. Civil court not to have jurisdiction:**

No Civil Court shall have jurisdiction to question the legality of:-

- (a) any action taken by the Returning Officer in the discharge of his duties under these Rules; or
- (b) any action taken by the Presiding Officer and the Polling Officer in the discharge of their duties under these Rules; or
- (c) any decision taken by the Election Tribunal in the discharge of their duties under these Rules.

**101. Requisitioning of premises etc., for election purposes:**

- (1) **If it appears to the State Election Commission or the District Municipal Election Officer that in connection with an election to a Local Council-**
  - (a) **any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or**
  - (b) **any vehicle or vessel is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election,**

or transport of any officer or other person for the performance of any duties in connection with such election, the State Election Commission or as the case may be, the District Municipal Election Officer may by order in writing, requisition such premises or such vehicle or vessel, as the case may be and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning in respect of matters including reasonable remuneration to be given therefor:

Provided that no vehicle or vessel which is being lawfully used by candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under these Rules until the completion of the poll at such election.

- (2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Election Commission or, as the case may be, the District Municipal Election Officer to be the owner or person in possession of the property.
  - (3) Whenever any property is requisitioned under sub-rule (1) the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-rule.
  - (4) If any person contravenes any order made under this Rule, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.
  - (5) In this Rule-
    - (a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;
    - (b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise;
    - (c) "vessel" means any vessel used or capable of being used for the purpose of water transport, whether propelled by mechanical power or otherwise.
102. Staff of every local authority to be made available: Every department of the Central or State Government or other authorities and every educational institution including an aided school or private affiliated college in the State shall when so requested by the State Election Commission or the District Municipal Election Officer make available-
- (a) to the Municipal Electoral Registration Officer, such staff as may be necessary for the performance of any duties in connection with the preparation and revision of electoral rolls; or
  - (b) to the District Municipal Election Officer and any Returning Officer such staff as may be necessary for the performance of any duties in connection with an election.
103. Expenses in connection with elections: Funds to meet all expenses in connection with the elections to the Local Councils including those in relation to the preparation of electoral rolls therefor, shall be provided by the State Government.
104. Grant of Paid Holiday to Employees on the day of Poll:
- (1) Every person engaged in work in any trade establishment or commercial establishment or industrial establishment or in any other establishment in the private sector who is eligible to vote in the election to Local Councils shall be granted leave on the day of poll.

- (2) **The wages of any such person shall not be reduced or disallowed on account of the leave granted under sub-rule (1) even though such person is appointed on the basis that, wages will not ordinarily be paid for such date, he shall be paid the wages that would have been received by him on such date, had he not been granted leave for that day.**

**105. Power to make Forms: The State Election Commission may prescribe such other forms as may be necessary for revision of electoral rolls and conduct of elections from time to time.**

**106. Repeal and Savings:**

- (1) **On and from the commencement of these Rules, the Mizoram Municipalities (Election to Local Councils) Rules, 2011 shall stand repealed.**
- (2) **In spite of such repeal, anything done or any action purported to have been done or taken under the Rules so repealed, shall be deemed to have been so done or taken or purported to have been done or taken under these Rules.**

**FORM 1**  
**[See Rule 25]**

**LETTER OF REQUEST**

Place.....

Date.....

To,

**The occupant of House No.** .....

Sir/Madam,

The preparation of the electoral roll for the Local Council Constituency in which you are residing has been taken into consideration. It will greatly facilitate my work if you will kindly complete the statement below after reading the attached instruction and hand it over to my assistant who will call for it.

Municipal Electoral Registration Officer

**STATEMENT**

Name and Particulars of adult citizens residing in the above premises.

S/N	Name of citizen	Name of relation	Relation	Age
1	2	3	4	5
1				
2				
3				
4				
5				

Signature .....

Date .....

**INSTRUCTIONS**

1. Enter the names of all persons who have completed 18 years of age on or before the 1<sup>st</sup> day of January of the year in which the Electoral Roll is so prepared or revised or published and who are ordinarily residing in the premises.
2. Only the names of those who are citizens of India should be entered.
3. Enter against **Serial No. 2 in the second column**, the names of the head or other senior member of the family, provided he or she has the qualifications mentioned in paragraphs 1 and 2 above.
4. **“Ordinarily resident”** does not mean that the person should be actually in the house when you are filling in the form. The persons who normally live in the house should be included even though they may be temporarily absent, e.g. on a journey or on business or in hospital. On the other hand, a guest or visitor, who normally lives elsewhere but happen to be in the house at the time should not be included.
5. All ordinarily residents of the house should be included. But do not enter the name of any person who is a member of the Armed Forces of India or is employed under the Government of India in a post outside India or the name of such person’s wife if she ordinarily resides with him.
6. For every male citizen, enter the name of his father in the **3<sup>rd</sup> column** ‘F’ in the **4<sup>th</sup> column**.
7. For every female citizen-
  - i) enter the name of her father in the **3<sup>rd</sup> column** and ‘F’ in the **4<sup>th</sup> column**
  - ii) if married, enter the name of her husband in the **3<sup>rd</sup> column** and ‘H’ in the **4<sup>th</sup> column**.
8. For any citizen to which ‘6’ & ‘7’ cannot apply, enter the name of the relation and ‘O’ in the **4<sup>th</sup> column**.
9. In the **5<sup>th</sup> column**, enter the age of the citizen as accurately as possible, giving only the number of complete years and ignoring the months as on the qualifying date for the purpose of revision.

**FORM 1**  
**[See Rule 25]**  
**LETTER OF REQUEST**

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

To, ..... (in neitu/luhtu) House No.....

**Ka pi/pu,**

**Kaihhruaina thu i chhiar hnua a hnuaia statement hi i dah khah a, min puituin a rawn lam hunu i lo hlan chhawn theih chuan ka hna nasa takin min pui dawn a ni.**

**Municipal Electoral Registration Office**

**STATEMENT**

**Khua leh tui hming leh tul dang a chungu tarlan in leh a vela cheng.**

S/N	Khua leh tui Hming	Laichin hming	Inlaichinna	Kum
1	2	3	4	5
1				
2				
3				
4				
5				

Signature .....  
Date .....

**KAIHHRUAINA**

1. Electoral Roll buatsaih kum January ni 1-a kum 18 tling chin chunglam leh he khuaa cheng nghet te ziah luh tur a ni.
2. India ram khua leh tui te hming chauh ziah luh tur.
3. Sl. No.2, Column hnihnaah, chungkua hotu ber/ chungkuaa kum upa ber chu a chung paragraphs 1 leh 2-na anga tling a nih chuan, a hming ziah luh tur a ni.
4. "Ordinarily resident" han tih hian, he form dahkhah a nih lai taka awm chauh tihna a ni kher lo. Mi tu emaw, chu ina khawsa/ cheng nghet; awm bo zawk. Entirnan - Eizawna avanga awm bo emaw damdawi ina awm bo pawh ni se, ordinarily resident an ni a, ziah luh tur an ni. Amaherawhchu, mikhual, chu inah eng emaw chen khawsa ni mahsela, hmun dangah in leh lo nei nghet te chu ziah luh ve loh tur a ni.
5. Chhengkaw member cheng nghet hming zawng zawng chu ziah luh vek tur a ni a, amaherawhchu India sipaia tang lai mek emaw India sawrkar hnuaia thawk India ram pawna awm mek te chu ziah luh loh tur a ni a, tin an nupuite an hnena cheng an nih pawhin ziah luh loh tur a ni.
6. Mipa an nih chuan Column 3-naah hian Pa hming an zia ang a, Column 4-naah 'F' an dah ang.
7. Hmeichhia chu
  - i) Column 3-naah a pa hming ziah tur a ni a, Column 4-na a 'F' tih ziah tur.
  - ii) Pasal nei tawh an nih chuan Column 3-naah pasal hming ziah tur a ni a, Column 4-na ah 'H' tih ziah tur.
8. Chhengkaw member dang Sl. No. '6' & '7' a chungu kan tarlan anga fill-up remlo a awm a nih chuan Column 4-ah khan 'O' tiin dah tur a ni.
9. Column 5-ah hian kum zat hi kum tling zat dik tak ziah luh tur a ni a, ni leh thla tar lan kher a ngai lo ang.

**FORM – 2**

**[See Rule 27]**

**NOTICE OF PUBLICATION OF ELECTORAL ROLL IN DRAFT**

To,

The Electors of the .....Local Council  
**Constituency.**

Notice is hereby given that the electoral roll has been prepared in accordance with the Mizoram Municipalities (Election to Local Councils) Rules, **2015** and a copy thereof is available for inspection at my office, and at ..... during office hours.

If there be any claim for the inclusion of a name in the roll or any objection to the inclusion of a name or any objection to particulars in any entry, it should be lodged on or before the ..... in form 3, 4 or 5 as may be appropriate.

Every such claim or objection should either be presented in my office or to .....or sent by post to the address given below so as to reach me not later than the aforesaid date.

Date.....

Municipal Electoral Registration Officer

**Address:**.....

Place .....

**FORM – 2**

[See Rule 27]

**NOTICE OF PUBLICATION OF ELECTORAL ROLL IN DRAFT**

To,

The Electors of the .....Local Council  
Constituency.

The Mizoram Municipalities (Election to Local Councils) Rules, 2015  
kaihhraina hnuaiyah Electoral Roll buatsaih a ni a, a copy hi ka Office-ah leh .....  
ah Office hun chungin en fiah theih a ni.

Electoral Roll-a hming ziah luh belh emaw hming ziah luh belh chungchang  
sawisel tur nei emaw hming ziah luh tawh saa sawisel duh neite chuan ni ..... ah  
emaw hmain emaw Form 3, 4 or 5 hmangin theh luh tur a ni.

Dilna emaw sawisel tur neite chuan ka Office-ah emaw ..... emaw  
dakah a hnuaiyah address tar lanah hian hun tiam chungga rawn theh lut tura hriattir an ni e.

Date.....

Municipal Electoral Registration Officer

Place .....

Address:.....

**FORM – 3**

**[See Rule 30(1)]**

**APPLICATION FOR INCLUSION OF NAME IN ELECTORAL ROLL**

To,

The Municipal Electoral Registration Officer,  
..... **Local Council Constituency.**

Sir,

I request that my name be included in the electoral roll for the Local Council Constituency  
of .....

My name (in full) .....  
My Father's/ Mother's/ Husband's Name .....

Particulars of my place of residence are :-  
House No. ....  
Street .....  
Village .....  
Post Office .....  
Police Station .....  
District .....

- I hereby declare that to the best of my knowledge and belief:-
- (i) I am a citizen of India ;
  - (ii) My age on the first day of January ..... was ..... years and ..... months ;
  - (iii) I am ordinarily resident at the address given below :-  
.....
  - (iv) I have not applied for the inclusion of my name in the electoral roll for any other Local Council Constituency :
  - (v) My name has not been included in the electoral roll for this or any other Local Council Constituency.

or

My name may have been included in the electoral roll of .....  
Local Council in which I was ordinarily resident earlier at the address mentioned  
below and, if so, I request that the same may be excluded from that electoral roll.

Full Address of earlier place of ordinary residence:-  
.....  
.....

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

.....  
**Signature or thumb impression  
of the Applicant**  
Contact No: \_\_\_\_\_

**Record of action taken**

- The application in Form - 3 of Mr/Mrs/Miss..... of ..... has been -
- (a) accepted and his/her name is included in the electoral roll of.....  
.....Local Council **Constituency**, or
  - (b) rejected for the reason.....  
.....

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

Municipal Electoral Registration Officer  
**(Seal)**



**FORM-3**

[See Rule 30 (1)]

**APPLICATION FOR INCLUSION OF NAME IN ELECTORAL ROLL**

To,

The Municipal Electoral Registration Officer,  
..... Local Council Constituency

Kap u,

Khawngaih takin ..... Local Council Constituency-ah ka hming min thun  
luhsak turin ka ngen a che.

Hming (a pumin) .....

Pa hming/Nu hming/ Pasal hming .....

Ka address kim chang chu :-

House No.....

Street.....

Village.....

Post Office.....

Police Station.....

District.....

A hnuai a ka thusawi te hi a dik ngei a ni tih ka puang e:-

- i) India khua leh tui dik tak ka ni;
- ii) 1<sup>st</sup> January .....ah kum ..... leh thla.....ka ni;
- iii) A hnuai a address ziaka cheng/khawsa ngei ka ni:-  
.....
- iv) Local Council Constituency dang Electoral Rolls-ah ka hming thun ka dil lo;
- v) Ka hming hi a chung a Local Council Constituency Electoral Rolls-ah leh Local Council Constituency dang Electoral Rolls-ah a la chuang lo.

emaw

Ka hming hi ka lo awm tawhna ..... Local Council Constituency Electoral Rolls  
a hnuai a address ka rawn tar lanah hian a lo chuang a nih chuan paih ka rem ti e.

Ka address hmasa chu:-

.....  
.....

Place .....

Date.....

.....

Diltu Signature emaw

kutzungpui thla

Contact No: .....

Record of action taken

Pi/Pu/NI/Tv.....of.....in Form-3 hmanga a dilna  
hi –

(a) pawm a ni a, a hming hi ..... Local Council Constituency electoral  
roll ah thun a ni emaw

(b) hnawl a ni a, hnawl a nihna chhan chu.....  
.....

Date.....

Place.....

Municipal Electoral Registration Officer

(Seal)

**FORM 4**

**[See Rule 30(2)]**

**APPLICATION FOR OBJECTING INCLUSION OR SEEKING DELETION  
IN ELECTORAL ROLL**

To,

The Municipal Electoral Registration Officer,  
..... **Local Council Constituency**

Sir,

I object to the inclusion of the name of .....  
at Serial No. .... of the electoral roll of .....Local  
Council Constituency for the following reason (s) :-

.....  
.....  
.....

I hereby declare that the facts mentioned above are true to the best of my knowledge  
and belief. My name has been included in the electoral roll for this constituency as follows:-

Name in full.....  
Father's/Mother's/Husband's Name.....  
Serial No.....  
Part No.....

.....  
Signature or thumb impression of the objector  
(Full postal address).....

**NOTE :** Any person who makes a statement or declaration which is false and which he either  
knows or believes to be false or does not believe to be true is punishable **under Rule 22 of the  
Mizoram Municipalities(Election to Local Councils) Rules, 2015** and provisions under the  
appropriate law including Indian Penal Code.

**Record of action taken**

The objection in Form-4 lodged by Mr/Mrs/Miss .....  
..... of ..... has been –

- (a) accepted and the entry of the name of .....  
Serial No. .... of the electoral roll of .....Local  
Council shall be deleted; or
- (b) rejected for the reason .....  
.....

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

Municipal Electoral Registration Officer,  
**(Seal)**

**FORM 4**

**[See Rule 30(2)]**

**APPLICATION FOR OBJECTING INCLUSION OR SEEKING DELETION  
IN ELECTORAL ROLL**

To,

The Municipal Electoral Registration Officer,  
..... Local Council Constituency

Ka pu,

..... Local Council Constituency hnuaiia Serial No.  
..... Hming ..... hi heng a hnuaiia chhan leh vang hian  
electoral roll a hming awm hi paih turin ka ngen a che.

.....  
.....  
.....

A chung a thu te hi a dik ngei a ni tih ka puang e. Electoral Rol-ah hetiang hian  
ka hming thun a ni:-

Hming (a pumin) .....  
Pa/Nu/Pasal hming .....  
Serial No .....  
Part No&Name .....

.....  
Diltu signature emaw kutzungpui thla  
(Full postal address).....  
Contact No: .....

Note : Mi tu pawhin thudik lo leh thudik lo nia hriat a sawi chuan Rule 22 of the Mizoram  
Municipalities (Election to Local Councils) Rules, 2015 leh Indian Penal Code hmangin  
hrem theih a ni.

**Record of action taken**

Pi/Pu/NI/Tv.....of.....in Form-4  
hmanga a dilna hi –

(a) pawm a ni a, a hming ....., ..... Local Council  
Constituency Electoral Roll SI.No.....a mi hi paih a ni ang.

emaw

(b) hnawl a ni a, hnawl a nihna chhan chu.....

.....

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

Municipal Electoral Registration Officer  
(Seal)

**FORM 5**

**[See Rule 30(3)]**

**APPLICATION FOR CORRECTION TO PARTICULARS IN ELECTORAL ROLL**

To,

The Municipal Electoral Registration Officer,  
..... **Local Council Constituency,**

Sir,

I submit that the entry relating to myself which appears at Serial No. ....  
of the electoral roll of ..... is not correct. It should  
be corrected to read as follows:

“ .....  
..... ”

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

.....  
Signature or thumb impression  
of the elector  
**Contact No:** \_\_\_\_\_

**NOTE :** Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable **under Rule 22 of the Mizoram Municipalities(Election to Local Councils) Rules, 2015 and provisions under the appropriate law including Indian Penal Code.**

**Record of action taken**

The objection in Form-5 lodged by Mr/Mrs/Miss .....  
..... of .....  
..... has been -

- (a) accepted and the relevant entry has been corrected to read as follows :-  
.....  
.....
- (b) rejected for the reason .....

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

Municipal Electoral Registration Officer  
**(Seal)**

**FORM -5**

[See Rule 30(3)]

**APPLICATION FOR CORRECTION TO PARTICULARS IN ELECTORAL ROLL**

To,

**The Municipal Electoral Registration Officer,**

..... **Local Council Constituency**

Ka pu,

**Local Council Constituency Electoral Roll Serial No.....a ka chungchang  
tarlan hi a dik lo a, a hnuai a mi ang hian tihdik tur a ni:-**

“.....  
.....”

Place .....

.....  
**Diltu Signature emaw kutzungpui thla  
Contact No:.....**

Date.....

**Note: Mi tu pawhin thudik lo leh thudik lo nia hriat a sawi chuan Rule 22 of the Mizoram Municipalities (Election to Local Councils) Rules, 2015 leh Indian Penal Code hmangin hrem theih a ni.**

**Record of action taken**

**Pi/Pu/NI/Tv..... of .....  
in Form - 5 hmanga a dilna hi -**

- (a) **pawm a ni a, a hnuai a mi ang hian tihdikna siam tur a ni.**  
.....  
.....
- (b) **hnawl a ni a, hnawl a nihna chhan chu,.....**  
.....

Date.....

Place.....

**Municipal Electoral Registration Officer  
(Seal)**

**FORM 6**

**[See Rule 33]**

**NOTICE OF FINAL PUBLICATION OF ELECTORAL ROLL**

It is hereby notified for public information that the list of amendments to the draft electoral roll for the..... **(No. & Name)** Local Council Constituency **of** ..... **District has been prepared with reference to**..... as the qualifying date and in accordance with the Mizoram Municipalities(Election to Local Councils) Rules, 2015. A copy of the said roll together with the said list of amendments has been published and will be available for inspection at my office.

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

Municipal Electoral Registration Officer,  
**Address:** .....  
.....

**FORM 6**

**[See Rule 33]**

**NOTICE OF FINAL PUBLICATION OF ELECTORAL ROLL**

**The Mizoram Municipalities(Election to Local Councils) Rules, 2015 dung zuiin** ..... **(No. & Name)** Local Council Constituency of ..... **District Draft Electoral Rolls siam thatna chu** ..... **a kum tling chhutin siam a ni a. Chu Roll siam that chu tihchhuah niin, ka Office-ah en theih a ni e.**

**Date** .....  
**Place** .....

**Municipal Electoral Registration Officer,**  
**Address:** .....  
.....

**FORM 7**

**[See Rule 39]**

**NOTICE OF ELECTION**

Notice is hereby given that:-

- (1) an election is to be held of a member to the Local Council in the ..... (No. & Name) Local Council Constituency;
- (2) nomination papers may be delivered by a candidate to the Returning Officer/ Asst. Returning Officer at ..... between 11:00 A.M and 3:00 P.M on any day (other than public holiday) not later than the ..... (date) ;
- (3) forms of nomination paper may be obtained at the place and time aforesaid;
- (4) the nomination papers will be taken up for scrutiny at ..... (place) on..... (date) at..... (hour);
- (5) notice of withdrawal of candidature may be delivered either by a candidate or by his election agent who has been authorized in writing by the candidate to deliver it to either of the officers specified in paragraph (2) above at his office before 3 P.M. on the.....(date) ;
- (6) a candidate shall deposit rupees five hundred along with his nomination paper;
- (7) in the event of the election being contested, the poll will be taken on ..... between the hours of..... and ..... ;
- (8) the counting of votes will commence on ..... (date) at ..... (place) at ..... (hour) or immediately after the poll is over.

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

Returning Officer

No. & Name of Local Council .....

**FORM 7**

**[See Rule 39]**

**NOTICE OF ELECTION**

Hetiang hian hriattirna chhuah a ni:-

- (1) ..... (No. & Name) Local Council Constituency-a Local Council Member thlanna neih tur a ni a;
- (2) inthlan chuh tumte'n Returning Officer/ Assistant Returning Officer hnenah dar 11:00 Am - 3:00 Pm chungin eng niah pawh (Sawrkar chawlh anih loh chuan) nomination lehkhate te ni ..... aia tlai lovah theh luh tur a ni.
- (3) nomination Form-te chu a chung a hun leh hmun tar lanah lam theih a ni ang;
- (4) nomination lehkhate chu a dik leh dik loh ni ..... (date) dar ..... ah ..... (hmun) ah endik a ni ang;
- (5) inhnukdaw leh duhte chuan, anmahni emaw an aiawh election agent ziaka thuneihna a pekin a chung paragraph (2) a tar lanah ni ..... (date) 3:00 Pm hmain hriattir tur a ni;
- (6) candidate te chuan dahkham cheng zanga, nomination lehkhate theh luh rualin an dah tel tur a ni;
- (7) inthlanna hi neih a ngaih chuan ni ..... (date) dar ..... atangin dar ..... thlengin neih tur a ni ang;
- (8) vote chhiar te hi ni ..... (date) dar ..... atangin emaw vote thlak zawh veleh neih tur a ni.

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

Returning Officer  
No. & Name of Local Council .....



**FORM 8**  
**[See Rule 41]**  
**NOMINATION PAPER**  
**Part – I**

Election to the Local Council of \_\_\_\_\_ (No & Name) 20.....

- 1. Name :
- 2. Father's/Mother's/Husband's Name :
- 3. Age & Date of Birth :
- 4. Sex :
- 5. Educational Qualifications :
- 6. Address :
- 7. No & Name of Local Council :
- 8. Sl.No in the Electoral Roll :
- 9. Date & Time of filing Nomination :
- 10. Citizenship :
- 11. Religion :
- 12. Place of birth :
- 13. Occupation :

**Part – II**  
**(CANDIDATE'S DECLARATION)**

I, \_\_\_\_\_ the candidate mentioned in Part-I assent to this nomination and hereby declare:-

- 1) that I have completed \_\_\_\_\_ years of age;
- 2) that I am not a member of any other Local Council;
- 3) that I am a voter of \_\_\_\_\_ Local Council Constituency;
- 4) that I am set up at this election by the \_\_\_\_\_ party;
- 5) that symbols I have chosen are, in order of preference  
i) \_\_\_\_\_ ii) \_\_\_\_\_ iii) \_\_\_\_\_
- 6) that I am not disqualified for being elected to fill the said seat in the Local Council as required under Rule 40 of the Mizoram Municipalities (Election to Local Councils) Rules, 2015;
- 7) that I am not an unsound mind and stands so declared by a competent Court of Authority;
- 8) that my Name and Father's/Mother's/Husband's Name have been correctly spelt out above in \_\_\_\_\_ (name of language);
- 9) that the Code of Conduct prescribed by the State Election Commission has been read by me/read over to me and I will abide by it;
- 10) that I have deposited a security deposit of Rs. 500/- as prescribed under Rule 42(1).
- 11) that I am not holding any office of profit under the Central Government or the State Government.
- 12) that to the best of my knowledge and belief, I am qualified and not disqualified for being elected to fill the seat of the said Local Council;

Witness:

(.....)  
Signature

(.....)  
Signature

(.....)  
Name (Capital Letter)  
Sl.No in the E/Roll.....  
Date.....  
Place.....

(.....)  
Name (Capital Letter)  
Date.....  
Place.....

**Part-III**

**(To be filled by the Returning Officer)**

**Serial No. of Nomination Paper .....**

**This nomination paper was delivered to me at my office at .....(hour)  
on ..... (date) by the candidate.**

**Signature of the Returning Officer or  
other authorised person**

**Part-IV**

**(Decision of Returning Officer accepting or rejecting the nomination paper)**

**I have examined this nomination in accordance with Rule 43 and decided as follows:**

**Date: \_\_\_\_\_**

**Accepted/Rejected**

**Place: \_\_\_\_\_**

**Returning Officer**

\_\_\_\_\_ **(Perforation)** \_\_\_\_\_

**Part-V**

**RECEIPT FOR NOMINATION PAPER AND NOTICE FOR SCRUTINY  
(To be handed over to the Candidate while filing the nomination paper)**

**Serial No. of Nomination Paper .....**

**The Nomination Paper of ....., a candidate for election to Local  
Council of .....(No. & Name), was delivered to me at  
..... (hour) on ..... (date) by the Candidate.**

**All Nomination Papers will be taken up for scrutiny at ..... (hour)  
..... on ..... (date) at ..... (place).**

**Date: .....**

**Returning Officer**

**Place: .....**

**FORM 9**

[See Rule 42]

**RECEIPT OF SECURITY DEPOSIT**

**Part 'A'**

No .....  
Date .....

Received a sum of Rs. 500/- (Rupees five hundred) only from Pi/Pu ..... of ..... on account of security deposit for his nomination for L/C election.

Returning Officer,  
No & Name of L/C Constituency  
.....

**Part 'A'**

No .....  
Date .....

Received a sum of Rs. 500/- (Rupees five hundred) only from Pi/Pu ..... of ..... on account of security deposit for his nomination for L/C election.

Returning Officer,  
No & Name of L/C Constituency  
.....

**Part 'B'**

**HOW DISPOSED OF**

Date .....  
Refunded/forfeited

Signature of Candidate  
Returning Officer  
No & Name of L/C Constituency  
.....

**Part 'B'**

**HOW DISPOSED OF**

Date .....  
Refunded/forfeited

Signature of Candidate  
Returning Officer  
No & Name of L/C Constituency  
.....

**FORM 10**

[See Rule 43(4)]

**LIST OF VALIDLY NOMINATED CANDIDATES**

**Election to Local Council of ..... (No & Name) 20.....**

S.No.	Name of the Candidate	Name of Father/Mother/Husband	Address of Candidate	Party affiliation, if any
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
4				
5				

**Place:**  
**Date:**

**Returning Officer**

**FORM 11**

[See Rule 44]

**NOTICE OF WITHDRAWAL OF CANDIDATURE**

Election to the Local Council of ..... (No. & Name) 20.....

To,  
The Returning Officer,  
.....

I, ..... a candidate nominated at the above election do hereby give notice that I withdraw my candidature.

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

Signature of nominated candidate

This notice was delivered to me at my office at ..... (hour) on ..... (date) by ..... (name), the \*\* .....

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

.....  
Returning Officer

\_\_\_\_\_ (Perforation) \_\_\_\_\_  
—

**Receipt for Notice of Withdrawal**  
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by ..... a nominated candidate at the election to Local Council of ..... (No. & Name) was delivered to me by the \*\* ..... at my office at ..... (hour) on ..... (date).

.....  
Returning Officer

\*\* Here insert one of the following alternatives as may be appropriate:-

- (1) Candidate
- (2) Candidate's Election Agent who has been authorized in writing by the candidate to deliver it.
- (3) A person authorized in writing by the candidate to deliver it.

**Form 12**

[See Rule 46(9)&(10)]

**NOTICE AS TO NAMES OF CANDIDATES SET UP BY  
THE RECOGNISED/REGISTERED POLITICAL PARTY**

**Election to the Local Council of ..... (No. & Name) 20.....**

To,

**The Returning Officer,**

.....

**Subject : Notice regarding setting up of candidates in the Election to Local Council from  
..... (No. & Name).**

**Sir/Madam,**

**I hereby give notice that the following persons have been set up by  
..... Party as its candidate(s) at the Election to be held on the  
..... for election of Members from the Local Council Constituency  
of ..... (No. & Name) as shown against each of the candidates.**

<b>S/N</b>	<b>Name of Sponsored Candidates</b>	<b>Father's/Mother's/ Husband's Name</b>	<b>Address</b>
1			
2			
3			
4			
5			
6			
7			

**Yours faithfully,**

**Signature \_\_\_\_\_  
Name of Unit President ( \_\_\_\_\_ )**

**(Seal)**

**FORM 13**

**[See Rule 46(12)]**

**LIST OF CONTESTING CANDIDATES**

**Election to the Local Council of ..... (No. & Name) 20.....**

Sl. No.	Name of Candidate	Father's/Mother's/ Husband's name	Party Affiliation	Symbol allotted

The poll will be taken on .....(date) at ..... (place) between the hours of ..... A.M. to ..... P.M.

Date.....

Place : .....

Returning Officer  
**No. & Name of Local Council** .....

FORM 14

[See Rule 48(1)(c)]

APPOINTMENT OF ELECTION AGENT

Election to the Local Council of ..... (No. & Name) 20.....

To,

The Returning Officer,

.....

I, ..... (name) of ..... (address),  
a candidate at the above election, do hereby appoint ..... of  
..... (address) as my Election Agent from this day at the above election.

Place .....

Date .....

.....  
Signature of Candidate

I accept the above appointment

Place .....

Date .....

.....  
Signature of Election Agent

Approved  
Signature and seal of the Returning Officer

FORM 15

[See Rule 48(1)(e)]

REVOCATION OF APPOINTMENT OF ELECTION AGENT

Election to the Local Council of ..... (No. & Name) 20.....

To,

The Returning Officer,

.....

I, ....., a candidate at the above election, hereby  
revoke the appointment of Pi/Pu ..... as my Election Agent.

Place .....

Date .....

.....  
Signature of Candidate

**FORM 16**

**[See Rule 48(2)(b)]**

**APPOINTMENT OF POLLING AGENT**

**Election to the Local Council of ..... (No. & Name) 20.....**

**To,**

**The Presiding Officer,  
.....**

**I, ..... a Candidate/Election Agent\*  
of Pi/Pu ..... who is a candidate  
at the above said election do hereby appoint Pi/Pu ..... as a  
Polling Agent at Polling Station of ..... (No.& Name) Local Council  
Constituency.**

**Place: Signature of Candidate/Election Agent  
Date:**

**I agree to act as Polling Agent**

**Place: Signature of Polling Agent  
Date:**

**DECLARATION TO BE SIGNED BY THE POLLING AGENT BEFORE THE  
PRESIDING OFFICER**

**I, ..... Polling Agent of Pi/Pu ..... do hereby  
declare that at the Election to the Local Council Constituency of  
..... (No. & Name) I will not do anything that may violate the  
secrecy of the election or any provision of the Act or Rule 91 of the Mizoram Municipalities  
(Election to Local Councils) Rules, 2015 in connection with this election.**

**Signature of Polling Agent (date)**

**Signed before me and accepted**

**Presiding Officer**

**Place:  
Date**

**\*Strike off whichever is not applicable.**



**FORM 17**

**[See Rule 48(2)(d)]**

**REVOCATION OF APPOINTMENT OF POLLING AGENT**

**Election to the Local Council of ..... (No. & Name) 20.....**

**To,**

**The Presiding Officer,  
.....**

**I, ..... \* the Election Agent  
of Pi/Pu ....., a candidate at the above election, hereby  
revoke the appointment of Pi/Pu ..... as my/his Polling Agent.**

**Place:  
Date:**

**Signature .....**

**Name.....  
Candidate /Election Agent**

---

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

**FORM 18**

[See Rule 68(2)(a)]

**APPOINTMENT OF COUNTING AGENT**

Election to the Local Council of ..... (No. & Name) 20.....

To,

The Returning Officer,

.....

I, ....., \* a candidate/the election agent of.....who is a candidate at the above election, do hereby appoint the following persons as my counting agents to attend the counting of votes at..... (place).

Name of the Counting Agents

Address of the counting agent

- 1. ....
- 2. ....
- 3. ....
- etc.

- .....
- .....
- .....

Signature of Candidate/Election Agent.

We agree to act as such Counting Agents

- 1. ....
- 2. ....
- 3. ....

Signature of Counting Agents

Place.....

Date.....

**Declaration of Counting Agents  
(To be signed before the Returning Officer)**

We hereby declare that at the above election we will not do anything forbidden by Rule 91 of the Mizoram Municipalities (Election to Local Council Rules) 2015, which we have read/has been read over to us.

- 1.
- 2.
- 3.
- etc.

Date.....

Signature of counting agents

Signed before me.

Date.....

Returning Officer

**FORM 19**

**[See Rule 68(2)(b)]**

**REVOCATION OF APPOINTMENT OF COUNTING AGENT**

**Election to the Local Council of ..... (No. & Name) 20.....**

**To**

**The Returning Officer,  
.....**

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

**Date.....  
revoking.**

**Signature of person**

**Place.....**

**FORM 20**

[See Rule 52]

**BALLOT PAPER COUNTERFOIL**

Election to the Local Council of ..... (No. &amp; Name) 20.....

Serial No. of Ballot Paper .....

Elector's Serial number in the Electoral Roll.....

























Signature or thumb impression of the elector

(Perforation)

**BALLOT PAPER**

Serial No. of Ballot Paper.....

No &amp; Name of Local Council Constituency .....

Sl. No.	Name of Candidate	Symbol Allotted	Sl. No.	Name of Candidate	Symbol Allotted
1	Biakmuana	Hand 	13	Hmingmuana	Sun Without Rays 
2	Buanga	Hand 	14	Lalthanzama	Sun Without Rays 
3	Dinsanga	Hand 	15	Mawia	Sun Without Rays 
4	Hminghlua	Hand 	16	Romawia	Sun Without Rays 
5	Hriata	Hand 	17	Siammawia	Sun Without Rays 
6	Lalliana	Hand 	18	Thansiamia	Sun Without Rays 
7	Hmingmuana	Star 	19	Duhkima	Axe (Hreipui) 
8	Lalthanzama	Star 	20	Lalringa	Hat (Lukhum) 
9	Mawia	Star 	21	Malsawma	Lantern (Laltin) 
10	Romawia	Star 	22	Rindika	Leaf (Thingnah) 
11	Siammawia	Star 	23	Tlankima	Mug (Notung) 
12	Thansiamia	Star 	24	Zakapa	Necklace (Thi) 

**FORM 21**

**[See Rule 53]**

**APPLICATION FOR CASTING OF VOTE BY A VOTER ON ELECTION DUTY**

**Election to the Local Council of ..... (No. & Name) 20.....**

**To,**

**The Municipal Election Officer,**

\_\_\_\_\_

**Sir,**

I intend to cast my vote in the ensuing Election to the Local Councils from \_\_\_\_\_ (No. & Name) Local Council Constituency by means of Ballot Paper for Electors on Election Duty.

My name is entered at Sl. No. \_\_\_\_\_ in Part No. \_\_\_\_\_ of the Electoral Roll of \_\_\_\_\_ (No. & Name) Local Council Constituency.

I have been appointed/deployed to perform election duty and copy of my appointment/deployment letter is attached herewith.

I request that a ballot paper be issued to enable me to cast my vote as per procedures prescribed by the State Election Commission,

**Yours faithfully,**

**Enclo: As stated above.**

**Signature: \_\_\_\_\_**

**Name: \_\_\_\_\_**

**Designation: \_\_\_\_\_**

**Contact No.: \_\_\_\_\_**

**FORM 22**

**[See Rule 54(2)(c)]**

**LIST OF CHALLENGED VOTES**

**Election to the Local Council of ..... (No. & Name) 20.....**

Serial No. of entry	Name of elector	Sl.No. of Elector's name in the E/Roll	Signature or thumb impression of the person challenged	Address of the person challenged	Name of identifier, if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving refund of deposit
1	2	3	4	5	6	7	8	9

Date: .....

Signature of Presiding Officer

**FORM 23**

**[See Rule 60(1)]**

**DECLARATION BY THE COMPANION OF BLIND OR ILLITERATE OR INFIRM VOTERS**

**Election to the Local Council of ..... (No. & Name) 20.....**

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

Date: .....

Signature of Companion

Place: .....

**Signed before me and permitted**

Signature of the Presiding Officer

**FORM 24**

**[See Rule 60(2)]**

**RECORD OF VOTES OF BLIND OR ILLITERATE OR INFIRM ELECTORS**

**Election to the Local Council of ..... (No. & Name) 20.....**

Sl. No.	Name of Elector	Electors's Sl.No. in the E/Roll	Name of Companion	Companion's Sl.No. in the E/Roll	Signature of Companion

Date : .....

Place : .....

Signature of the Presiding Officer

**FORM 25**

**[See Rule 64(2)]**

**LIST OF TENDERED VOTES**

**Election to the Local Council of ..... (No. & Name) 20.....**

<b>Sl. No.</b>	<b>Name of the elector</b>	<b>Sl. No. of elector in the E/Roll</b>	<b>Address of the elector</b>	<b>Serial number of tendered ballot paper</b>	<b>Serial Number of ballot paper issued to the person who has already voted</b>	<b>Signature or thumb impression of person tendering vote</b>

Date: .....

Signature of the Presiding Officer

Place: .....



**FORM 26**

**[See Rule 66]**

**BALLOT PAPER ACCOUNT OF PRESIDING OFFICER**

**Election to the Local Council of ..... (No. & Name) 20.....**

<b>Sl.No.</b>	<b>Particulars</b>	<b>Quantity</b>
1	No. of Ballot Papers received by the Presiding Officer	
2	No. of ballot papers issued to electors	
3	No. of ballot papers cancelled for violating voting procedure	
4	No. of ballot papers spoilt and returned under Rule 61(1)	
5	No. of ballot papers refused by the elector and cancelled under Rule 61(2)	
6	No. of ballot paper to be found in the ballot box	
7	No. of unused ballot papers returned	

Date.....

Place : .....

Signature of the Presiding Officer

**FORM 27**

[See Rule 73(3)]

**ROUND-WISE COUNTING SHEET**

Election to the Local Council of ..... (No. & Name) 20.....

(a) Counting Table No: \_\_\_\_\_

(b) Round No: \_\_\_\_\_

(c) No. of Ballot Papers: \_\_\_\_\_

(d) Total Votes cast: \_\_\_\_\_

(e) Valid Votes: \_\_\_\_\_

(f) Invalid Votes: \_\_\_\_\_

Sl. No.	Name of Candidates	Votes polled										Total
		5	5	5	5	5	5	5	5	5	5	

Name & Signature of Counting  
Supervisor

Date .....

Place .....

Name & Signature of Returning  
Officer

**FORM 28**

[See Rule 73(3)]

**COUNTING TABLE-WISE RESULTS TABULATION SHEET**

Election to the Local Council of ..... (No. & Name) 20.....

**ROUND No. ....**

Sl. No.	Name of Candidates	Valid Votes Polled					G. Total
		Counting Table No _____	Counting Table No _____	Counting Table No _____	Counting Table No _____	Counting Table No _____	

Date .....

Place .....

Name & Signature of Returning Officer

**FORM 29**

[See Rule 73(3)]

**ROUND-WISE TABULATION SHEET**

**Election to the Local Council of ..... (No. & Name) 20.....**

Sl. No.	Name of Candidates	Valid Votes Polled					G Total
		Counting Table No _____	Counting Table No _____	Counting Table No _____	Counting Table No _____	Counting Table No _____	

Date .....

Place .....

Name & Signature of Returning Officer

**FORM 30**

**[See Rule 77]**

**ELECTION RESULT**

**Election to the Local Council of ..... (No. & Name) 20.....**

Date of Poll : .....

Date of Counting of Votes : .....

Sl.No.	Name of Candidate	Name of Political Party, if any	Total Votes Polled	Result (Indicate as Elected/not Elected)

**Total No. of Electors** : .....  
**Total No. of valid votes polled** : .....  
**Total No. of rejected votes** : .....  
**Total No. of tendered votes** : .....

I hereby declare that:-

Sl. Nos : ..... Viz.. 1) .....  
 2) ..... 3) .....  
 4) ..... 5) .....

have been declared duly elected to fill the seats in the Local Council of ..... (No. & Name).

Date:.....

Place : .....

Name & Signature of the Returning Officer



**FORM 31**

**[See Rule 78]**

**CERTIFICATE OF ELECTION**

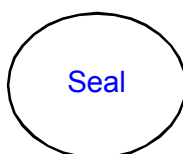
I, Returning Officer for the election to Local Council of ..... in the Municipality of ..... hereby certify that I have on the ..... day of ..... 20.....declared Pi/Pu ..... Son/ Daughter/Wife of ..... **sponsored by** ..... **(name of the recognised/registered political party)** to have been duly elected to be a member of the Local Council of ..... in an election held on ..... and that in token thereof I have granted to him/ her this Certificate of Election.

Date.....

Returning Officer

Place .....

No. & Name of Local Council .....



**FORM 32**

**[See Rule 79]**

**BALLOT PAPER ACCOUNT OF RETURNING OFFICER**

**Election to the Local Council of ..... (No. & Name) 20.....**

- (a) Total number of ballot papers found in the Ballot Box/Boxes \_\_\_\_\_
- (b) Total number of rejected ballot papers under Sub-rule (3) of Rule 71 \_\_\_\_\_
- (c) Total number of valid ballot papers, i.e. ballot papers which are not rejected \_\_\_\_\_
- (d) Total number of votes contained by the total valid ballot papers, i.e. total number of valid ballot papers multiplied by total number of vacancies to be filled \_\_\_\_\_
- (e) Total number of invalid votes on all valid ballot papers \_\_\_\_\_
- (f) Total number of valid votes on all valid ballot papers, i.e. (d) minus (e) \_\_\_\_\_

Date : .....

**Name & Signature of the Returning Officer**

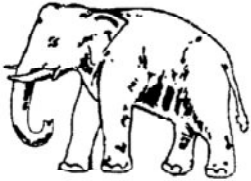





Place : .....

## APPENDIX

[See Rule 46]

### TABLE - I : LIST OF SYMBOLS FOR RECOGNISED POLITICAL PARTIES

#### NATIONAL PARTIES




























































<p>Bahujan Samaj Party</p>  <p>Elephant</p>	<p>Bharatiya Janata Party (BJP)</p>  <p>Lotus</p>	<p>Communist Party of India (CPI)</p>  <p>Ears of Corn and Sickle</p>
<p>Communist Party of India (CPI(M))</p>  <p>Hammer, Sickle and Star</p>	<p>Indian National Congress (INC)</p>  <p>Hand</p>	<p>Nationalist Congress Party</p>  <p>Clock</p>

#### STATE PARTIES

<p>Mizo National Front (MNF)</p>  <p>Star</p>	<p>Mizoram People's Conference</p>  <p>Electric Bulb</p>	<p>Zoram Nationalist Party (ZNP)</p>  <p>Sun without Ray</p>
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**TABLE - II : LIST OF FREE SYMBOLS**

1	ARBAWM		16	KELPA		31	TARMIT		46	SUAHDUR	
2	ARPA		17	KHUJANG		32	THINGKUNG		47	SAKAWR	
3	BAWNGPA		18	KHUMBEU		33	THINGZAI CHEM		48	ZAWHTE	
4	CHEM		19	THLAWHTHEIHNA		34	THUL		49	PHEIKHAWK	
5	DAWHKAN		20	TELEPHONE		35	THUTTHLENG		50	TIANGKAWM & BALL	
6	EMPING		21	NGHAWNGKAWL		36	TUIBUR		51	LEHKHABU	
7	HACHHEK		22	NIHLIAP		37	TUITHAWL		52	KETLI	
8	HERAWT		23	NO		38	TUTHLAWH		53	CHEMTE	
9	HLUMBEL		24	PAIKAWNG		39	UI		54	PEN	
10	HMUJ		25	PAM KHAWNVAR		40	VAIBEL		55	DEKCHI	
11	HNAH PAHNIH		26	PANGPAR		41	ARPUI		56	THINGREM	
12	HNAM		27	SANGHA		42	BERAM		57	FAVAH	
13	HREIPUI		28	SAVA		43	BALHLA PUM HNIH		58	THEIRAH PAHNIH	
14	IN		29	SAZUPUI		44	GREP RAH		59	MAU FIAN	
15	IPTE		30	SELU		45	SAKAWRBAKCHEH		60	BALHLA KUNG	