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The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Regn. No. NE-313(MZ)2006-2008

Re.2/- per issue

VOL - XXXVII Aizawl, Wednesday 23.4.2008 Vaisakha 3, S.E. 1930, Issue No. 125

CHAKMAAUTONOMOUS DISTRICT COUNCIL

(Election to Village Councils) Rules, 2007.

as amended in 2013

**CHAKMA AUTONOMOUS DISTRICT COUNCIL
(Election to Village Councils) Rules, 2007.**

In exercise of power conferred under section 29 of the Chakma Autonomous District Council (Village Councils) Act, 2003 the Executive Committee of the Chakma Autonomous District Council is pleased to make the following Rules with prior approval from the Governor of Mizoram.

**CHAPTER-I
PRELIMINARY**

1. SHORT TITLE, EXTEND & COMMENCEMENT:

- (1) These Rules may be called the Chakma Autonomous District Council (Election to Village Councils) Rules 2007 as amended in 2013;
- (2) They extend to the whole of the Chakma Autonomous District Council;
- (3) They shall come into force at once.

2. DEFINITION: In these Rules, except where it is expressly otherwise provided or the context otherwise requires:

- (a) "Constituency" means such area which falls within the jurisdiction of a Village Council;
- (b) "District" means the Chakma Autonomous District Council;
- (c) "District Council" means Chakma Autonomous District Council;
- (d) "Elector in relation to a constituency" means a person whose name for time being entered in the Electoral Roll;
- (e) "Executive Committee" means the Executive Committee of the Chakma Autonomous District Council;
- (f) "Executive Secretary" means the Executive Secretary of the Chakma Autonomous District Council;
- (g) "Electoral Roll" means the Electoral Roll of a constituency of a Village Council and shall include the names of all persons who are entitled as voter;
- (h) "Election" means an election to fill a seat in the Village Council;

- (i) “Local Administration Officer” means Local Administration Officer of the Chakma Autonomous District Council;
- (j) “Presiding Officer” means the officer appointed by the **State Election Commission** for conducting the election in the polling station and may include the Returning Officer if the **State Election Commission** directs that the same person shall perform the function of both Returning Officer and Presiding Officer.
- (k) “Returning Officer” means the Officer appointed by the **State Election Commission** for conducting the election to the constituency;
- (l) “Village” means Village or Villages declared to form a Village Council under sub-section (l) of section 3 of the Chakma Autonomous District Council (Village Councils) Act, 2003, by the Executive Committee.
- (m) **“State Election Commission” means the State Election Commission as constituted for the state of Mizoram under provision of Part IX and Part IX A of the Constitution.**

3. HOLDING OF GENERAL ELECTION:

- (a) All elections to the Village Councils shall be held under the provisions of these Rules and shall be conducted by symbol system and the symbols to be utilised for the purpose shall be those specified in Appendix-I of these Rules.
- (b) The Returning Officer for the election to the Village Council shall notify the name of constituency with the number of members fixed for each Village Council to be elected and nominated. The District Council may at any time, revise or modify this provision if necessary.
- (c) There shall be an Electoral Roll for every constituency for the election to the Village Councils, and may be revised by the **State Election Commission** from time to time.
- (d) The person whose name is included in the latest Electoral Roll for the election to the District Council shall be the elector to the election of the Village Council.

4. APPOINTMENT OF OFFICER: ***The State Election Commission shall appoint Election Officials as per provision of Section 3 (7) of The Chakma Autonomous District Council (Village Councils) (Amendment) Act, 2011.***

5. DATE OF ELECTION: The **State Election Commission** shall by notification call upon all constituencies concerned to elect the number of members to be returned, and shall also appoint the date or dates simultaneously or consecutively according to convenience. The Returning Officer may, however, cause an election to be held on such date before or after the date appointed in respect of any constituency as a special case, when the appointed date cannot be observed due to some unforeseen inconvenience.

Provided that the change of date shall be notified to the constituency concerned by the Returning Officer at least seven days before the date so fixed for election.

6. APPOINTMENT OF NOMINATED MEMBER AND FILLING OF VACANCIES:

- (1) Nominated member in each Village Council as prescribed shall be appointed by the Executive Committee from amongst the persons qualified to become a Member of a Village Council according to these Rules. Provided, such person shall apply in the prescribed form informing his willingness to serve as Nominated Member of the Village Council to the Executive Committee or any other Officer appointed for such purpose by the Executive Committee. And such appointed Nominated Member shall hold office at the pleasure of the Executive Committee.
- (2) If any elected member is found to be disqualified after the election, the seat may be declared vacant by the Executive Committee, and be filled under the provision of these Rules.
- (3) A seat and a casual vacancy in the Village Council in respect of a nominated seat shall be filled by the Executive Committee by appointment in the same manner as prescribed in sub-rule (1) of this Rules.
- (4) A seat and a casual vacancy in the Village Council in respect of an elected seat shall be filled by bye-election.

7. PUBLICATION OF THE NAMES OF MEMBER OF VILLAGE COUNCIL: The name of members elected and those nominated for various Village Councils shall be published in the constituency as soon as may be after the election is over.

8. RETURNING OFFICER: It shall be the general duty of the Returning Officer at any Village Council election to do all such acts and things as may be necessary for proper conduct of election in the manner provided under these Rules and his decision shall be final.

9. POWER OF THE STATE ELECTION COMMISSION: The *State Election Commission* may prescribe such forms as may be necessary for the conduct of election from time to time.

CHAPTER-II CANDIDATES AND VOTERS

10. Qualifications for Elector:-

- 1) Every person who is-
 - a) a citizen of India who belongs to Scheduled Tribe;
 - b) a permanent resident of the respective Village Council;
 - c) not below the age of 18 (eighteen) years on the qualifying date;
 - d) not of unsound mind and does not stand so declared by any competent court, and
 - e) for time being, not disqualified for voting under the provisions of any law relating to corrupt or illegal practices or other offences in connection with election, shall be entitled to vote at any election to the Village Council.
- 2) No person shall be entitled to be registered in the electoral roll for more than one Village Council constituency.
- 3) For the purpose of these Rules, “qualifying date,” as used in sub-rule (1) and in relation to the preparation or revision of every Village Council electoral roll under this chapter shall be the date that may be declared by the **State Election Commission** by notification from time to time.

11. ELECTORAL ROLL FOR VILLAGE COUNCIL: There shall be an electoral roll for every Village Council constituency for the election to the Village Council prepared in accordance with the rules hereinafter provided-

- (a) The Electoral Roll of a Village Council constituency for the election to the Village Council prepared in accordance with the latest Electoral Roll for the election to the District Council, as and when revised, be the electoral roll for the purpose of the general election to the Village Council;
- (b) There shall be a summary revision of the electoral roll for inclusion, deletion or correction of names in the electoral roll of the Village Council constituency preceding any election to the Village Council constituencies on such time-frame as may be decided and notified by the **State Election Commission**.
- (c) If any difficulty or question arises as to the preparation or review of any electoral roll under these rules, the same shall be decided by the Returning Officer or other Officers appointed by the **State Election Commission** for the purpose, and his decision shall be final.

Provided that the entire process of publication of electoral roll should be completed on or before the date fixed for filing of nomination-papers for the Village Council election.

12. QUALIFICATION OF CANDIDATES FOR THE ELECTION AND SCRUTINY OF CANDIDATE:

- (a) Any person whose name is included in the Electoral Roll of the constituency and who is not otherwise disqualified under Section 4 of the Chakma Autonomous District Council (Village Councils) Act, 2003 may be a candidate for the election to the Village Council and shall inform the Returning Officer in writing in a form as prescribed along with a fee that may be fixed by the **State Election Commission** from time to times of his intention to do so, by a particular date to be notified in this behalf by the Returning Officer.
- (b) The scrutiny of candidature shall be conducted by the Returning Officer in the respective Village Council constituency on the date and time to be notified by him. The Returning Officer shall then examine the nomination papers and shall decide on all objections which may be made to any nomination and may, either on such objection or in his own motion after such summary inquiry, as he may think necessary, refuse any nomination on any of the following grounds:-
 - (i) that the candidate is not qualified to be elected to fill the seat under these Rules.
 - (ii) that the candidate or any proposer or seconder is not substantially identical with the person whose number or name appearing in the Electoral Roll as is given in the nomination paper as the number or name of such candidate, proposer or seconder.
 - (iii) that the signature of the candidate or any proposer or seconder is not genuine or has been obtained by fraud;
Provided that the Returning Officer shall not refuse any nomination paper on the ground of technical defect, wrong spelling of name, and the like, and shall accept any nomination paper in respect of which he is satisfied that the candidate is qualified to be chosen to fill the seat and has been proposed and seconded by persons who are qualified to do so.

13. WITHDRAWAL OF CANDIDATURE AND REFUND OF SECURITY DEPOSIT:

- (a) The Returning Officer may accept the withdrawal of any candidature, before or after the security of the candidature, and refund the security deposit money on obtaining a receipt to that effect as prescribed.
- (b) The Security Deposit of all other contesting candidate shall be credited to the District Council fund according to established procedure in regards to District Council local receipt and the Local Administration Officer shall be responsible for the same.

- (c) The Security Deposit of the candidates other than those whose Security Deposit are forfeited as per provisions of Rule 16(a) of these rules shall be refunded on issuance of a sanctioning order by the ***State Election Commission***.
- (d) On completion of the scrutiny of the nomination papers, the Returning Officer shall forthwith examine the symbols chosen by the candidate, and if such symbols are found to be in conflict with each other or with any symbols already assigned, he shall allocate the symbols in conformity, as far as possible with choices of the candidates, and, if necessary, by lot and his decision in this respect shall be final. Each candidate or his election agent shall, at the same time, be informed of the symbol assigned to him and shall be given a specimen thereof.
- (e) The Returning Officer shall endorse on each nomination paper, his decision of accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reason for such rejection.
- (f) The scrutiny shall be completed, if possible, on the fixed day, and time for the nomination of the candidates but if it can not be completed on that day and time it may be adjourned to the following day or if the following day is holiday, to the next working day.

14. DEATH OF A CANDIDATE BEFORE POLL: If a candidate who has been duly nominated under these Rules dies after scrutiny of nominations and, before the commencement of poll, the Returning Officer /Asst. Returning Officer shall, on being satisfied of such death, countermand the poll in the constituency concerned and report the facts to the ***State Election Commission***, and all proceedings with references to the election.

15. PUBLICATION OF VALID CANDIDATE LIST: The Returning Officer or Assistant Returning Officer shall publish the valid list of candidate after the scrutiny and withdrawal of candidature.

16. FORFEITURE OF SECURITY DEPOSIT:

- (a) The Security Deposit of such candidate who is not elected and the total number of votes secured by him do not exceed one-sixth of the total votes polled shall be forfeited to the District Council. The Presiding Officer or the Returning Officer as the case may be, shall deposit all such money to the Local Administration Officer by making a list of such candidate in a form as may be prescribed.

(b) The Local Administration Officer shall make a compilation of such money received from the different Presiding Officer or Returning Officer and shall cause, deposit of all such money to the Executive Secretary to be credited in the District Council Fund by making entry in a form as prescribed.

17. ELECTION SYMBOL: Each candidate shall select a symbol out of those prescribed in Appendix-I to represent him in the election and the election shall be conducted by symbol. The Returning Officer shall decide by lot, to which of these candidates exceeds that of the seat to be filled. The Returning Officer shall compile a list showing the names of the valid candidates and the symbols assigned to each candidate and publish in the manner he thinks fit and a poll shall be taken in the manner prescribed in these Rules.

18. WHEN NUMBER OF VALID CANDIDATES IS EQUAL TO THE NUMBER OF SEAT:

(1) If the number of valid candidates in a constituency is equal to the number of seats to be filled, the Returning Officer shall forthwith declare such candidates to be elected to those seats in the Village Council uncontested.

(2) If the number of valid candidates is less than the number of seats to be filled, the Returning Officer shall declare all such candidates to be elected and fill as many as those seats. The ***State Election Commission*** shall by notification, call upon the constituency to elect a person or persons to fill the remaining seat or seats, as the case may be, within such times as may be notified.

CHAPTER-III VOTING

19. ARRANGEMENT OF VOTING: There shall be only one and if necessary, more polling Station for each constituency. The Returning Officer or any Officer appointed by him shall make all arrangements for the conduct of the election.

20. ELECTION AGENT: One election agent of a candidate is appointed in writing and submitted to the Returning Officer, who shall be admitted into the polling booth in case of the candidate absenting himself from the polling station.

21. NO VOTE BY PROXY: Every voter shall record his/her vote at the polling booth by him/ her only and no vote by proxy or otherwise shall be accepted.

22. HOURS OF POLL: The Returning Officer shall fix the hours for polling vote.

- 23. BALLOT BOXES:** Just before polling is started, the empty ballot boxes with their respective symbol and name of the candidates fixed on them shall be shown to the persons present at the polling station. The ballot boxes then be closed with an adhesive and wax sealing devices.
- 24. BALLOT PAPER:** Each voter shall be given as many ballot papers as there are elected seats. The ***State Election Commission*** may direct that before the ballot papers are delivered to an elector at a polling station, such official marks as may be specified in this behalf, shall be given on ballot papers and the official marks so specified shall be kept secret.
- 25. RECORD OF VOTES:** Each voter shall record his vote by dropping only one ballot paper in each box containing the symbol assigned to the candidate of his choice.

Provided that for any reason a voter does not want to use his ballot paper, the voter concerned must return the same, which shall be cancelled and marked 'refused' on the counterfoil.

Provided further that if an elector gives more than one vote to any one candidate, then at the time of counting of votes, not more than one of the votes given by him to such candidate shall be taken into account and all other votes given by him to such candidate shall be declared void.

- 26. HELPING OF VOTER:** If owing to blindness or other infirmity any elector is unable to read the symbol on the ballot box or is physically incapable of casting the ballot paper into the ballot box, the Presiding Officer will ascertain from the elector the candidate or candidates he desires to vote for and shall put the ballot paper or papers in the ballot box or boxes of such candidates in accordance with the wishes of such elector. The Presiding Officer shall have this done with as much as possible and shall have a record of such instances.
- 27. SPOILT OF BALLOT PAPER:** If the ballot paper happens to be spoilt before it is used due to any reason, another ballot paper may be obtained surrendering the spoilt ballot paper which shall be cancelled with the counterfoil.
- 28. SUSPENSION OF VOTING:** If due to any reason beyond control, the polling of votes has to be stopped resulting in the dispersion of the voters and the candidates, the Presiding Officers within the hours prescribed and before all the votes polled, the polling shall be suspended and ballot boxes be closed by pasting with an adhesive and wax sealing devices till they are re-opened when polling is continued as decided by the Presiding Officer present.

- 29. CLOSING OF BALLOT BOXES AFTER POLL:** As far as practicable, after the closure of the poll, the Presiding Officer shall, in presence of candidate or their agents who may be present, close the ballot boxes and seal them and shall retain the ballot boxes in safe custody until the commencement of the counting of votes.

CHAPTER-IV COUNTING OF VOTES

- 30. COUNTING OF VOTES:** Counting of votes shall be taken up as soon as possible after the closure of the poll and the Returning Officer may appoint any person as may be necessary to assist him in the counting of votes.
- 31. AUTHORISED PERSON AT THE COUNTING OF VOTES:** No person shall be allowed to be present at the counting of votes except the Returning Officer and such other persons as he may appoint to assist him in counting the votes, the candidates, election agents, as may be required, authorised in writing by the candidate shall have the right to be present at the time of counting.
- 32. SUSPENSION OF COUNTING OF VOTES:** If due to any reason beyond control, the counting of votes has to be delayed for any period resulting in the dispersion of candidates and the election staff from the booth or place appointed instead, the ballot boxes shall be closed by pasting an adhesive and wax sealing devices. The boxes shall be reopened at the next counting of votes held.
- 33. DISPOSAL OF COMPLAINT:** The result of the election shall be announced by the Returning Officer as soon as possible after the counting of votes is finished. Any protest against the time of announcement of the result, the Returning Officer shall explain the circumstances connected with the complaint.
- 34. EQUAL OF VOTES:** In the case of equal of votes, membership shall be decided by drawing of lots.
- 35. PUBLICATION OF ELECTION RESULT:** The list of the candidates elected shall be published in the constituency.

CHAPTER-V ELECTION PETITION

- 36. SUBMISSION OF ELECTION PETITION:** A petition challenging the validity of any election may be submitted by a candidate and no one else to the ***State Election Commission*** or any officer appointed by it for the purpose within 15 (fifteen) days after the declaration of the election results by the Returning Officer of the constituency concerned, attaching to the petition, an official receipt of the District Council showing that a deposit of Rs. 300/- as security for cause of hearing of the petition has been made. Such deposit shall be forfeited to the District Council in case the petition fails. If, however, the petition succeeds, the deposit shall be refunded. Unless such petition is withdrawn within a fortnight, the security deposit shall be forfeited to the District Council and be credited to District Council fund.
- 37. DISPOSAL OF ELECTION PETITION:** The ***State Election Commission*** shall constitute an Election Tribunal to hear and dispose of all election petitions. The 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.

CHAPTER-VI CORRUPT PRACTICES

- 38. CORRUPT PRACTICES:** The following shall be deemed to be corrupt practices for the purpose of the election to the Village Council: (1) Bribery (2) Undue influence (3) Personating (4) Removal of ballot papers, (5) Publication of false statement and (6) Use of or appeal to religious and national symbols as defined in Chapter XX of the Chakma Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2003.

CHAPTER - VII ELECTORAL OFFENCES

- 39. PUBLIC METING:** No person shall convene, hold or participate in any public meeting or canvas for self or for any candidate on the date on which poll is taken for election to the Village Council.
- 40. MAINTENANCE OF SECRECY:** Every Officer, clerk or agent or other person who performs any duty in connection with the recording or counting of votes at an election, shall maintain the secrecy of the voting.

- 41. PROHIBITION OF INTERFERENCE WHILE POLLING:** No person shall interfere in any way with the work of the Returning Officer or other Officers employed for the conduct of election to Village Council.
- 42. CONTRAVENTION OF ANY PROVISION:** Any person who contravenes any of the provision of this Rules 39 to 41 shall be punishable with a fine which may extend to Rs. 500/- (Rupees five hundred).

**CHAPTER-VIII
POWER OF RETURNING OFFICERS**

- 43.** No Civil Court shall have jurisdiction to question the legality of any action taken or any decision given by the Returning Officer or by any other person appointed under these Rules in connection with an election.
- 44. REPEAL AND SAVINGS:** The Pawi-Lakher Autonomous Regional (Election to Village Councils) Rules, 1954 as amended and applicable to the Chakma Autonomous District Council is hereby repealed.

Dated Kamalanagar
The 16th July, 2007

Sd/-
(D.C Dewan)
Executive Member i/c LAD
Chakma Autonomous District Council
Kamalanagar.

APPROVED ON THIS 7th DAY OF APRIL, 2008.

Sd/-
(GOVERNOR OF MIZORAM)