

The Mizoram Autonomous District Council (Constitution and Conduct of Business of the District Councils) Rules, 1974

MIZORAM

India

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The Mizoram Autonomous District Council (Constitution and Conduct of Business of the District Councils) Rules, 1974 Published vide Notification Mizoram Gazette, Extraordinary No. 72 (A), dated 18-9-1989 Last Updated 19th February, 2020

Part I – Preliminary

1. Title and commencement.

(1) These Rules shall be called the Mizoram Autonomous District Council (Constitution and Conduct of Business of the District Council) Rules, 1974. (2) They shall come into force at once.

2. Definitions.

- In these Rules except where it is otherwise expressly provided or the context otherwise requires- (1) "Administrator" means the Administrator of the Union Territory of Mizoram appointed by the President under Article 239 of the Constitution; (2) "Autonomous District" means an area deemed as such under paragraph 20 (B) of the Sixth Schedule to the Constitution of India; (3) "Chairman" means the Chairman of the District Council and includes any person for the time being performing the duties of the Chairman; (4) "Constitution" means the Constitution of India; (5) "Constituency" means a constituency for the purpose of election to the District Council of an Autonomous District; (6) "Corrupt practice" means any of the practices specified in Rule 193 or Rule 194 of these Rules; (7) "Deputy Commissioner" means the Deputy Commissioner of Chhimtuipui District; (8) "District Council" means the District Council of an Autonomous District constituted under the provisions of Paragraph 20(B) of the Sixth Schedule to the Constitution of India; (9) [* * *] [No. (9) missing in the Gazette. Hence printed as such.] (10) "Elector" in relation to a

constituency means a person whose name is for the time being entered in the electoral roll of that constituency;(11)"Executive Committee" means the executive committee of an Autonomous District Council in Mizoram;(12)"Gazette" means the Mizoram Gazette;(13)"Illegal practice" means any of the practices specified in Rule 195 of these Rules;(14)"Member" means a member of the Autonomous District Council;(15)"Motion" means a proposal made by a member for consideration of the District Council relating to any matter which may be discussed by the said council and includes an amendment or resolution;(16)"Regulation" means a motion for the purpose of discussing a matter of general public interest;(17)"Secretary" means Secretary to the Government of Mizoram dealing with the Autonomous District Council in Mizoram;(18)"Schedule" means Sixth Schedule to the Constitution of India;(19)"Scheduled Tribe or tribes" means tribe or tribes specified in Part II Mizoram of the Fifth Schedule to the North-Eastern Areas (Reorganisation) Act, 1971.(20)"Session" means the whole period from the time the District Council duly assemble to the time when it is prorogued.Note. - Any expression not defined in these Rules, but occurring therein shall be deemed to have the same meaning in which they are used in the Constitution and/or the Central General Clauses Act, 1897.

3. Interpretation in case of doubts.

(1)Except where the context otherwise requires, the General Clauses Act, 1897 and the Assam General Clauses Act, shall apply for the interpretation of these Rules as they apply for the interpretation of the Act of Parliament or of the Rules of Legislature of Mizoram as the case may be.(2)Subject to the provisions of sub-rule (1) if any question arises as to then interpretation of these Rules it shall be referred for the decision of the Administrator and the decision of the Administrator shall be final.

4. Provisions for removal of difficulties.

- If any difficulty arises as to the functioning of any District Council or the holding of any election to a District under these Rules or any other matter connected therewith, the Administrator may, by order, do anything not inconsistent with these rules, or any provisions of the Constitution or any order made thereunder or an Act of Parliament or of the Legislature of Mizoram, which appears to him to be necessary for the proper functioning of or holding of elections to the District Council, as the case may be.

5. Repeal.

- The provisions of the Pawi-Lakher Autonomous Region (Constitution and Conduct of Business of the Regional Council) Rules, 1963 as amended, are hereby repealed;Provided that any action taken and proceedings made thereunder shall be deemed to have taken or made under these Rules.

Part II – District Council - Composition - Officers - Executive Committee

Chapter I

General

6. Constitution of District Councils.

(1) There shall be an Autonomous District Council for each Autonomous District specified in Part III of the table appended to paragraph 20 of the Schedule, namely, the Pawi Autonomous District, the Lakher Autonomous District and the Chakma Autonomous District. (2) Each District Council shall be a body corporate (by the name of the District Council), shall have perpetual succession and a common seal and shall by the said name sue and be sued.

7. Composition of District Councils.

(1) The District Council for each Autonomous Districts shall consist of a specified number of members elected and nominated. The composition of the District Councils for each Autonomous District and the allocation of seats therein as between elected and nominated members shall be such as the Administrator may, by notification in the Gazette, determine. (2) The constituencies for elections to the District Council for each Autonomous Districts shall be territorial. The constituency, the extent thereof and the number of seats to be filled in each of these shall be such as may be specified, by notification in the Gazette, by the Administrator.

8. Duration of District Council.

(1) Every District Council, unless sooner dissolved, shall continue for 5 years from the date appointed for its first meeting: Provided that the said period may be extended by the Administrator by notification in the Gazette for a period not exceeding one year at a time. (2) Term of the members of the District Councils. - The elected members of a District Council shall hold office during the life of the District Council as provided in sub-paragraph (6-A) of paragraph 2 of the Sixth Schedule to the Constitution, and the nominated members shall hold office at the pleasure of the Administrator: Provided that a member elected to fill a casual vacancy shall hold office only for the remainder of the term of office of the member whom he replaces. (3) Notwithstanding anything contained in these rules, the term of office of the Member of the Executive Committee of a District Council, who are in office immediately prior to the date of dissolution of the Council as provided in sub-rule (1) shall continue till the date of the formation of the Executive Committee of the newly elected District Council.

9. Qualification for membership.

- A person shall not be qualified to be elected as a member of the District Council for an Autonomous District unless he - (a) is a citizen of India; (b) is not less than 25 years of age; and (c) is entitled to vote at the election of the members of District Council of that Autonomous District.

10. Sessions of District Council.

- The District Council of an Autonomous District shall be summoned to meet once in every four months; provided that it may be summoned oftener in the event of emergency in the matter prescribed in Rule 27.

Chapter II

Officers of the District Councils

11. Chairman and Deputy Chairman of District Council.

- There shall be a Chairman and a Deputy Chairman of the District Council of each Autonomous District, who shall be elected by the District Council in the manner provided in Rules 33 and 34.

12. Vacation of offices of Chairman and Deputy Chairman.

- A member holding office as Chairman of the District Council of an Autonomous District or as Deputy Chairman of the District Council-(a)shall vacate his office if he ceases to be a member of the said Council;(b)may at any time by writing under his hand addressed, if such member is the Chairman, to the Deputy Chairman, and if such member is the Deputy Chairman, [resign] [Sic. As such printed in the Gazette.] his office; and(c)may be removed from his office by a resolution of the District Council as provided for in Rule 108.

13. Performance of duties of Chairman when his office is vacant.

(1)While the office of the Chairman is vacant, the duties of the office shall be performed by the Deputy Chairman or if the office of the Deputy Chairman is also vacant, by such member of the District Council as the Administrator may appoint for the purpose.(2)During the absence of the Chairman from any sitting of the District Council the Deputy Chairman, or if, he is also absent, a member of Council nominated for the purpose in accordance with Rule 35 shall act as Chairman.

14. Chairman and Deputy Chairman not to preside in certain cases.

(1)At any sitting of the District Council, while any resolution for the removal of the Chairman from his office is under consideration, the Chairman, or while any resolution for the removal of the Deputy Chairman from his office is under consideration, the Deputy Chairman shall not, though he is present, preside, and the provisions of sub-rule (2) of Rule 13 shall apply in relation to sitting from which the Chairman or, as the case may be, the Deputy Chairman, is absent.(2)The Chairman shall have the right to speak in and otherwise to take part in the proceedings of the District Council while any resolution for his removal from office is under consideration in the Council and shall, notwithstanding anything in Rule 26 be entitled to vote only in the first instance, on such resolution or any other matter during such proceedings but not in the case of an equity of

votes.

15. Secretary to District Council.

- There shall be a Secretary to District Council, who will be appointed by the Chairman of the District Council. The Secretary shall not be a member of the District Council. Note - There is no bar to the Secretary to the Executive Committee also functioning as Secretary to the District Council. The two posts could advantageously be held by the same person.

16. Condition of service of officers and staff.

- Subject to the previous approval of the Administrator, the District Council of an Autonomous District may make rules regulating the conditions of service of officers and staff appointed to the services and posts in connection with the affairs of the District Council, provided that until rules are made by the District Council under this rule, the conditions of service of such officers and staff of the Council shall be regulated by orders to be issued by the Administrator, and in the absence of such order, by the relevant rules applicable to officers and staff under the rule making control of the Government of Mizoram, subject to such restrictions or modifications the Administrator may direct in the case of a particular appointment of class or classes of appointments.

Chapter III

Disqualifications of Members

17. Vacation of seats.

(1) No person shall be a member of the District Councils of two or more Autonomous Districts and if a person is so elected a member of two or more Districts Councils, then at the expiration of 21 days from the date of publication in the Gazette of the declaration that he has been so elected or, if such publication has been made on different dates, from the latest of such dates, that person's seat in the District Councils; of all such Autonomous Districts shall become vacant unless he has previously resigned his seat in the District Councils of all but one of the Autonomous Districts. Such a vacancy or vacancies shall be notified by the Administrator in the Gazette. (2) If a person is elected to more than one seat in the District Council of an Autonomous District, then unless within 21 days from the date of publication in the Gazette of the name of that person as having been so elected, where such publication has been made on different dates unless within 21 days from the latest of such dates, such person resigns all but one of the seats, all the said seats shall become vacant. If he resigns all but one seat, the remaining seat or seats shall become vacant and such vacancy or vacancies shall be notified by the Administrator in the Gazette. (3) In the event of any vacancy arising in a constituency under sub-rule (1) or (2), the Returning Officer shall, subject to the provisions of sub-rule (2) of Rule 165, declare the candidate polling the next highest number of valid votes in that constituency as shown in the return prescribed under Rule 168 to be duly elected to fill up the vacancy and the name of the candidate so elected shall be reported to the Secretary to the Government of Mizoram, Local Administration Department and published in the Gazette under the signature of the Returning

Officer.(4)If a member of the District Council of an Autonomous District resigns his seat by writing under his had addressed to the Chairman, his seat shall become vacant.(5)If for a period of 30 days a member of a District Council is without permission of the Council absent from all meetings thereof, the Council may declare has seat vacant; provided that in computing the said period of 30 days no account shall be taken by any period during which the Council is prorogued or is adjourned for more than 3 consecutive days.(6)When a seat becomes vacant under the provisions of sub-rule (4) or (5) the Administrator shall, by notification in the Gazette, declare it to be so vacant.

18. Disqualification for membership.

(1)A person shall be disqualified for being elected as and for being member of the District Council of an Autonomous District-(a)if he is a salaried servant of the Government of India or the Government of any State specified in the First Schedule to the Constitution or is an employee of a District Council;(b)if he is of unsound mind and stands so declared by a competent Court or such other authority as may be recognised by the Administrator;(c)if he is not a citizen of India or has not voluntarily acquired a citizenship of a foreign state or is under any acknowledgement of allegiance or adherence to a foreign state;(cc)if and for so long as, there subsists a contract entered into by him in the course of his trade or business with the District Council for the supply of goods to, or for the execution of any works undertaken by, the District Council;Explanation. - For the purposes of this clause, where a contract has been fully performed by the person by whom it has been entered into with the District Council the contract shall be deemed not to subsist by reason only of the fact that the District Council has not performed its part of the contract either wholly or in part;(d)if whether before or after the commencement of these rules, he has been convicted, or has in proceedings of questioning the validity or regularity of an election been found to have been guilty of any offence or corrupt or illegal practice which has been declared by Rule 208 or Rule 209 to be an offence or practice entailing disqualification for membership of the District Council of an Autonomous District unless such period has elapsed as has been provided in that behalf in the said Rule 208, Rule 209 as the case may be.(e)if he is an undischarged insolvent;(f)if, whether before or after the commencement of these Rules, he has been convicted by a Court in India of any offence and sentenced to transportation for not less than two years unless a period of 5 (five) years, or such less period the Administrator may allow in any particular case has elapsed since release:(g)if having been nominated as candidate for a District Council of Autonomous District or having acted as election agent of any person so nominated, has failed to lodge a return of election expenses within the time and in the manner prescribed in Rule 174 unless 3 years have elapsed from the date on which the return ought to have been lodged or the Administrator has removed the disqualification;(h)if having held any office under the Government of India or the Government of any State or the District Council of any Autonomous District, he has, whether before or after the commencement of these rules, been dismissed for corruption or disloyalty to the state unless a period of five years has elapsed since his dismissal:Provided that-(i)a disqualification under Clause (e) or Clause (f) of this sub-rule shall not in the case of a person who become so disqualified by virtue of conviction or a conviction and a sentence and is at the date of disqualification a member of the District Council of an Autonomous District, take effect until 3 months have elapsed from the date of such disqualification or if within these 3 months, an appeal or petition for revision is brought in respect of the conviction or the sentences, until that appeal or petition is disposed of.(ii)a

disqualification under Clause (g) of this sub-rule shall not take effect until the expiration of two months from the date by which the return of election expenses ought to have been lodged or of such longer period as the Administrator may in any particular case allow.(iii)the disqualification under Clause (h) of this sub-rule may, in the case of any of the candidate for the first election under these rules be removed by the Administrator for reasons to be recorded by him in writing.(2)For the purpose of this rule a person shall not be deemed to be an employee of District Council by reason only of his being a member of the Executive Committee of the District Council.(3)Nothing in these Rules shall restrict the power of the Administrator to nominate a person who is a salaried servant as defined in sub-rule (1) (a) to be a member of the District Council or an Autonomous District.

19. Decision on question as to disqualification of members.

- If any question arises as to whether a member of a District Council has become subject to any of the disqualifications mentioned in sub-rule (1) of Rule 18 the question shall be referred for the decision to the Administrator and his decision shall be final.

Chapter IV Executive Committee

20. Formation of Executive Committee of District Council with Chief Executive Member.

(1)There shall be all Executive Committee in each of the District Councils with the Chief Executive Member at the head and five other members of Pawi District Council; four others members for Lakher District Council and three other members for Chakma District Council to exercise the functions hereinafter specified in Rules 29, 30, 31 and 32.(2)There shall be a Secretary to the Executive Committee. The Secretary shall be appointed by the Chief Executive member and shall not be a member of the District Council:Provided that the Administrator of Mizoram may depute any of its officer to a District Council to function as its Executive Secretary, in which case the Secretary appointed by the Chief Executive Member shall function, under the officer so appointed by the Government, as Additional Secretary.

21. Election to Chief Executive Member.

(1)The with Chief Executive Member shall be elected by the District Council and other members shall be appointed by the administrator on the advice of the Chief Executive Member from amongst the members of the District Council; provided that the Chairman or the Deputy Chairman of the District Council shall not be eligible to hold office either as Chief Executive Member or as a member of the Executive Committee of the District Council.(2)The election of the Chief Executive Member shall be conducted according to procedure for the election of the Deputy Chairman as in Rule 11.

22. Vacation of office of members of Executive Committee.

(1) A member holding office as Chief Executive Member or a member of the Executive Committee-(a) shall vacate his office if he ceases to be a member of the District Council; (b) may at any time by writing under his hand submit his resignation, if a member is the Chief Executive Member, through the Chairman and if such member is a member of the Executive Committee, through the Chief Executive Member to the Governor. On his resignation being accepted by the Governor, the Chief Executive Member, or the Executive Member, as the case may be, shall be deemed to have vacated his office. (2) When the Chief Executive Member vacates or resigns his office under sub-rule (1), the other members of the Executive Committee shall also cease to hold office as such and a new Executive Committee shall be constituted in accordance with the provisions of Rule 21: Provided that until a new Chief Executive Member has been elected and the Executive Committee reconstituted, the Administrator may, notwithstanding anything contained in sub-rule (1) of Rule 20, authorise any one member or more than one member of the District Council to carry out the duties of the Executive Committees, or may make such other arrangements as he thinks proper for carrying on with the works of the District Council.

23. [Removal of member of the executive member] [Sic, Heading printed as such in the Gazette, whereas it should be 'Removal of the Executive Committee'.].

(1) The Executive Committee shall be collectively responsible to the District Council and may be removed on a vote of no confidence passed by a majority of the members of the District Council at a meeting specially convened for the purpose. (2) In case of removal of the Executive Committee, a Chief Executive Member for the new Executive Committee shall be elected within 48 hours by the District Council, and when this has been done the Chairman of the District Council shall forthwith submit a report to the Administrator through the Deputy Commissioner. (3) If the District Council fails to elect the Chief Executive Member within the time specified under sub-rule (2), the Administrator shall appoint any member of the Council to be the Chief Executive Member and other members of the Council as members of the executive committee. The Executive Committee so constituted shall function until it is replaced by an Executive Committee constituted in accordance with the provision of Rule 21.

24. Shall of Executive Committee.

- The Executive Committee, subject to the Rule 16 and in accordance with the rules prescribed in this behalf by the Administrator, may, from time to time, determine and appoint establishment to be employed by it, and may fix the salaries and allowances to be paid to such establishment; provided that in any financial year the aggregate salaries establishment; provided that in any financial year the aggregate salaries and allowances payable by the District Council in respect of each establishment shall not exceed such limits as the Administrator may fix from time to time.

Part III – Conduct and Procedure of Business

Chapter I General

25. Oath and affirmation by members.

- Every member of the District Council shall, before taking his seat make and subscribe before the Deputy Commissioner, or some person appointed in this behalf by the Administrator, an oath or affirmation according to the form set out below: "I, AB having been elected (or nominated) a member of the District Council, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

26. Voting in District Council.

- Save as otherwise provided in the Constitution and in these rules, all questions at any sitting of a District Council shall be determined by a majority of votes of the members present and voting other than the Chairman or person acting as such. The Chairman or person acting as such, shall not vote in the first instance but shall have and exercise a casting vote in case of equality of votes.

27. Power of District Council to act notwithstanding vacancies.

- The District Council shall have power to act notwithstanding any vacancy in the membership thereof, and any proceeding in the Council shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled to do so at or voted or otherwise took part in the proceeding.

28. Quorum.

(1) The quorum to constitute a meeting of the District Council shall be four members or one-third of the total number of members of such Council, whichever is greater. (2) If, at any time during a meeting of District Council, there is no quorum it shall be the duty of the Chairman or person acting as such, either to adjourn or suspend the meeting until there is a quorum.

29. Conduct of executive functions.

(1) The executive functions of the District Council shall be vested in the Executive Committee. (2) All orders or instruments made or executed by the Executive Committee shall be expressed to be made by order of the District Council. Every such order or instrument shall be signed by the Chief Executive Member or any other member of the Executive Committee authorised in writing by the Chief Executive Member in this behalf and such signature shall be deemed to be the proper

authentication of such instrument.

30. Functions of Executive Committee.

(1)The Executive Committee shall dispose of all matters hereinafter specified which shall be referred to the District Council and then to the Administrator or final approval.(2)The matters excepted under sub-rule (1) are-(a)cases involving any important change in the administrative system of the Autonomous Districts or any important departure from accepted policy or practice;(b)proposals for making regulations, rules or laws as authorised under the provisions of the Sixth Schedule to the Constitution;(c)cases which seriously affect or likely to affect seriously, the peace or good to Government or any Autonomous District or affect relations with any such area;(d)cases affecting the relations of Government with the Autonomous District Council;(e)all correspondence of importance with the Government;(f)all important appointments.(3)All matters specified in sub-rule (2) and all other matters required to be placed before the District Council shall be sent to the Secretary to the District Council in writing for placing before the said Council.(4)Matters affecting minorities.(5)Any other matter which under the Sixth Schedule to the Constitution requires prior approval of the Administration.

31. Savings.

- Notwithstanding anything contained in Rule 30, if at any time, except when the District Council is in session, an emergency arises which renders it necessary for the Executive Committee to take immediate action in respect of any matter or matters specified in Clauses (a), (b), (c), (d), (e), (f) of sub-rule (1) of Rule 30, the Executive Committee may take such action thereon as the emergency appears to it to require, but every such case shall be forthwith reported to the Deputy Commissioner and Administrator and shall be laid before the District Council at its next session for confirmation of the action taken by the Executive Committee together with the view/decision of the Administrator for such action as may be decided by the Council.

32. Transaction of business of the Executive Committee.

(1)Each member of the Executive Committee shall be entrusted with specific subjects the allocation of the subjects being made by the Chief Executive Member. The Executive Committee shall be collectively responsible for all executive orders issued in the name of the District Council in accordance with these rules whether such orders are authorised by an individual member of the Executive Committee on a matter appertaining to his subject or as a result of discussion at a meeting of the Executive Committee or howsoever otherwise.(2)One of the members of the Executive Committee will be in charge of the District Funds referred to in these Rules as the member-in-charge of the Financial Affairs of the District Council. The function of the member-in-charge of the financial affairs of the District Council shall be as follows:(a)he shall generally advise on all matters pertaining to receipts and expenditure of the District Council;(b)he shall be responsible for all matters relating to financial procedure and the application of the principles of sound finance;(c)he shall prepare the Budget of the District Council and with all matters relating to budget procedure and the forms and contents of the financial statements;(d)he

shall be responsible for the "ways and means" position of the District funds.

Chapter II

Election of Chairman and Deputy Chairman

33. Election of Chairman.

- For the constitution of a new District Council or owing to the vacancy in the office of the Chairman where the election of a Chairman is necessary, the Administrator shall fix a date for holding of the election and the Deputy Commissioner or the Secretary of the District Council, as the case may be, shall send to every member notice of the date so fixed.(2)At any time before noon on the day preceding the date so fixed any member may nominate another member for election as Chairman by delivering or causing to be delivered in the manner hereinafter provided to the Deputy Commissioner or Secretary, as the case may be, nomination paper signed by himself as proposer and by a third members as seconder stating-(a)the name of the member nominated, and(b)that the proposer has ascertained that such member is willing to serve as Chairman if elected.(3)The nomination paper shall be delivered to the Deputy Commissioner or the Secretary in person by the candidate himself, his seconder or proposer.(4)The Deputy Commissioner or any officer authorised by him in this behalf shall preside over the first meeting of the District Council constituted under these rules pending the election of a Chairman, and he shall read out to the Council the names of the members who have been duly nominated for election as Chairman together with those of the proposers and seconders and if only one member has been so nominated, he shall declare that member to be elected. If more than one members has been so nominated, the Council shall proceed to elect a Chairman by ballot.(5)For the purpose of sub-rule (4), a member shall not be deemed to have been duly nominated or entitled to vote if he and his proposer and seconder have not, before the reading out of the names by the person presiding, made the oath or affirmation as members of the Council.(6)Where two or more candidates obtain an equal number of votes the person presiding shall select the Chairman by drawing lots.

34. Election of Deputy Chairman.

(1)Where either at the beginning of the new District Council or owing to the existence of any vacancy in the office of Deputy Chairman at any time during the life of District Council the election of the Deputy Chairman is necessary, the Chairman shall fix date for holding of the election and the Secretary of the Council shall, send to every member notice of the date so fixed.(2)The procedure for the election of the Deputy Chairman shall be the same as that for the election of the Chairman as provided for in Rule 33, except that-(i)the meeting for the election of the Deputy Chairman;(ii)sub-rule (6) of Rule 33 shall not be applicable; and(iii)rule 26 shall apply as it applies to the determination of any question at any sitting of a District Council.

35. Temporary Chairman.

- At the commencement of every session the Chairman shall nominate from amongst the members of the District Council a panel of not more than two Chairmen, any one of whom may, in the order in which he had been nominated, preside over the Council in the absence of the Chairman and the Deputy Chairman.

36. Power of person presiding.

(1)The Deputy Chairman and any temporary Chairman, when presiding over the District Council, shall have the same powers as the Chairman when so presiding, and all references to the Chairman in these rules shall, in such circumstances be deemed to be references to any such person so presiding.(2)If for any reason the Chairman is unable to carry out his duties the Deputy Chairman and in the absence of the Deputy Chairman a member from among the panel of Chairman nominated by the Chairman shall perform those duties for the period determined by the Chairman.

Chapter III

Meeting of the District Council

37. Summoning of the District Council.

(1)Subject to the provision of sub-rule (3), the Chairman or such other person authorised by the administrator in this behalf shall summon the District Council to meet at such time and place as he thinks fit. He shall inform the Deputy Commissioner of the date, hours and place for such meeting of the Council.(2)The Chairman shall cause a notice of the appointed date, hour and time for such meeting signed by the Secretary of the District Council to be served on each member of the Council at least 30 day before the date fixed for the meeting.(3)The District Council shall be summoned to meeting three times in a year; and four months shall not elapse between its last sitting in one session and the date appointed for its first sitting in the next session:Provided that in the event of an emergency the Chairman of the Council in consultation with the Chief Executive Member may summon the District Council oftener and at shorter notice than what has been provided in sub-rule (2);Provided that prior information shall be sent to Deputy Commissioner and Administrator whenever any emergency session may be summoned;Provided further that on receipt of a requisition signed by not less than two-thirds of the members of a District Council, the Chairman shall summon a special meeting of the Council.(4)The Chairman or such other person who summons the District Council under sub-rule (1) or (3) may also prorogue the Council.(5)Notwithstanding anything contained in this rule, nothing shall restrict the power of the Administrator to summon a meeting of the District Council at any time he deems fit.

38. Language of the District Council.

- A member may address the Council in any of the languages spoken in the area over which the

District Council exercise jurisdiction, or in Hindi or in English: Provided that if any member desires to address the Council in a language not intelligible to the majority of the members thereof, he may with the permission of the Chairman do so but he shall have to make over in advance to the Secretary a copy of his speech written in English Roman or Devanagari script which he proposes to deliver.

39. Members to rise when speaking.

- A member shall rise when he speaks and shall address the Chairman.

40. Explanations.

- When, for the purpose of explanation during discussion or for any other sufficient reasons, any member has occasion to ask a question of another member on any matter then thereunder the consideration of the Council, he shall ask such question through the Chairman.

41. Limitation on debate.

(1) The matter of every speech shall strictly be relevant to the subject under discussion before the District Council. (2) A member while speaking shall not- (i) reflect upon the conduct of the President of India or any Governor of a State or Administrator of a Union Territory (as distinct from the Government of the State or the Government of the Union Territory Administration, as the case may be) or any Court of law in the exercise of its judicial functions; (ii) utter unreasonable or seditious words; (iii) use offensive expressions regarding the Parliament or the Legislature of a State or Union Territory; (iv) refer to any matter of fact on which a judicial decision is pending; (v) make a personal charge against the Chairman or/and other member; or (vi) use his right of speech, after due warning from the Chairman, for the purpose of wilfully and persistently obstructing the District Council.

42. Proceeding invalid for failure to comply with rules.

- Proceedings of the District Council may be deemed to be, or to have been, invalid by reason of any rule not being or not having been, complied with.

43. Decision on points of order.

(1) The Chairman shall decide all points of order which may arise and his decision shall be final. (2) Any member may, at any time, submit a point of order for the decision of the Chairman, but in doing so he shall confine himself to stating the point.

44. Irrelevance or repetition.

- The Chairman, after having drawn the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used

by other members in debate, may direct him to discontinue his speech.

45. Power to order withdrawal of member.

(1)The Chairman shall pass order and have all powers necessary for the purpose of enforcing his decision of all points.(2)He may direct any member whose conduct is, in his opinion, disorderly to withdraw immediately from the District Council, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same session, the Chairman may direct the member to absent himself from the meeting of the District Council for any period not longer than the remainder of the session, and the member so directed shall absent himself accordingly.(3)The Chairman may in case of grave disorder arising in the District Council suspend any sitting for such time as may be determined by him and submit report in this regard to the Deputy Commissioner and Administrator.

46. Allotment of time for official and non-official business.

- The Chairman, in consultation with the Chief Executive Member, shall allot so many days as may in his opinion be possible, compatible with the public interest for private member's business and may allot different day for the disposal of different classes of such business. On other days no other business other than official business shall be transacted.

47. List of business.

(1)A list of business for each day of the sitting shall be prepared by the Secretary and shall be circulated to all members at least two days in advance of the sitting.(2)No business, not included in the list of business for the day, shall be transacted at any meeting without the leave of the Chairman.

48. Business outstanding at the end of the day.

(1)All business appointed for a day and not disposed of on that day shall stand over until the next day of the session available for such business.(2)Any business left over on termination of a session shall lapse unless it is included in the list of business on any day during the next session.

49. Vacation of seats by members for continuous absence.

(1)If a member finds that at any time he is unable to attend the meeting of the District Council for a period of thirty consecutive days computed in the manner provided in sub-rule (5) of Rule 17, he shall apply to the Chairman for the permission of the District Council to be so absent.(2)Such application shall be disposed of as if it was a motion under Chapter V of this Part.(3)The Secretary shall inform the member, as soon as possible, of the decision of the Council on his application.(4)If a member is absent from the meetings without permission of the District Council for a period of thirty consecutive days or more, computed in the manner provided in sub-rule (5) of Rule 17, the

Chairman shall bring that fact to the notice of the District Council. The District Council shall then decide as to whether the seat of the absent member should be declared vacant in the manner provided in sub-rule (2). (5) If the District Council declares the seat of the member to be vacant, the Secretary shall communicate such declaration to the Administrator through the Deputy Commissioner and to the member concerned. (6) The Secretary shall keep a list showing the attendance of each member and such list shall be made available for inspection by members.

Chapter IV

Questions

50. Time for question.

- The first hour of every meeting shall be available for the asking and answering of question.

51. Notice of question.

- A member who wishes to ask a question shall give notice in writing to the Secretary at least 15 (fifteen) clear days before the meeting of the District Council at which he desires to put the question and shall, together with the notice submit a copy of the question of questions which he wishes to ask: Provided that the Chairman may, with the consent of the Chief Executive Member, allow a question to be put at shorter notice than fifteen days, or may extend the time for answering the question to a subsequent meeting.

52.

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

53. Supply of list of business and questions to Deputy Commissioner.

- The Chairman shall cause a list of business and question to be supplied to the Deputy Commissioner, and if the Deputy Commissioner is of opinion that any question or part thereof relates to a matter falling outside the jurisdiction of the District Council, he shall request, in writing or otherwise, the Chairman not to allow the question or part thereof to be answered in the Council or he may advise the Chairman to allow the question or part thereof to be answered in such a way as may be specified in him: Provided that in the event of any difference of opinion arising between the Deputy Commissioner and the Chairman, the Deputy Commissioner shall refer the matter to the Administrator and pending the receipt of the orders of Administrator thereon the Chairman shall not allow the question to be answered in the Council.

54. Subject matter of a question.

(1) A question may be asked for the purpose of obtaining information on a matter of public concern within the special concern within the special cognisance of the member to whom it is addressed. No question shall be asked in regard to any of the following subjects namely: (i) any matter which is under adjudication by a court of law having jurisdiction in any part of the Union of India, and (ii) any matter relating to the conduct of any Judge or any Magistrate in the discharge of his duties. (2) If any doubt arises as to whether any question is or is not within the restriction imposed by sub-rule (1) the Chairman shall decide the point and his decision shall be final. (3) Any questions relating to any Government Officer or Public Servant which may cast or likely to cast aspersions on the person in so far as it relates to the official discharge of his duties [* * *] [Sic. Sequence of the sentence is missing in the Gazette. The words 'shall be decided by the Chairman whose decision shall be final,' should be added at the end to have the sequence.].

55. Form and content of questions.

- In order that a question may be admissible it shall satisfy the following conditions, namely: (1) it shall not bring in any name or make any statement not strictly necessary to make the question intelligible; (2) if it contains a statement by the member himself, the member asking it shall make himself responsible for the accuracy of the statement; (3) it shall not contain agreement inferences, ironical expressions or defamatory statements; (4) it shall not ask for any expression of opinion or the solution or a hypothetical proposition; (5) it shall not relate to the character or conduct of any person except by designation in his official or public capacity; (6) it shall not be of excessive length; (7) it shall not be a request for action; (8) it shall be precisely and definitely expressed; and (9) it shall be asked with the object of eliciting information pure and simple.

56. Questions regarding controversy with higher authorities.

- In matters which are or have been the subject of controversy between the Mizoram Government and the District Council no question shall be asked except as to matters of fact and the answer shall be contained to a statement of facts.

57. Chairman to decide admissibility of questions.

- The Chairman shall decide on the admissibility of a question under Rule 55 and shall disallow any question which, in his opinion, is an abuse of the right of questioning or is in contravention of the rule.

58. List of questions.

- Questions which have not been disallowed shall be entered in the list of questions for the day and shall be called, if the time made available for the questions permits, in the order in which they stand in the list before any business is entered upon at the meeting. Any questions left over owing to time

being not available shall be postponed to the next session of the District Council when they shall take precedence in the list.

59. Matters to which they shall relate.

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

60. Questions of absent member.

- The Chairman may in his discretion allow the questions of an absent member to be put by another member duly authorised to do so in writing. In all such cases previous intimation of such authority shall be given to the Chairman.

61. Member of the Executive Committee may ask for notice of supplementary questions.

- When a supplementary question is asked at any meeting of the Council and Member-in-charge asks for notice, the member who puts the question shall, if he desires to have an answer during the session, supply the copy of the question to the Secretary to the Council. If the question is not disallowed by the Chairman, it will be immediately forwarded to the member of the Executive Committee concerned with the request that it may be answered as soon as possible within, the session. If, nevertheless, the question is not answered during the session in which it is put, it will lapse under Rule 48.

Chapter V

Motions

62. Motions.

(1)A matter requiring the decision of the District Council shall be brought forward by means of a question put by the Chairman shall on a motion proposed by a member.(2)Votes may be taken by show to hands or voices or division and shall be taken by division if any member so desires. The Chairman shall determine the method of taking votes by division; provided that if any member so desires the name of members voting on either side shall be recorded.(3)The result of a division shall be announced by the Chairman and shall not be challenged.

63. Admissibility of motions.

- The Chairman shall decide on the admissibility of a motion and shall disallow any motion if in his opinion it is not in conformity with the provisions of the rules regarding the admissibility of motions.

64. Identical motions.

(1) Motions shall not raise a question substantially identical with one on which the Council has given a decision in the same session. The Chairman's decision on the point whether the question is substantially identical with the previous one shall be final. Explanation. - The Council shall not be deemed to have given a decision in respect of a Bill unless it has either passed the Bill into law or has rejected the Bill. (2) Where substantially identical motions stand in the name of two or more members, the Chairman unless the members have agreed, shall decide whose motion or motions shall be moved and other motions shall thereupon be deemed to be withdrawn.

65. Order of speeches.

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

66. Rules as to amendments.

(1) An amendment shall be relevant to and within the scope of the motion to which it is proposed. (2) An amendment shall not be moved which has merely the effect of a negative vote. (3) After a decision has been given an amendment to any part of the motion on earlier part shall not be made. (4) An amendment on a motion must be inconsistent with the previous decision on the same motion given at any stage of the same bill or motion. (5) The Chairman may refuse to put an amendment which is, in his opinion, frivolous.

67. Order of amendments.

(1) When an amendment to any motion is moved, or when two or more such amendments are moved, the Chairman shall, before taking the sense of the House thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposed. (2) It shall be in the discretion of the Chairman to put first to have vote either the original motion or any of the amendments which may have been brought forward.

68. Division of motions.

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

69. Withdrawal of motions.

(1) A member who has moved an original motion or any amendment may withdraw the same and thereafter there shall be no further discussion on it. (2) If at the time of putting the question on a motion or an amendment to the motion to the vote of the Council, the mover of the motion is

absent, it shall be considered to have been withdrawn by him.

70. Procedure where motion debated and not withdrawn.

- If debated and not withdrawn, the Chairman shall again read the motion when taking the sense of the Council upon it.

71. Closer.

- At any stage in the debate upon any motion any member may request the Chairman to close the debate and put the motion to the vote of the Council. When such request has been made, if the Chairman is satisfied-(i)that the debate has already proceeded to a length which is consistent with the reasonable exercise of the right of free speech, and(ii)that the request is in accordance with the wishes of two-third of the members present; he may close the debate and put the motion to the vote:Provided that, notwithstanding anything contained in Rule 62 (2), it shall not be necessary to record the names of the members who support or oppose a request made under this rule.

72. Motion of no-confidence in the Executive Committee.

(1)A motion expressing want of confidence in the Executive Committee or a motion disapproving the policy of the Executive Committee in regard to any particular matter may be made with the consent of the Chairman and subject to the restriction that the member making the motion shall present to the Secretary a written notice of the motion before the commencement of the sitting of the day.(2)If the Chairman is of opinion that the motion is in order, he shall read the motion to the Council and shall request those members who are in favour of leaving being granted to rise in their places and if not less than one-fourth of the members present rise accordingly, the Chairman shall intimate that leave is granted and that the motion will be taken on such day, not being more than two days and not less than twenty-four hours from the time at which leave is asked for as he may appoint:Provided that if exigencies of business require, the Chairman shall have power to relax the rule and take up the motion earlier than twenty-four hours.(3)If less than one-fourth of the members rise, the Chairman shall inform the member that [* * *] [Sic. There is something left.] has not leave of the Council.

Chapter IV Legislation

73.

(1)The District Council, in respect of all the areas within its jurisdiction shall make or amend laws, regulations and rules in respect of all matters falling within its purview as specified in the Schedule.(2)All the rules which may be made by the District Council under sub-paragraph (1) of paragraph 2 of the Sixth Schedule with regard to matter specified in sub-paragraph (6) of that

paragraph and also all rules with regard to other matter which are under the rule making power of the District Council shall be drafted by the Executive Committee and shall be placed by the Chief Executive Member before the District Council for consideration and continuation and the District Council in session shall have the power to amend, reconsider or replace the rule either in the Council or with the help of a Select Committee appointed by the Council.(3)All rules thus made and confirmed by the District Council be authenticated and signed by the Chairman of the Council. A copy of such rules shall be submitted to the Administrator for information through the Secretary to Government and also a copy thereof shall be sent to the Deputy Commissioner and also to the Chief Executive Member.(4)All rules which may be made by the District Council with approval of the Administrator shall be drafted by the Executive Committee and after being passed by the District Council with or without amendments, shall be presented to Administrator for his approval.(5)All rules thus made and passed by the District Council after being approved by the Administrator in case of rules requiring such approval under any of the provisions of the Sixth Schedule shall be published in the Mizoram Gazette and on such publication shall come into force.(6)All proposals to make and amend laws and regulations shall be introduced in the District Council in the form of Bills.

74. Introduction of Bills.

(1)Bills, shall be introduced on behalf of the Executive Committee by any Member of the Executive Committee and such Bill shall hereinafter be referred to as "Official Bills."Bills may also be introduced by other members of the District Council in their individual right and such Bills shall hereinafter be referred to as private member's Bills"(2)The Chief Executive Member, subject to the provisions of sub-rule (3) shall cause every official Bill (together with the Statement of Objects and Reasons accompanying) to be published in the Gazette and in such manner as he may deem appropriate within a period of not less than 30 days before the commencement of the session of the District Council in which the Bills is to be introduced; provided that the period of 30 days may be waived by the order of the Chairman of the Council if he is satisfied that there is an urgency for doing so. When a Bill has thus been published, it shall not be necessary to move for leave to introduce the Bill, and if the Bill is afterwards introduced, it shall be necessary to publish it again.(3)(a)No Bill with respect to any matter which requires the assent of the Administrator under any of the provisions of the Sixth Schedule shall be introduced in the District Council without the prior approval of Administrator. Bills on any other matters may be introduced in the District Council without such prior approval and copies of all the Bills whether of official or of private members' shall be sent to the Administrator and the Deputy Commissioner sufficiently in advance.(b)If it is found that any Bill refers to matters falling outside the jurisdiction of the District Council the Administrator may direct that the Bill shall not be introduced in the District Council and the decision of the Administrator in this matter shall be final(c)On receipt of the orders of the Administrator that a Bill shall not be introduced in the District Council, the Chairman of the Council shall not allow the Bill to be introduced.

75. Notice of motions for leave to introduce Bill.

(1) No private member's Bill shall be introduced in the District Council unless the leave of the Council has been sought for and granted for the introduction of the Bill in the manner hereinafter laid down. (2) Any member other than a member of the Executive Committee desiring to move for leave to introduce a Bill shall give notice of his intention and shall, together with the notice, submit a copy of the Bill and a full Statement of Objects and Reasons to the Secretary of the District Council. (3) The Period of notice of a motion for leave to introduce a Bill under this rule shall be thirty days before the opening of each session counting the opening day as the first and reckoning backwards.

76. Notice of private member's Bill copy to Executive Committee.

- Whenever a member other than a member of the Executive Committee gives notice of his intention to move for leave to introduce a Bill the Secretary shall forthwith send a copy of the Bill and Statement of Objects and Reasons to the Member of the Executive Committee concerned.

77.

As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette.

78. Motion for leave to introduce a Bill.

(1) As soon as may be after the notice of a motion under sub-rule (2) of Rule 75 has been received, the Chairman shall fix a date for the consideration of the motion by the District Council. On the day appointed for the consideration of the motion the member who has given notice of the motion shall move for the leave of the Council to introduce his Bill. (2) If a motion for leave to introduce a Bill is opposed, the Chairman after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may without further debate, put the question thereon. (3) If such motion be carried, the Secretary shall read the title of the Bill and the Bill shall thereupon be deemed to be introduced in the Council.

79. Motion after introduction.

- When a Bill is introduced or on some subsequent occasion, the member in charge may make one of the following motions in regard to the Bill, namely; (a) that it be taken into consideration by the Council after introduction at once or at some further day to be then mentioned; or (b) that it be referred to Select Committee; or (c) that it be circulated for the purpose of eliciting opinion thereon: Provided that if a member gives notice of a particular motion specified in (a), (b) and (c), he shall not be permitted to move a different motion; Provided further that no such motion shall be made until after copies of the Bill have been made available for the use of all members, and that any member may object to any such motion being made unless copies of the Bill have been so available

for seven days before the motion is made and such objection shall prevail unless the Chairman in his discretion allows the motion to be made.

80. Persons by whom motions in respect of Bill be made.

(1) No motion that a Bill be taken into consideration or be passed shall be made by any member in-charge of the Bill and no motion that a Bill be referred to a Select Committee or be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any member other than the Member-in-charge except by way of amendment to a motion made by the Member-in-charge. (2) For the purpose of this rule Member-in-charge of the Bill means, in the case of an official Bill, any member acting on behalf of the Executive Committee and in any other case the member who has introduced the Bill.

81. Discussion of Bills first reading.

(1) On the day on which any such motion is made, or any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed but the details of the Bill must not be discussed further than is necessary to explain its principle. (2) At this stage no amendments to the Bill may be moved, but if the member-in-charge moves that the Bill—(a) be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon before a date to be mentioned in the motion; or (b) be referred to Select Committee, and any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion. (3) Where a motion that a Bill be circulated for the purpose of eliciting opinion has been carried in the Council and the Bill has been circulated in accordance with that direction, and opinions have been received thereon before the date mentioned in the motion, the member-in-charge, if he wishes to proceed with the Bill thereafter, must move that the Bill be referred to a Select Committee, unless the Chairman, in his discretion allows a motion to be made that the Bill be taken into consideration.

82. Composition of Select Committee.

(1) The member of the Executive Committee who is concerned with the subject and the member who introduced the Bill, shall be members of the Select Committee. (2) The other members of the Select Committee shall be named in the motion proposing reference to the Committee and their appointment shall be subject to the vote of the Council. (3) The member of the Executive Committee shall ordinarily be the Chairman of the Committee. (4) In the case of an equality of votes the fact of such equality shall be reported in the proceedings. (5) The Select Committee may hear expert advice and representative of special interests affected by the measure before them. (6) It may, for this purpose, require any person residing within the limits of the District Council to attend before it as witness or to produce before it such papers and records as it may think necessary and thereupon a requisition in writing shall be sent to the person concerned, over the signature of the Chairman of the Select Committee.

83. Quorum of Select Committee.

(1)At the time of the appointment by the Council of the members of a Select Committee the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be fixed by the Council.(2)If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of members fixed by the Council is not present, the Chairman of the Select Committee shall either suspend the meeting until the quorum is present or adjourn the Committee to some future day.(3)Where the Select Committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for meeting of the Committee, the Chairman of the Select Committee shall report the fact to the Council through the Chairman of the District Council.(4)In the case of an adjourned meeting of the Select Committee no quorum shall be required.(5)Either Secretary to the Executive Committee or the Secretary to the District Council shall be the Secretary of the Select Committee.

84. Reports by the Select Committee.

(1)After the publication of a Bill in the Gazette the Select Committee to which the Bill has been referred shall make a report thereon to the Chairman of the District Council.(2)Reports may be either preliminary or final.(3)The Select Committee shall, in their report, state whether or not in their judgement, the Bill has been so altered as to require republication.(4)It shall be stated in the report whether the Select Committee are unanimous or otherwise in their recommendations. The whole report shall be signed by all the members of the Select Committee:Provided that any member of a Select Committee may record a minute of dissent on any point, and if he does so, may either refrain from signing the report or sign it stating that he does so subject to his minute of dissent. He shall hand in his minute within such time as may be fixed by the Chairman of the Select Committee.

85. Publication of reports.

- The Secretary to the District Council on receipt of a complete report (including minutes of dissent, if any) of Select Committee, duly signed by all members of that Committee with the Bill as amended, from the Secretary of the Select Committee, shall cause the report and the Bill, as amended to be made available for the use of each member of the District Council. Copies of the report together with the Bill as amended shall also be sent to the Administrator and the Deputy commissioner for information.

86. Presentation of report.

(1)The report of the Select Committee on a Bill shall be presented to the District Council by the member in-charge of the Bill.(2)In presenting a report, the member in-charges shall, if he makes any remark, confine himself to a brief statement of fact.

87. Procedure on report after presentation.

(1)After the presentation of the final report of a Select Committee on a Bill the member in-charge may move-(i)that the Bill as reported by the Select Committee be taken into consideration, but any member may object to its being so taken into consideration if a copy of the report has not been available for the use of members for seven days and such objection shall prevail, unless the Chairman, in exercise of his discretion, allows the report to be taken into consideration;(ii)that the Bill be recommitted, either-(a)without limitation; or(b)with respect to particular clauses or amendments only; or(c)with instructions to the Select Committee to make some particular or additional provisions in the Bill.(2)If the member in-charge moves that the Bill be taken into consideration, any member may move, as an amendment, that Bill be recommitted.

88. Proposal of amendments.

- After a motion has been agreed to by the District Council that a Bill be taken into consideration, any member may propose as amendment of the Bill.

89. Notice of amendments.

(1)If a notice of a proposed amendment has not been sent to the Secretary three clear days before the meeting of the District Council at which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the Chairman in his discretion, allows the amendment to be moved.(2)The Secretary shall cause every notice of a proposed amendment to be available for the use of each member.

90. Order of amendments: Second reading.

- Amendment shall ordinarily be considered in the order of the clauses to which they respectively relate.

91. Submission of Bill clause by clause.

- Notwithstanding anything in the foregoing rules, it shall be in the discretion of the Chairman, when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Council clause by clause. When this procedure is adopted, the Chairman shall call each clause separately, and when the amendments relating to it have been dealt with, shall put the question, "that this clause (or as the case may be) this clause as amended, stands part of the Bill".

92. Passing of the Bill : Third reading.

(1)If no amendment be made when a motion that a Bill be taken into consideration has been agreed to by the District Council, the Bill may at once be passed.(2)If any amendments be made, any

member may object to the passing of the Bill at the same meeting; and such objection shall prevail, unless the Chairman, in his discretion, allows the Bill to be passed.(3)Where the objection prevails, the Bill shall be brought forward again at a future meeting, and may then be passed with or without further amendment.

93. Formal revision of Bill and submission of it to Chairman for authentication and to administrator for assent.

(1)When a Bill has been passed by the District Council, the Secretary shall, if necessary, renumber the clauses, revise and complete the marginal notes thereof and make such purely formal consequential amendments therein as may be required and a copy of the Bill shall be submitted to the Chairman and shall be signed by him.(2)After a Bill has been so authenticated by the Chairman, the Secretary to the District Council shall send an authenticated copy of each of the following to:(i)the Administrator, through the Secretary to Government for his assent where it is so required under any provisions of the Sixth Schedule.(ii)the Administrator, through the Secretary to Government for Information where the former's agent is not specifically required under the provisions of the Schedule;(iii)the Chief Executive Member for Information;(iv)the Deputy Commissioner for Information.

94. Reconsideration of Bill returned by the Administrator.

- When a Bill has been passed and is returned by the Administrator to the District Council for reconsideration, the point or points referred for reconsideration or the amendments recommended shall be put before the Council by the Chairman and shall be discussed and voted upon in the same manner as amendments to a Bill.

95. Effect of laws made by District Council.

- When a Bill has been passed by the District Council a copy thereof shall be signed by the Chairman and assented to or approved where necessary, by the Administrator. Thereafter it shall be published in the Gazette and on such publication shall have the force of law as provided for in paragraph 11 of the Sixth Schedule to the Constitution.

Chapter VII Resolution

96. Notice of resolution.

(1)A member who wishes to move a resolution, except a resolution contemplated by Clause (c) of Rule 12 and provided under Rule 107, shall give fifteen days' notice before the opening day of the session of his intention and shall, together with the notice, submit a copy of the resolution which he wishes to move;Provided that the Chairman, with the consent of the Chief Executive Member, may

allow a resolution to be entered on the list of the business at shorter notice than fifteen days.(2)Immediately on receipt of the notice of a resolution under sub-rule (1) the Chairman shall send a copy of the resolution to the Deputy Commissioner. The Deputy Commissioner shall have power to disallow any resolution on the ground that it related to matters falling outside the jurisdiction of the District Council. When a resolution is so disallowed, the Deputy Commissioner shall intimate the fact to the Chairman; Provided that in the event of any difference of opinion arising between the Deputy Commissioner and the Chairman, the Deputy Commissioner shall refer the matter to the Administrator thereon and the Chairman shall not include the resolution in the list of business.

97. Power to disallow resolution.

- On intimation of the disallowance of any resolution under sub-rule (2) of Rule 96, the Chairman shall disallow the resolution. The Chairman shall also, within the period of notice, disallow any resolution or any part of a resolution, on the ground that it relates to a matter which is not the concern of the District Council and, if he does so, the resolution, or part of the resolution, shall not be placed on the list of business.

98. Restriction on subject for discussion.

(1)Every resolution shall be in the form of a declaration of opinion by the District Council indicating whenever necessary, a line of action to be taken by the Council.(2)No resolution shall be moved in regard to any matter falling outside the jurisdiction of the District Council and to any of the following subjects, namely:(a)any matter which is under adjudication by a Court of law having jurisdiction in any part of the Union of India;(b)any matter relating to the conduct of any judge or Magistrate,(3)Subject to the provisions of sub-rule (2) of Rule 96, the decision of the Chairman on the point whether any resolution is or is not within the restriction imposed by sub-rule (2) shall be final.

99. Form and contents of resolution.

- Subject to the resolutions imposed by these Rules, any member may move a resolution relating to a matter of general public interest:Provided that no resolution shall be admissible which does not comply with the following conditions, namely;(a)it shall be clearly and precisely expressed and shall raise a definite issue;(b)it shall not contain arguments, inferences, ironical expression, defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity.

100. Motion and withdrawal of resolution.

(1)A member in whose name a resolution appears in the list of business shall, when called upon either-(a)decline to move the resolution, in which case he shall confine himself to a mere statement to the effect; or(b)move the resolution, in which case he shall commence his speech by a formal

motion in the terms appearing on the list of business.(2)If the member when called upon is absent the resolution standing in his name shall be considered to have been withdrawn:Provided that with the consent in writing of such member and with the permission of the Chairman any other member may move the resolution;Provided further that if such a resolution stands in the name of another member present in the meeting of the District Council, such member may be permitted by the Chairman to move that resolution.

101. Limits of discussions.

- Discussion on a resolution shall be strictly limited to the subject of the resolution.

102. Amendments.

- After the resolution has been moved, a member may subject to all rules relating to resolutions, move an amendment to such resolution.

103. Notice of amendments.

- If a copy such amendment has not been sent to the Secretary two clear days before the day fixed for the discussion of the resolution, any member may object to the moving of the amendment, and such objection shall prevail unless the Chairman, in his discretion, allows the amendment to be moved.

104. Withdrawal of resolution.

(1)A member who has moved a resolution or amendment to resolution shall not withdraw the same except by leave of the District Council.(2)No discussion shall be permitted on a motion for leave to withdraw a resolution or an amendment thereto except with the permission of the Chairman.

105. Resolution not discussed.

- A resolution, of which notice has been given by a member and which has been admitted, if it is not discussed during the session, shall, subject to the provisions of Rule 48, be deemed to have been withdrawn.

106. Copy to Administrator.

- A copy of every resolution which has been passed by the District Council shall be forwarded to the Government and to the Deputy Commissioner.

107. Restrictions on moving motions and Chairman's power to disallow motion.

(1) Save in so far as is otherwise provided by these rules no discussion of a matter of general public interest shall take place otherwise than on a resolution move in accordance with the rules governing the moving of resolution except with the consent of the Chairman and of the Member of the Executive Committee in charge of the subject matter of the resolution. (2) It shall not be permissible to the Chairman or to the Member of the Executive Committee concerned to give his consent to the moving of any motion in regard to any of the subject in regard to which a resolution cannot be moved and the decision of the Chairman on the point whether any motion is or is not within the restrictions imposed by sub-rule (2) of Rule 98 shall be final subject to the provisions of sub-rule (2) of Rule 96. (3) The Chairman shall disallow any motion or part of a motion on the ground that it relates to a matter which is not primarily be the concern of the District Council, and, if he does so, the motion shall not be placed on the lists of business.

108. Resolution for removal of Chairman.

(1) Any resolution to the Chairman or the Deputy Chairman from office shall be read to the District Council by the person presiding who shall then request the members who are in favour of leave being granted to move the resolution, to rise in their places and, if not less than one-fourth of the members present rise accordingly, the person presiding shall allow the resolution to be moved. If less than one-fourth of the member rise, the person presiding shall inform the member who may have given the notice that he has not the leave of the Council to move it. (2) If leave is granted for the resolution to be moved, it shall be disposed of in accordance with the procedure laid down in the foregoing rule in this Chapter.

Chapter VIII

Financial Procedure

109. Annual financial statement.

(1) The Chief Executive Member shall in respect of every financial year cause to be laid before the District Council a statement of the estimated receipts and expenditure for that year which are to be credited to, or is to be made from, the District Fund of an Autonomous District, hereinafter referred to as "the District Council Budget". (2) All estimates of expenditure from the District Fund shall be submitted in the form of demands for grants to the District Council, and the District Council shall have power to assent, or to refuse to assent, to any demand or to assent any demand subject to a reduction of the amount specified therein. (3) No demand for grant shall be made except on the recommendation of the Chief Executive Member.

110. Authentication of schedule of authorised expenditure.

(1) The Chief Executive Member shall authenticate by his signature a schedule specifying the grants made by the District Council under the preceding rule. (2) The schedule so authenticated shall be placed before the District Council but shall not be open to further discussion or note in the Council. (3) Subject to the provisions of the next succeeding rule, no expenditure from the District

Fund shall be made unless it is specified in the schedule so authenticated.

111. Supplementary statements of expenditure.

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

112. Presentation of District Council Budget.

(1)The District Council Budget in respect of every financial year shall be presented to the District Council on such day in the preceding financial year as the Chairman in consultation with the Chief Executive Member may appoint.(2)No discussion of the District Council Budget shall take place on the day on which it is presented.

113. Demand for grants.

(1)A separate demand shall be made in respect of grant proposed for each section of the District Council.(2)Each demand shall contain first, a statement of the total grant proposed and then a statement of the detailed estimate under each grant, divided into items.(3)Subject to the provisions of these rules, the District Council Budget shall be prepared and presented with necessary adaptations under the heads, sub-heads, minor heads, etc., in the form shown in Appendix I. A copy of such Budget shall be supplied to the members at least seven days before the day on which the District Council Budget is presented.

114. Discussion of District Council Budget.

- The District Council Budget shall be dealt with by the District Council in two stages, namely:(i)A general discussion, and(ii)The voting of demands of grant.

115. General discussion of budget, right of reply by Member-in-charge of financial affairs and time limit of speeches.

(1)On the day or days to be appointed by the Chairman subsequent to the day on which the Budget is presented and for such time as the Chairman may allot for the purpose, the District Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but the Budget shall be submitted to the vote of the District Council.(2)The Member-in-charge of financial affairs shall have a general right of reply at the end of the discussion.(3)The Chairman may, if he thinks fit, prescribe a time limit for speeches.

116. Voting of demands.

(1)The voting of demands for grants shall take place on such days not exceeding one week as the Chairman may allot for the purpose.(2)Of the days so allotted, not more than a day shall be taken up by the Council for discussion of any one demand. As soon as the maximum limit of time for discussion is reached the Chairman shall forthwith put every question necessary to dispose of the demand under discussion.(3)On the last day of the days so allotted, the Chairman shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grant and the consideration thereof shall not be anticipated by any motion for adjournment of the interrupted in any manner whatsoever nor shall any dilatory motion be moved in regard thereto.

117. Vote on account, vote of credit and exceptional grants.

(1)Notwithstanding anything contained in the preceding rules, on any day or days subsequent to the presentation of the District Council Budget which may be appointed by the Chairman for the purpose, motion may be made for making-(i)any grant in advance in respect of the estimated expenditure for the part of the financial year;(ii)a grant for meeting an unexpected demand upon the resources of the autonomous district when no account of the magnitude of the indefinite character of the service the demand cannot be stated with details ordinarily given in the District Council Budget;(iii)an exceptional grant which forms not part of the current service of any financial year.(2)Such demands shall be dealt with by the District Council in the same way as if they were demands for grants and the provisions of Rule 110 (1) and (2) and 113-116 shall mutatis mutandis, apply.(3)The Chief Executive Member shall, within such financial year, cause to be laid before the District Council a statement of expenditure incurred out of the grant of grants made under sub-rule (1), and the approval of the Council shall be obtained thereon.

118. Motion at this stage.

(1)No motion for appropriation can be made on the recommendation of the Chief Executive Member communicated to the District Council.(2)Motions may be moved at this stage to refuse or reduce the total amount of any demand for grant or to omit or reduce the amount of any of it or unit of appropriation composing the grant.(3)If any such motion be carried by the District Council the decision would be final under Rule 110.(4)When tabling a motion for reduction, it is to be for a reduction or omission of the amount of an item, a member shall give full details of the reduction or omission proposed by him with reference to original provision in the budget.(5)When several motions for substantial reductions relating to the same demand are offered they shall be discussed in the corner in which the head to which they relate appear in the Budget ordinarily; the largest reduction under a grant or an item of a grant will be taken up first and the smallest reduction last, but this arrangement may be altered by the Chairman at this discretion to expedite the business of the Council.

119. Notice of motions.

- Notice of a motion to refuse any demand shall be given to the Secretary to the District Council one day before the day on which the demand is to be taken up for consideration.

120. Statement of supplementary or additional grants.

(1)The Chairman in consultation with the Chief Executive Member may, from time to time, allot a day or days for the presentation of a supplementary statement of expenditure and for discussion and voting on the demands thereof.(2)A demand may be presented to the District Council for an additional or supplementary grant in respect of any demand for grant to which the Council has previously refused its assents, or in respect of the amount which the Council has previously reduced.(3)The consideration of the business in the foregoing sub-rules shall not, on the day or days allotted therefor, be anticipated by any motion for adjournment or be interrupted in any manner whatsoever, nor shall any dilatory motion be moved in regard thereof.

121. Budget to reflect the resources available and the expenditure visualised.

- The Budget of the District Council shall not exceed the total amount available by way of grant-in-aid from the Government and the revenue earnings envisaged and the expenditure shall be adjusted accordingly.

Chapter IX

Miscellaneous

122. Proceedings of the District Council.

(1)The Secretary to the District Council shall cause a report for the proceedings to the District Council at each of its meetings to be prepared as soon as possible after such meetings; he shall send copies of such reports to-(i)the Government through the Secretary to Government;(ii)the Chief Executive Member;(iii)the Deputy Commissioner;(iv)the Members of the District Council,(2)A copy of such report, when confirmed and signed by the Chairman shall be the record of the proceedings of the District Council.

123. Other duties.

- In addition in the other duties specially empowered by these rules it shall be the duty of the Secretary-(1)to take charge of all records of the District Council;(2)to keep the books of the District Council;(3)to keep a list of business for the time being before the District Council;(4)to Superintend the typing or printing of all papers ordered by the Chairman to be typed or printed;(5)to make out from time to time a list of all Select Committee's sittings;(6)to assist the District Council and all Select Committees in such manner as they may direct;(7)to write all letters directed by the

Chairman of the District Council to be written.

124. Chairman's power to regulate conduct of business not provided for in the rules.

- The Chairman shall have power to regulate the conduct of business in the District Council in all matters not provided for in the Constitution or these rules.

Part VI – Elections

Chapter I General Provisions

125. Holding of general elections.

(1)As soon as may be after the commencement of the Mizoram District Councils (Miscellaneous Provisions) Order, 1972, a general election shall be held under these rules for the constitution of a new District Council for each Autonomous District and thereafter a general election shall be held on the expiration of the duration of the then existing District Council or on its dissolution.(2)For the constitution of District Council for the first time under these rules or, on the expiration of the duration of an existing District Council or on its dissolution the Government shall, by notification in the Gazette, call upon every constituency to elect a member or members in accordance with these rules within such time as may be specified in such notification:Provided that, if the Government consider fit, the said notification may be issued at any time not being more than six months prior to the date on which the duration of the District Council would expire in the ordinary course of events;Provided further that for the constitution of a District Council for the first time under these rules the said notification may be issued when the Administrator thinks fit.

126. Publication of results of the general election.

- As soon as may be after the expiration of the time fixed for the election of the members at any general election, the names of the members elected for various constituencies at such election shall be notified in the Gazette.

127. Casual vacancies.

(1)When the seat of an elected member of a District Council becomes vacant or the election of a member is declared void, the Administrator shall, by notification in the Gazette, call upon and constituency to elect a person to fill the vacancy within such time as may be specified in the notification, and these rules shall apply, as far as may be to the procedure for the election of a member to fill such a vacancy.(2)If a vacancy occurs in the case of a nominated member the Administrator shall nominate to the vacancy a person having the necessary qualification under these

rules.

128. Effect of disqualification.

- If any person having been elected or nominated, is found to have been subject at the time of his election or nomination to any of the disqualifications described in Rule 9 or 13 the Administrator may, if the disqualification has not been removed, declare, by notification in the Gazette, his seat to be vacant.

Chapter II

Franchise - Electoral Rolls

129. Qualification for electors.

(1) Save in so far as is otherwise provided in these rules every person who is-(a) a citizen of India and ordinarily resident in a constituency for not less than 180 days during the qualifying period; (b) not below the age of twenty-one (21) on the qualifying date; (c) not of unsound mind and one not stand for declared by a competent Court; (d) for the time being not disqualified from voting under the provisions of any law relating to contempt or illegal practices and other offences in connection with election; shall be entitled to vote at any election to the District Council of an Autonomous District; Provided that a person not belonging to a Scheduled Tribe shall not be entitled to so vote unless he is permanently resident within the territorial limits of the said Autonomous District. (2) The expression "ordinarily resident" used in sub-rule (1) shall have the same meaning as assigned to it by Section 20 of the Representation of the People Act, 1950 (XLIII of 1950). (3) For the purposes of this rule a person shall be deemed to be permanently resident within the territorial limits of an Autonomous District if he has taken up his fixed or permanent habitation with his family or made his permanent home in that District and resided continually therein for a period of not less than ten years on the qualifying date. A person shall not be deemed to have taken up his fixed habitation in the district merely by the reason of his having resided in connection with his civil or military service or in exercise of any profession or calling. (4) For the purposes of this rule, the qualifying date and the qualifying period in the case of every electoral roll subsequently prepared under these rules shall be the first day of March of the year in which it is prepared, and the year immediately preceding that year respectively: [Provided further that the names of those who were eligible and qualified to be votes but not included in the last electoral roll and also names of those who thereafter become qualified under Rule 129 and those qualified voters who shifted their ordinary place of residence from one constituency to other constituency within the same District Council area, may be included in the electoral roll for the respective constituency for election to the District Council.] [Sic. Proviso, sub-rule (3) and para thereunder are printed in the Gazette as such under Rule 129, while they should be under Rule 130, where it is repeatedly printed.] (3) The Returning Officer shall make correction, reinstatement of inclusion, as the case may be, referred to in the proviso to sub-rule (2) or shall cause such correction, reinstatement or inclusion to be made, in all copies of the electoral roll which will remain in his custody and possession for the purpose of election to the District Council. But before such correction, reinstatement or inclusion is made the

Returning Officer or any other officer authorised by him in writing in this behalf shall make a list of such persons whose names are to be struck off reinstatement or inclusion in the electoral roll, as the case may be, and cause it to be hung up in the Court of the Deputy Commissioner or Sub-Divisional Officer, as the case may be, or in such other place or places as the Returning Officer may direct. Any person entered in the list may lodge with the Returning Officer an objection against his name being struck off the electoral roll or a claim against the name of a person being admitted within a period of fifteen days from the date on which the list is hung up. Returning Officer or any other officer authorised by him in this behalf shall summarily dispose of such objection or claim petitions within a period not exceeding two weeks from the date of submission of the petitions. Every correction, reinstatement or inclusion so made or caused to be made in an electoral roll shall be initialled and dated by the officer who makes the correction, reinstatement or inclusion.

130. Electoral roll for every constituency.

(1) There shall be an electoral roll for every territorial constituency for election to the District Council of an Autonomous District electoral rolls. (2) Subject to the provisions of Rule 129, the electoral rolls for the areas comprise within an Autonomous District for the purpose of elections to the Mizoram Legislative Assembly prepared in accordance with the provisions of the Representation of the People Act, 1950 (XLIII of 1950) and the rolls issued thereunder from time to time shall be deemed to be the electoral rolls for the corresponding areas of that Autonomous District for the purpose of election to the District Council of the said Autonomous District: Provided that the name of any person who becomes disqualified for voting under the provision to sub-rule (1) of Rule 129 shall be forthwith struck off the roll in which it is included; Provided further that if the disqualification for voting under the provision to Rule 129 (1) included by any person whose name has by reason thereof been struck off the electoral roll under the foregoing proviso, be removed during the period the said electoral roll is in force, the name of such person shall forthwith be reinstated in that electoral roll; Provided further that the names of those who were eligible and qualified to be voters but not included in the last electoral roll and also names of those who thereafter become qualified under Rule 129 and those qualified voters who shifted their ordinary place of resident from one constituency to other constituency within the same District Council area, may be included in the electoral roll for the respective constituency for election to the District council. (3) The Returning Officer shall make correction, reinstatement or inclusion, as the case may be, referred to in the proviso to sub-rule (2) or shall cause such correction, reinstatement or inclusion to be made, in all copies of the electoral roll which will remain in his custody and possession for the purpose of election to the District Council. But before such correction, reinstatement or inclusion is made, the Returning Officer or any other Officer authorised by him in writing in this behalf shall make a list of such persons whose names are to be struck off reinstatement or inclusion in the electoral roll, as the case may be, and cause it to be hung up in the Court of the Deputy Commissioner or Sub-Divisional Officer, as the case may be, or in such other place or places as the Returning Officer may direct. Any person entered in the list may lodge with the Returning Officer an objection against his name being struck off the electoral roll or a claim against the name of a person admitted within a period of fifteen days from the date on which the list is hung up. Returning Officer or any officer authorised by him in this behalf shall summarily dispose of such objection or claim petitions within a period not exceeding two weeks from the date of submission of the petitions. Every correction,

reinstatement or inclusion, so made or cause to be made in an electoral roll shall be initialled and dated by the Officer who makes the correction, reinstatement or inclusion.(4)The electoral roll of a constituency of the Mizoram Legislative Assembly or so much of it as relates to the areas comprised within a constituency of the District Council of an Autonomous District shall, as and where corrected under sub-rule (3), be deemed to be the electoral roll for such constituency of the District Council and shall remain under Section 24 of the Representation of the People Act, 1950 (XLIII of 1950) in force for the same period as an Assembly Electoral roll.

Chapter III

Returning Officers

131. List of Returning Officers.

(1)The Returning Officers for the constituencies mentioned in the first column of Appendix II of these rules shall be the persons respectively specified in the corresponding entry in the second column thereof.(2)The persons specified in the third column of the said Appendix may, subject to the control of the Returning Officer, perform all or any of the functions of the Returning Officer in the constituencies respectively specified in the corresponding entry in the first column thereof:Provided that such person shall not perform any of the functions of a Returning Officer which relates to the acceptance or scrutiny of a nomination paper or to the counting of votes and declaration and publication of the results of election unless the Returning Officer is unavoidably prevented from performing the same.

132. Appointment of Additional Returning Officer.

- Notwithstanding anything in the foregoing Rule 131 the Government may, by notification in the Gazette, appoint such other officer or officers and Returning Officer(s) for the purpose of elections to the District Council of an Autonomous District.

133. Decision of Returning Officer is final.

- The decision of the Returning Officer shall be final but while there is time, the Returning Officer may refer to the Government any difficult question as to the interpretation of any electoral roll or any provisions of the Constitution.

Chapter IV

Nomination of Candidates

134. Nomination and steps to be taken thereunder.

(1)No person shall be nominated as a candidate for election to fill a seat in the constituency if he is not qualified to be elected to fill the seat.(2)The Government shall appoint for each

constituency-(a) a date not later than three weeks after the date of the notification calling upon the constituency to elect a member or members, for the nomination of candidates and for the scrutiny of nominations; (b) a further date or dates on which a poll shall, if necessary, be taken and the dates so fixed shall be notified in the constituency in such manner as the Returning Officer thinks fit. (3) On or before the date so appointed for the nomination of candidates, each candidate shall, either in person or by the proposer or seconder, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon deliver to the Returning Officer, or to such other person as may be authorised in this behalf by the Returning Officer a nomination paper completed in the form specified in Appendix III and subscribed by the candidate himself as assenting to the nomination and by two persons referred to in sub-rule (4) as proposer and seconder. (4) Any person whose name is included in the electoral roll of the constituency and who is not subject to any disabilities for being so included under the Constitution or any rules made thereunder may subscribe as proposer or seconder as many nomination papers as there are vacancies to be filled but not more. (5) Every notification paper delivered under sub-rule (3) shall contain a declaration in writing subscribed by the candidate that the candidate has appointed or does thereby appoint as his election agent for the election either himself or some other person who is not disqualified under Rule 213 for the appointment and who shall be named in the declaration and no candidate shall be deemed to be duly nominated unless such declaration is made on the nomination paper: Provided that notwithstanding that more than one nomination paper is presented by or on behalf of a candidate, only one such declaration by the candidate shall be necessary. (6) Every nomination paper shall also contain a declaration in writing subscribed by the candidate that he has elected a particular symbol from the list specified in Appendix IV to these rules and no candidate shall be deemed to be duly nominated unless such declaration is made on the nomination paper. (7) Any nomination paper which is not received before three o'clock in the afternoon on the date fixed by the Government for the nomination of candidates shall be rejected. (8) The Returning Officer or any other Officer authorised by the Returning Officer in writing shall, on receiving a nomination paper under sub-rule (3), sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him, and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of all the nomination received containing descriptions, same as those contained in the nomination papers, both of the candidates and of the persons who have subscribed the nomination paper as proposers and seconders. (9) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered by him either in person or by his proposer or seconder to the Returning Officer at any time before the Returning Officer has completed the preparation of the list of valid nominations under sub-rule (4) of Rule 135. A candidate who has withdrawn his candidature shall not be allowed to cancel with withdrawal or to be re-nominated as a candidate for the same election. Note. - A telegram addressed to the Returning Officer, purporting to come from a candidate giving notice of withdrawal of his candidature may be provisionally accepted as a notice in writing, unless, however, such telegram is followed up as soon as possible by a notice of withdrawal subscribed by the candidate himself the telegram should be disregarded and the candidate should be deemed not to have withdrawn his candidature. (10) The Returning Officer or any other person authorised in this behalf shall on receiving a notice of withdrawal under sub-rule (9), as soon as may be, cause a notice of the withdrawal to be affixed in some conspicuous place in the office.

135. Deposit on nomination.

(1)At the time of delivery of a nomination paper under sub-rule (3) of Rule 134, each candidate shall submit with the nomination paper a Treasury Challan showing that a deposit of Rs. 150 (one hundred fifty) only has been made by him in the Treasury, and no candidate shall be deemed to be duly nominated unless such deposit has been made.(2)If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made withdraws his candidature or if the nomination of any such candidate is refused, the deposit should be returned to the candidate; and if any candidate dies before the commencement of the poll any such deposit shall be returned to his legal representative.(3)If in a constituency, a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, is not declared elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, the deposit shall be forfeited to Government.(4)The deposit made by or on behalf of a candidate who is not elected, shall, if it is not forfeited under sub-rule (3), be returned to the candidates as soon as may be after the publication of the result of the election in the Gazette, and the deposit made by or on behalf of a candidate who is elected shall be so returned as soon as may be after the publication of the result of the election in the Gazette.

136. Scrutiny of nomination.

(1)After 3 p.m. on the date fixed by the Government for the nomination of candidates under sub-rule (2) of Rule 134 the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate but no other person may attend at such place the Returning Officer may appoint and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in Rule 134.(2)(a)The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any notification and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks 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 the Constitution or any rules made thereunder;(ii)that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of Rule 133;(iii)that there has been a substantial failure to comply with any of the provisions of Rule 134 or Rule 135;(iv)that the candidate or any proposer or seconder is not substantially identical with the person whose number or name of such candidate's proposer or seconder;(v)that the signature of the candidate of any proposer or seconder is not genuine or has been obtained by fraud.The Returning Officer shall not, however, refuse any nomination paper on the ground of a slight technical defect such as the wrong spelling of a name, and shall accept any nomination paper in respect of which he is satisfied that the candidate is qualified to be chosen to fill the seat and has been proposed and seconded by persons who are qualified to do so.(b)For the purpose of this rule, the production of a certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any voter named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate or the proposer or seconder is otherwise disqualified.(3)(a)The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the

nomination paper is rejected, shall record in writing in a brief statement of his reasons for such rejection.(b)The scrutiny shall be complete, if possible, on the day fixed for the nomination of candidates but if it cannot be completed on that day it may be adjourned to the following day or, if the following day is a holiday, to the next working day.(4)On completion of the scrutiny of nominations, the Returning Officer shall forthwith examine the symbols selected by the candidates, and if such symbols are found to conflict with each other or with any symbols already assigned, he shall allocate the symbols in conformity, as far as possible, with the wishes of the candidates and if necessary by lot and his decision in this respect shall be final. Each candidate or his election agent shall at the same time be informed of the symbol assigned to him and shall be given a specimen thereof. The Returning Officer shall then prepare a list of valid nominations indicating therein the symbols assigned to each candidate and shall cause such list to be affixed in some conspicuous place in his office.

137. Death of candidate before poll.

- If a candidate who has been duly nominated under these rules dies after the date fixed for the scrutiny of nominations and before the commencement of a poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Government and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election; provided that no fresh nomination shall be necessary in the case of a candidate whose nomination had been valid at the times of the countermanding of the poll.

138. Effect of nominations.

- If the number of candidates who have been duly nominated and who have not withdrawn their candidature exceeds that of the seats to be filled, the Returning Officer shall forthwith publish in the Gazette and in such other manner and in such places in the constituency as the Returning Officer may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order and the symbols assigned to each candidate, and a poll shall be taken in the manner provided in the succeeding rules.(2)If the number of such candidates is equal to the number of seats to be filled, the Returning Officer shall declare all such candidates to be duly elected to fill those seats.(3)If the number of such candidates is less than the number of seats to be filled, the Returning Officer shall declare all such candidates, if any, to be elected to fill as many of those seats as possible and the Government shall, by a notification in the Gazette, call upon the constituency to elect a person or persons to fill the remaining seat or seats, as the case may be, within such time as may be specified in the notification:Provided that where the constituency having already called upon under this sub-rule, has failed to elect a person or the requisite number of persons, to fill the seat or seats, the Administrator shall not be bound again to call upon the constituency to elect a person or persons until such time, if any, as he thinks fit.

Chapter V

Voting at Election

139. System of voting-symbol system.

(1)Voting at elections to a District Council shall be conducted by symbol system. The symbols to be utilised for the purpose shall be those as specified in Appendix IV to these rules.(2)At elections in every constituency where a poll is taken, votes shall be given by ballot in the manner hereinafter provided in these rules, and no votes shall be received by proxy.

140. Right to vote.

(1)No person who is not, and except as expressly provided by these rules, every person who is, for the time being, included in the electoral roll of any constituency, shall be entitled to vote in that constituency.(2)No person shall vote at any election in any constituency if he is for the time being not entitled to vote under the provisions of Rule 129 read with Rules 211, 212 and 213.(3)No person shall vote at an election in more than one constituency, and if a person votes in more than one constituency his vote in one of such constituencies shall be void.(4)No person shall vote at any election in the same constituency more than once notwithstanding that his name may have been included in the electoral roll for that constituency shall be void.(5)No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police.

141. Hours of commencement and close of poll.

(1)The Government shall, by notification in the Gazette, fix the hour at which the poll shall commence and the hour at which it shall close on the date or dates fixed for the poll.The hours fixed for polling shall also be published in the constituency in such manner as the Returning Officer may consider necessary.(2)The Returning Officer may, for sufficient cause and with the previous approval of the Government, postpone the date or extend the period fixed for polling.

142. Selection of polling stations.

(1)The Returning Officer shall select for each constituency such number of polling stations as he may deem necessary and shall allot a distinctive number to each of them.(2)Not less than seven days before the date or the first date of the dates fixed for the election the Returning Officer shall post at his office and publish in such manner as he may consider necessary, a list showing the polling stations as selected, the polling area for which each such station has been selected and the hours during which each such station shall remain open for the recording of votes.(3)No person shall be permitted to record his vote except at the polling station of the area to which according to the electoral roll he belongs and within the fixed hours for which the polling station remains open.

143. Appointment of presiding officers and polling officers.

(1)The Returning Officer shall appoint a presiding officer for each polling station and such other persons (hereinafter referred to as polling officers) to assist the presiding officer as he thinks

necessary: Provided that if a polling officer is absent from the polling station the presiding officer may appoint any person who is present at the polling station to be the polling officer during the absence of the former officer and inform the Returning Officer accordingly. (2) A polling Officer may, if so directed by the presiding officer, perform all or any of the duties assigned to a presiding officer under these rules. (3) If the preceding officer, owing to illness or other unavoidable cause is obliged to absent himself from the polling station, his duties shall be performed by such polling officer as has been previously authorised by the Returning Officer to perform such duties during any such absence.

144. Duties of presiding officer at polling station.

(1) The presiding officer shall keep order at the polling station ; shall see that the election is fairly conducted; shall regulate the number of votes to be admitted at one time; and shall exclude all other persons except-(a) the polling officers, the candidate and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate, and authorised in this behalf by the Returning Officer. (b) police officers or other public servants on duty, and (c) such persons as the presiding officer may from time to time admit for the purpose of identifying electors. (2) At least seven days before the date fixed for the poll every candidate shall forward to the Returning Officer of the constituency the names of one agent and two relief agents appointed in writing by the candidate, to act as his polling agents at each polling station or polling booth: Provided that in case of the revocation of appointment of, or the death of polling agent, the Returning Officer may allow the appointment of another agent in his place at any time before the poll is taken. (3) The presiding officer shall close the polling station at the hour fixed in that behalf under Rule 14(1) so as to prevent the admission thereto of any other voter after that hour; provided that all voters admitted within the polling station before it is closed shall be entitled to have their votes recorded. (4) In emergencies such as disturbance of the public peace or the occurrence of a natural calamity the presiding officer may, with the approval of the Returning Officer close the poll the announce the adjournment of the poll to a subsequent day. The Returning Officer shall immediately report the circumstances to the Government.

145. Arrangement for secrecy of voting.

- Each polling station shall be furnished with a compartment in which voters can record their votes screened from observation.

146. Provision of ballot boxes and symbols at polling station.

(1) Each polling station shall be provided with necessary ballot boxes by the Returning Officer. (2) A ballot box shall be common for all the candidates and there shall be only one ballot box in use at a time. This ballot box shall be placed somewhere in the middle of the polling station in full view of the Presiding Officer and the polling agents. (3) There shall be no symbol pasted on the ballot box. Every ballot box used at a polling station shall bear labels, both inside and outside, marked with-(i) the serial No. and name of the constituency; (ii) the serial No. and name of the polling station; (iii) the serial No. of the ballot box to be filled in at the end of the poll on the label outside the

ballot box only; and (iv) the date of the poll. (4) The Returning Officer shall provide each polling station with necessary ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the official mark on ballot papers by the electors. (5) Outside and inside each polling station there shall be fixed in a conspicuous place by the Presiding Officer before the commencement of the poll, a notice showing the name of each candidate in English or local language or languages issued by the Returning Officer with the symbol assigned to him be placed at the entrance of the polling station.

147. Ballot boxes to be locked up and sealed before commencement of poll.

- Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present at such station so that they may see that it is empty, and shall then lock it up, and place his seal upon it in such manner as to prevent its being open without breaking such seal, and shall keep it so locked and sealed.

148. Maintenance of secrecy of voting.

- Before the polling station is open for the recording of votes, the presiding officer shall read to such persons as may be present the provisions of Rule 199 shall explain the substance thereof in the language or languages as may be understood by such persons.

149. Procedure before recording of vote.

(1) The voter on entering the polling station shall first approach the polling officer in charge of that portion of electoral roll in which the voter's name appears. Such polling officer shall ascertain the voter's name, address, his father's name, or her father's name or her husband's name and such other particulars as appear on the roll, and having checked those with the roll, call out the number, name and description of the voter as printed. He shall then place against the number of the voter in the roll a short horizontal line to denote that the voter has received the ballot paper or papers to which he or she is entitled. No other marks shall be made on the roll. (2) If a voter's name, address or any other particulars given in the roll is found to be incorrect owing to a misprint or clerical error, the presiding officer may interpret the entry in the roll so as to overlook any such clerical or printing error but shall record his reasons in writing for so doing in each case. (3) On the voter's name being called out one of the polling officers in charge of the ballot paper shall enter on the counterfoil of as many ballot papers as the voter is entitled to receive the voter's number (as given in the electoral roll) and if this has not been printed the distinctive number of the polling station. He shall then detach each ballot paper from the counterfoil and, after stamping it with the official mark, deliver it to the voter the number of ballot papers which he or she is entitled to receive.

150. Persons to be present at the polling station to assist the polling officers in identifying voters.

- At every polling station arrangements shall be made for a suitable village or town officer such as Village Council President, Government officials to be present when the voters of such village appear to record their votes. Such officers shall sit in close proximity to the Polling Officer in charge of the electoral roll and shall assist him in identifying the voter calling his attention to any case of impersonation or misrepresentation when the matter shall at once be referred to be the presiding officer.

151. Manner of recording votes after receipt of the ballot papers.

- The voters after receiving the ballot paper shall record his vote by dropping the ballot paper in the box containing the symbol assigned to the candidate of his choice. Every voter shall vote without undue delay and shall quit the polling station as soon as he/she has put his/her ballot paper into the ballot box. The voter before recording his vote shall show the presiding officer the official mark on his or her ballot paper.

152. Recording of votes of infirm voters.

- The presiding officer shall give such assistance as may be required to any voter who by reason of infirmity, or ignorance is unable to vote in manner prescribed.

153. Ballot paper when invalid.

- Any ballot paper on which any mark has been made by which the voter may be identified shall be invalid.

154. Form of ballot paper.

- The ballot paper shall be in the form in Appendix V and shall be printed in such language or languages as the Returning Officer may direct. The ballot papers shall be serially numbered, the serial number being printed on the foil and counterfoil.

155. Tendered votes.

- If a person representing himself to be a particular voter named on the electoral roll applies for a ballot paper after another person has voted as such voter, the applicant shall after duly answering such question as the presiding officer may ask, be entitled to cast a ballot paper in the same manner as any other voter. Such ballot paper (hereinafter referred to as a tendered ballot paper) shall be of a colour different from the other ballot papers, and, instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the voter, constituency, and his number on the electoral roll and shall be set aside in a separate packet and shall not be counted by

the Returning Officer. The name of a voter and his number in the electoral roll and the name and distinctive number of the polling station to which the roll relates shall be entered in a list in the form in Appendix VI which shall bear the heading. Tendered Votes List. The Person tendering such ballot paper shall sign his or her name and address thereon or affix his or her thumb-impression against the relevant entry in the lists. The tendered ballot paper shall be in the form in Appendix XL.

156. Challenged votes.

(1) If any candidate, election agent or polling agent declares and undertakes to prove that any person by applying for a ballot paper and claiming to be particular voter has committed the offence of false personation the presiding officer shall require such person to enter in the List of Challenged Voters which shall be in the form in Appendix VII, his name and address; or if he is unable to write, to affix his thumb-impression thereto, and may further request such person to produce evidence of identification: Provided that no action shall be taken by the presiding officer under this sub-rule unless a sum of ten rupees has been deposited in cash with the presiding officer by the candidate or such agent for each challenge he makes. (2) If the person so challenged refuses to comply with such requisition he shall not be allowed to vote, but if he does so comply and on being questioned whether he is the person enrolled in the electoral roll in force and whether he has already voted at the present election in this constituency, answers the former question in the affirmative and the latter in the negative he shall be allowed to vote after he has been warned of the penalty for personation. (3) If the presiding officer after such inquiry on the spot as he thinks necessary is of opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to Government and order in this respect shall be final. (4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3) it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made. (5) The presiding officer shall, in every case whether or not the person challenged is allowed to vote, make a note of the circumstances in the List of Challenged Votes.

157. Supply of duplicate ballot paper when it is spoilt through inadvertence.

- A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper. The latter shall, together with its counterfoil be marked as cancelled.

158. Provision for voting by persons on election duty.

(1) A Presiding Officer, Polling Officer, other Public servant, Polling agent or any person, who being entitled to vote in the constituency but by reason of his being detailed by the Returning Officer for Election Duty outside the Polling Station where he is enrolled, may apply to the Returning Officer in a prescribed form below for-(i) "A Postal Ballot Paper" if his place of duty falls outside the polling areas of the constituency of his enrolment as voter; and (ii) "An Election Duty Certificate" if the place of duty falls within the polling areas of the constituency of his enrolment as a voter. Application for

Postal Ballot Paper[See Rule 158 (1) (i)]To,The Returning Officer forDistrict Council Constituency.Sir,I intend to cast my vote by post at the ensuing election to the District Council from the-----Constituency.My name is entered at Serial No.-----in part No-----of the electoral roll for the-----District Council Constituency comprised within the-----Assembly/Parliamentary Constituency.The ballot paper may be Sent to me at the following address-Yours faithfully.Application Form for Election Duty Certificate[See Rule 158 (1) (ii)]To,The Returning Officer-----Constituency.Sir,I intend to cash my vote in person at the ensuing election to the District Council from the-----Constituency.I have been posted on election duty within the Constituency at------(No. and name of the polling Station) but my name is entered at serial No.-----Part No-----of the electoral rolls for-----District Council Constituency comprised within-----Assembly/Parliamentary Constituency.I request that an Election duty Certificate in form 12 B may be issued to enable me to vote at the Polling Station where I may be on duty on the Polling day it may be sent to me at the following address-

Yours
faithfully,_____

(2)The Returning Officer shall, if satisfied that the application is in order and is submitted in time issue - (i) a Postal Ballot Paper to be sent by Post/submitted to the Returning Officer under seal cover by the applicant so as to reach the Returning Officer not later than the hour fixed for the commencement of counting of Votes of the concerned constituency.(ii)an Election Duty certificate and mark PB or 'EDC' as the case may be against the name of the applicant voter in the marked copy of the Electoral Roll.Election Duty Certificate[See Rule 158 (2) (ii)]Certified that-----is an elector in the-----District Council Constituency, his electoral roll number being Assembly,-----that by reason of his being on election duty he is unable to vote at the polling station where he is entitled to vote and that he is therefore hereby authorised to vote at any polling station (in the said Constituency where) he may be on duty on the date of poll.

Place.....Date..... Seal Signature of theReturning Officer".

159. Method of Voting by Persons on Election Duty at Polling Stations.

- A person in possession of a certificate in the Form mentioned in rule 158 (2)(ii) shall deliver it to the Presiding Officer of the Polling Station where he is employed on duty and the Presiding Officer shall thereupon-(i)obtain the signature of the person producing the same on the body of the certificate;(ii)have the person name and electoral number as mentioned in the certificate entered at the end of the marked copies of the electoral roll; and(iii)issue to him a ballot paper after obtaining his signature/thumb impression on the counterfoil of the ballot paper an elector entitled to vote at that Polling Station in accordance with the provision of Rule 151.

160. Delivery of ballot boxes etc. in the Returning Officer after the close of the poll.

- The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of the candidates or polling agents who may be present, make up into separate

parcels and seal with his own seal and the seal of the candidate or agents as may desire to affix their seal-(1)each ballot box in use at each station unopened but with the key attached and the slit in the lid sealed up;(2)the unused ballot papers;(3)the tendered ballot papers;(4)the spoilt ballot papers;(5)the marked copy of the electoral roll;(6)the counterfoils of the ballot papers;(7)the tendered votes list;(8)the list of challenged votes;(9)the envelopes referred to in Rule 158;and shall deliver such packet or cause them to be delivered to the Returning Officer.

161. Statement by presiding officer after close of the poll.

- The packets shall be accompanied by a statement in the form given in Appendix VIII by the presiding officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers issued, unused spoilt and tendered ballot papers and ballot papers dealt with under Rule 158 (2).

Chapter VI

Counting of Votes

162. Appointing of time, place and date for counting of votes.

(1)The Government shall appoint a time and place for the counting of votes and the Returning Officer shall give notice thereof in writing to all candidates and their election agents.(2)If, at the time appointed, all the ballot boxes have not been received by the Returning Officer, or due to any other unavoidable cause he is unable to proceed with the counting of votes, he shall, with the previous approval of the Government, postpone the counting to some other date and time appointed by the Government, Returning Officer shall give notice thereof in writing to all candidates and election agents.

163. Persons who may be present at the counting of votes.

- No person shall be allowed to be present at the counting of votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes. The candidates and either their election agent, or one representative of each candidate authorised in writing by the candidate, shall have a right to be present at the time of counting.

164. Procedure to be followed at the counting of votes.

- On the day and the time appointed under Rule 162 the Returning Officer shall, before he commences to count the votes, read the provisions of Rule 199 to such person as may be present and shall then proceed as follows:(a)All the ballot boxes allotted to a particular candidate shall be separated from those allotted to any other candidate and numbered and placed together, and the counting of all the ballot papers contained in the boxes allotted to the same candidate shall be completed before the counting of the ballot papers contained in the boxes allotted to any other

candidate is commenced. The Returning Officer or a person authorised by him shall distribute ballot papers in convenient bundles to the persons appointed to assist in the counting of votes.(b)When the ballot papers have been so distributed but not before the Returning Officer shall allow the candidates and their election agents or representatives as may be present, reasonable opportunity to inspect without handling the ballot papers, and shall on every paper which is rejected endorse the word "rejected". If any candidate or his agent or representative present questions on the correctness of the rejection, he shall also record on the ballot paper the ground for the rejection.(c)The Returning Officer shall, as far as practicable, proceed continuously, with the counting of the votes, and shall during any necessary intervals during which the counting has to be suspended, place the ballot papers, packers and other documents relating to the election under his own seal and the seal of such candidates or election agents as may desire to affix them; and shall cause adequate precautions to be taken for their custody.(d)After the counting of ballot papers contained in all the ballot boxes has been completed, the Returning Officer shall record the number of the ballot papers contained in the ballot boxes allotted to each candidate in a statement in which he shall also show the number of votes received by each candidates in accordance with the provisions of Rule 159 (a) (ii) and shall seal in a separate packet all the ballot papers in support of each candidate.

165. Grounds for rejection of ballot paper.

(1)A ballot paper shall be rejected if-(a)it does not contain the official mark referred to in Rule 148 (3);(b)it bears any mark by which the voter can be identified other than the name of the candidate written by the voter in the manner provided by Rule 158.(c)in the case where it is dispatched in a cover under Clause (ii) of sub-rule (2) of Rule 158 to the Returning Officer the cover does not contain the certificate issued under Rule 157 to the voter whose vote is recorded on such ballot paper.(2)The decision of the Returning Officer as to the validity of a ballot paper shall be final subject only to the reversal on an election petition claiming the seat.

166. Declaration of candidate elected.

(1)When the counting of votes have been completed the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of valid votes have been given to be elected;Provided that up to the application of any candidate or his election agent or his duly authorised representative a recount shall be made before the Returning Officer makes the declaration but the Returning Officer may reject any such application as may appear to him to be frivolous, recording at the same time the grounds for such rejection.(2)If an equality of votes is found to exist between the candidates, and addition of one vote will entitle any of the candidate to the declared elected one additional vote shall be given by the Returning Officer to the candidate or, as the case may be, the candidates, elected by lot drawn in the presence of the Returning Officer in such manner as he may determine.

167. Report of result of election of Government and publication of result in the gazette.

- The Returning Officer shall without delay report the result of every election in a constituency of which he is the Returning Officer to the Secretary to the Government of Mizoram Local Administration Department and to such other officers as the Government may direct and the name or names of the candidates elected shall be published in the Gazette under the signature of the Returning Officer.

168. Verification of statement by the presiding officer.

- The Returning Officer shall not open the seal packets of the tendered votes, the marked copy of the electoral roll or the counterfoil of the ballot papers. He shall verify the statements submitted by the presiding officer under Rule 161 by comparing with the statements prepared under Clause (d) of Rule 164 and the latter with the number of counted votes and rejected ballot papers; the unused ballot paper in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, shall record on each packet a description of its contents and the date of the election to which it refers.

169. Return by the Returning Officer.

- The Returning Officer shall then prepare and certify a return setting forth -(1)the result of the verification referred to in Rule 168;(2)the name of the candidates for whom valid votes have been given;(3)the number of valid votes for given for each candidate;(4)the names of the candidates declared elected;(5)the number of votes declared invalid; and(6)the number of tendered votes given;and shall permit any candidate or his election agent or his authorised representative to take a copy of or/and extract from such return.

170. Return to be sent to Government.

(1)The Returning Officer shall, after reporting the result of the election under Rule 167, forward the return mentioned in the preceding rule to the Secretary to the Government of Mizoram District Council Affairs Department.(2)Copies of the returns by the Returning Office shall be furnished by the Secretary to the Government of Mizoram, District Council Affairs Department on payment of a fee of Rs. 2 per copy.

Chapter VII

Election Agents and Expenses

171. Election agent.

- As provided for in sub-rule (5) of Rule 134, every person nominated at a candidate at an election, shall appoint either himself or some other person who is not disqualified under Rule 213 for such appointment to be his election agent.

172. Revocation of appointment of election agent.

(1)The appointment of an election agent, whether he be the candidate himself or not, shall only be revoked in writing signed by the candidate and lodged with the Returning Officer and shall operate from the date on which it is so lodged.(2)In the event of such a revocation or of the death of any election agent whether the event occurs before or during election, or after the election but before a return of the candidate's election expenses has been lodged in accordance with the provisions of Rule 174, the candidate shall appoint forthwith either himself or some other person to be his election agent, and shall give notice in writing of the appointment to the Returning Officer.

173. Accounts of agents.

- Every election agent shall, for each election for which he is appointed election agent, keep separate and regular books of account, and shall enter therein all the particulars of expenditure referred to in Rule 174.

174. Return of election expenses.

(1)Within sixty days from the date of the publication of the result of an election under Rule 167, there shall be lodged with the Returning Officer in respect of each person who has been nominated as a candidate for the election, a return of the election expenses of that person signed both by him and his election agent.(2)The return of election expenses shall be in the form giving in Appendix IX and shall contain the particulars as prescribed therein. Every such return shall be accompanied by declarations by the candidate and his election agent, which shall be in the forms contained in the said Appendix IX and shall be made on oath before a Magistrate.(3)Notwithstanding anything contained in this rule where a candidate is owing to absence from India unable to sign the return of election expenses and to make the required declaration, the return shall be signed and lodged by the election agent only and shall be accompanied by a declaration by the election agent only, and the candidate shall, within fourteen days after his return to India cause to be lodged with the Returning Officer.(4)If a candidate or election agent who is required to sign the return of election expenses and declaration referred to in this rule is unable to write his name, he shall authenticate the return by making a sign. "Sign" in relation to such person means authenticated by making a mark as prescribed in Rule 216.(5)Every such return shall also bear non-judicial stamps of the value of two rupees without which the Returning Officer shall not accept the return.(6)The Returning Officer shall report to the Government within fifteen days from the date of which the return of election expenses of candidates ought to have been lodged with him whether or not, the candidates and their election agents have complied with the requirements of these rules.(7)On receipt of a report under sub-rule (6) the Government shall decide whether the disqualification under Clause (9) of sub-rule (1) of Rule 18 has, in fact been incurred in any election to fill a seat with the result that the seat shall be declared vacant.

175. Inspection and copy of return of election expenses.

- When any return and declarations made in respect thereof have been lodged with the Returning Officer shall, as soon as may be, cause notice of the date on which the return and the declaration in question have lodged and of the time and place at which they can be inspected, to be posted in some conspicuous place in his office and to be published in the Gazette, and any person shall on payment of a free of one rupee, be entitled to inspect any such return or declaration and on payment of such fee as the Government may direct to obtain a copy of copies thereof or of any part thereof.

176. Maintenance regarding return of election expenses.

- The Government shall cause to be prepared in such manner, and maintained for such time as it may direct, a record showing the names of all candidates at every election under the election and the name of the election agent of each such candidate and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

177. Maximum of election expenses.

- The maximum scale of election expenses (including the personal expenses of a candidate) which may be incurred by a candidate for election in a constituency of the District Council shall be Rs. 4,000.

178. Maximum numbers and description of persons to be employed for payment in connection with election.

- The maximum numbers of persons who may be employed for payment by a candidate in connection with an election and their description shall be as shown hereunder:

Description of persons	Maximum number of persons who may be employed for payment
Election Agent	One
Sub-Agent	One for each polling station or booth there (two for relief) or alternatively. For each polling booth (one for relief).
Clerks and Messengers	For each polling station- (a) One clerk and one messenger for any number up to 1,000 registered electors; (b) One additional clerk and one additional messenger for every extra 1,000 registered electors or part thereof.

Chapter VIII

Decision of Doubts and Disputes as to the Validity of an Election

179. Definitions.

- In this Chapter, unless there is anything repugnant in the subject or context-(a)"agent" includes an election agent and any person who, on the trial of an election petition, is held by the Commissioner to have acted as an agent in connection with the election with the knowledge or consent of the candidate;(b)"candidate" means a person who has been or claims to have been duly nominated as a candidate at an election and a candidate who, with election in prospect, has held himself out as a prospective candidate, shall be deemed to have been a candidate as from the time when he began so to hold himself out;(c)"cost" means all costs, charges and expenses of, or incidental to, a trial of election petition;(d)"electoral right" means the right of a person to stand or not to stand as or to withdraw from being a candidate; or to vote or refrain from voting at an election;(e)"returned candidate" means a candidate whose name has been published under these rules as duly elected.

180. Election petition.

- Save as provided in Rule 17 or in Rule 128, no election shall be called in question except by an election petition presented in accordance with the provisions of this Chapter.

181. Presentation of the petition.

(1)An election petition against any returned candidate may be presented to such authority as may be prescribed by the Government in this behalf-(a)by any candidate or elector on any ground within sixty days from the date on which the result of the election is published in the Gazette;(b)within thirty days from that date by an officer empowered by the Government on the ground that the election has not been a free election by reason of the large number of cases in which undue influence of bribery has been exercised or committed.Explanation. - In this sub-section 'elector' means a person who was entitled to vote at the election to which the election petition relates whether he voted at such election or not.(2)The petitioner may, if he so desires in addition to calling in question the election of a returned candidate, claim a declaration that he himself has been duly elected, but such a declaration shall only be claimed on one or other of the following grounds:(a)that the fact that the petitioner received a majority of the valid votes; or(b)that, but for votes obtained for the returned candidate by corrupt or illegal practices the petitioner would have obtained a majority of the valid votes.(3)An election petition shall be deemed to have been presented to the Government, when it is delivered to the Secretary to the Government of Mizoram District Council Affairs Department, the Deputy Commissioner, Chhimtuipui District-(a)by the person making the petition; or(b)by the person authorised in writing in this behalf by the person making the petition; or(c)by registered post.

182. Contents of the petition.

(1)The petition shall contain a statement in enclosed form of the material facts on which the petitioner relies and shall be signed by the petitioner.(2)The petition shall be accompanied by a list signed by the petitioner setting forth full particulars of any corrupt or illegal practice which the petitioner alleges, including as full a statement as possible to the names of the parties alleged to have been committed by corrupt- or illegal practice and the date and place of the commission of each such practice.

183. Deposit of security.

- At the time of the presentation of the petition the petitioner shall, except where the petition is presented under Clause (b) of sub-rule (1) of Rule 181, enclose with the petition a Government Treasury Challan showing that a deposit of Rs. 100 (Rupees one hundred) has been made by him in the Treasury as security for the cost of the petition.

184. Petition when to be dismissed.

- If the provisions of Rules 181, 182 or 183 are not complied with, the petition shall be dismissed.

185. Appointed of Commissioner.

(1)If the petition is not dismissed under foregoing Rule 184 the Government shall appoint as Commissioner for hearing and disposing of the petition a person who is or has been discharging the function of a District Magistrate and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioner.(2)when in respect of an election in a constituency more petitions than one are presented, the Government shall refer all those petitions to the same Commissioner who may at his, discretion inquire into the petitions either separately or in one or more group, as he thinks fit.(3)Where election petitions relate to different constituencies of a District Council, the Government may refer all those petitions of the same Commissioner or may appoint one Commissioner in respect of petitions from each constituency or a group of constituencies and the provisions of sub-rule (2) shall apply to the enquiry thereto.

186. Hearing by Commissioner.

(1)The Commissioner shall fix the time and place of hearing and shall cause a notice thereof to be served on the petitioner and on each respondent.(2)As regards the procedure for hearing the petition, the Commissioner shall be guided by the spirit, but not by the letter, of the Code of Civil Procedure, 1908 as applicable to Mizoram; provided that (a) he shall not be required to record or have recorded the evidence in full, but shall make a memorandum of the evidence sufficient in his opinion for the purpose of deciding the case, (b) he shall only be required to make such enquiry and to take such evidence as may be considered necessary for the purpose of deciding the issues.

187. Withdrawal of petition.

(1)An election petition may be withdraw only by leave of the Commissioner or if an application for withdrawal is made before any Commissioner appointed as such by the Government.(2)If there are more petitioners than one, no application to withdraw petition shall be made, except with the consent of all the petitioners.(3)When no application for withdrawal is made to the Commissioner, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the position.(4)No application for withdrawal shall be granted if in the opinion of the Government or the Commissioner, as the case may be, such application has been induced by any bargain or consideration which ought not to be allowed.(5)If the application is granted-(a)the petitioner shall, where the application has been made to Commissioner, be ordered to pay the cost of the respondent thereof incurred or such portion thereof as the Commissioner may think fit;(b)any person who might himself have been a petitioner may within 14 days of the grant of such withdrawal apply to be substituted as petitioner in place of the party withdrawing and, upon compliance with the conditions of Rule 183 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.(6)When an application for withdrawal is granted by the Commissioner and no person has been substituted as petitioner in place of the party withdrawing under Clause (b) of sub-rule (5) of the Commissioner shall report the fact to the Government.

188. Abatement or substitution on death of petitioner.

(1)An election petition shall abate only on the death of a sole petitioner or the survivor of several petitioners; Provided that, where such sole petitioner was an officer empowered under Clause (b) of sub-rule (1) of Rule 181 the proceedings may be continued by any other officer empowered in this behalf by the Government.(2)Any person who might himself have been a petitioner may, within fourteen days of such abatement, apply to be substituted a petitioner and upon compliance with the conditions of Rule 181 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

189. Abatement or substitution on death of respondent.

- If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioner shall cause notice of such event to be published in the Gazette and thereupon any person who might have been a petitioner may within fourteen days of such publication apply to be substituted for such respondent to oppose the petition and shall be entitled to continue the proceedings upon such terms as the Commissioner may think fit.

190. Recrimination when seat claimed.

(1)Where at an enquiry into an election petition any candidate, other than the returned candidate claims these as for himself the returned candidate or any other party may give evidence to prove that

the election of such candidate would have been voted if he had been the returned candidate and a petition had been presented complaining of his election: Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of submission of the election petition, given notice of his intention to the Commissioner and [the] [Sic. Printed in the Gazette as such.] deposit. (2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and list of particulars, required by Rule 182 in the case of an election petition and shall be signed and verified in like manner.

191. Grounds for declaring election void.

(1) Subject to the provisions of this rule, if in the opinion of the Commissioner—(a) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected by any corruption, illegal practice; or (b) any corrupt or illegal practice has been committed in the interest of a returned candidate; or (c) the result of election has been materially affected by the improper acceptance or rejection of any nomination or by reason of the fact that any person nominated was not qualified or was disqualified for election, or by the improper reception or refusal of a vote, or by the reception of any vote which is void, or by any non-compliance with the provisions of the rules relating to the election, or by any mistake in the use of any prescribed form; or (d) the election has not been a free election by reason of the large number of cases in which bribery or undue influence has been exercised or committed; the election of the returned candidate shall be void. (2) If the Commissioner reports that a returned candidate has been guilty by an agent other than his election agent of any corrupt or illegal practice but further reports that the candidate has satisfied him that—(a) no corrupt or illegal practice was committed at the election by the candidate or election agent, and the corrupt or illegal practices mentioned in the report were committed contrary to the orders, and without the sanction or connivance of the candidate or his election agent; (b) the candidate and his election agent took all reasonable means for preventing the commission of corrupt or illegal practices at the election; (c) the corrupt or illegal practices mentioned in the report were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election, and (d) in all other respects; the election was free from any corrupt or illegal practice on the part of the candidate or any of his agents. (3) If a person (not being entitled so to do) votes more than once at the same election, all his votes shall be deemed for the purpose of this rule to be void.

192. Report of Commissioner and procedure thereon.

(1) At the conclusion of the inquiry, the Commissioner shall report whether the returned candidate, or any other party to the petition who has under the provisions of the rules claimed the seat has been duly elected, and in so reporting shall have regard to the provisions of Rule 191. (2) The report shall further include a recommendation by the Commissioner as to the total amount of costs which are payable and the person by and to whom such cost should be paid. (3) The report shall be in writing and shall be signed by the Commissioner. The Commissioner shall forthwith forward his report to the Government who, on receipt thereof shall issue orders in accordance with the report and publish the report in the Gazette and the orders of the Government shall be final.

193. Finding as to corrupt practices and person guilty thereof.

- Where any charge is made in an election petition of any corrupt or illegal practices the Commissioner shall record in his report-(a)a finding whether a corrupt or illegal practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent and the nature of such corrupt or illegal practice;(b)the names of the persons (if any) who have been proved at the inquiry to have been guilty of any corrupt or illegal practice with any such recommendations as the Commissioner may desire to make for the exemption of any such persons from any disqualification they may have incurred in these connection under these rules:Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

Chapter IX

Corrupt and Illegal Practices

194. Major corrupt practices.

- The following shall be deemed to be corrupt practices for the purpose of election to the District Council of an Autonomous District;(1)Bribery - that is to say, any gift, officer or promise by a candidate or his agent or by any other person with the connivance of a candidate or his agent, or any gratification to any person whom-soever-(a)with the object, directly or indirectly inducing-(i)a person to stand or not to stand as, or to withdraw from being a candidate at an election, or(ii)an elector to vote or refrain from voting at an election, or(b)as a rewarded to-(i)a person having so stood or not stood for having with drawn his candidature, or(ii)an elector for having voted or refrained from voting.Explanation. The term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and includes all forms of employment for reward; but it does not include the payment of any expenses bona fide incurred at or for the purpose of any election.(2)Undue influence. - Undue influence that is to say any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right.Explanation. - (a) Without prejudice to the generality of the provisions of this clause, any such person as is referred to therein who-(i)threatens any candidate or elector, or any person in whom a candidate or elector is interested, with any injury of any kind; or(ii)induces or attempts to induce a candidate, or elector to believe that he or any person in whom he is interested, will become or will be rendered an object of displeasure of spiritual censure;shall be deemed to interfere with free exercise of the electoral right of that candidate or elector within the meaning of this clause.(b)A declaration of public policy, or promise of public action, or the same exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.(3)Personation. - The procuring or abetting or attempting to procure by a candidate or his agent or by any other person with the connivance of a candidate or his agent the application by a person for a ballot paper in the name of any other person whether living or dead or in a fictitious name or by a person for a ballot paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency he is not entitled to vote.(4)Removal of voting

paper. - The removal of a ballot paper from the polling station during polling hours by a person with the connivance of a candidate or his agent.(5)Publication of false statement. - The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election.(6)The hiring or procuring, whether on payment or otherwise of any vehicle or vessel by a candidate or his agent by any other person with the connivance of a candidate or his agent or the connivance of a candidate or agent of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under Rule 142:Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power;Provided further that the use of any public transport, vehicle or vessel or any railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.Explanation. - In this clause, the expression "vehicles" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.(7)The incurring or authorising by a candidate or his agent of expenditure or the employment of any person by a candidate or his agent in contravention of the provisions of these rules.(8)The obtaining or abetting or attempting to obtain or procure by a candidate or his agent or by any other person with the connivance of a candidate or his agent by assistance for the furtherance of the prospects of the candidate's election from any person serving under the Government of India or the Government of any State or Union Territory or the District Council of an Autonomous District other than the giving of vote by such person.

195. Minor corrupt practices.

- The following shall also be deemed to be corrupt practices for the purpose of election to the District Council of an Autonomous District:(1)Any act specified in Rule 194 when done by a person who is not a candidate or agent or a person acting with the connivance of a candidate of his agent.(2)Personation. - The application by a person at an election for a ballot paper in the name of any other person, whether living or dead or in a fictitious name, or for a ballot paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency he is not entitled to vote;(3)Bribery. - The receipt of or agreement to receive, any gratification whether as a motive or a reward-(a)by a person for standing or not standing as, or for withdrawing from being a candidate; or(b)by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature. For the purpose of this clause the term "gratification" has the same meaning as it has for the purpose of Clause (1) of Rule 194.(4)False return. - The making of any return of election expenses which is false in any material particular, or the making of a declaration verifying any such return.(5)Use of, or appeal to, religious and national symbols. - The systematic appeal to vote or refrain from voting on grounds of caste, race,

community or religion or the use, or appeal to religious and national symbols, such as the national flag and the national emblem, for furtherance of the prospects of a candidate's election.

196. Illegal practices.

- The following shall be deemed to be illegal practices for the purposes of election to the District Council of an Autonomous District; (1) The incurring or authorisation by any person other than a candidate or his agent of expenses on account of holding any public meeting, or upon any advertisement, circular or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorised in writing so to do by the candidate. (2) Hiring of liquor shops. The hiring, using or letting, as a committee room or for the purpose of any meeting to which electors are admitted or any building, room or other place where intoxicating liquor is sold to the public. (3) Issue of circular, etc. without address. The issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher.

Chapter X

Electoral Offences

197. Prohibition of public meetings on the election day.

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

198. Disturbances at election meetings.

(1) Any person who at a public meeting to which this rule applies act, or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with fine which may extend to one thousand rupees. (2) This rule applies to any public meeting of a political character held in any constituency between the date of the issue of notification under these rules calling upon the constituency to elect a member or members and the date on which such election is held. (3) If any police officer reasonably suspects any person of committing an offence under sub-rule (1) he may, if required so to do by the Chairman of the meeting required that person to declare to him immediately his name and address and if the police officer reasonably suspects him of giving false name or address, the police officer may arrest him without warrant.

199. 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

voting and shall not (except for some authorised person by or under any law) communicate to any person any information calculated to violate such secrecy.(2)Any person who contravenes the provisions of sub-rule (1) shall be punishable with imprisonment for a term which may extend to three months or with fine up to one thousand rupees or with both.

200. Officers etc. at elections not to act for candidates or to influence voting.

(1)No person who is a Returning Officer, or an Additional Returning Officer, or a Presiding Polling Officer at an election or an officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall in the conduct 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 the 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)influence the voter or any person at an election in any manner.(3)Any person who contravenes the provisions of sub-rule (1) or sub-rule (2) shall be punishable with imprisonment which may extend to six months or with fine up to one thousand rupees or with both.

201. Prohibition of canvassing in or near polling stations.

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

202. Penalty for disorderly conduct in or near polling station.

(1)No person shall on the date or dates on which a poll is taken at any polling station-(a)use or operate without 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 microphone or a loud speaker; or(b)shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.(2)Any person who contravenes, or wilfully aids or abets the contravention of the provisions of sub-rule (1) shall be punishable with imprisonment which may extend to three month or with fine up to five hundred rupees or with both.(3)If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this rule, he may direct any police officer to arrest such person and thereupon the police officer shall arrest him.(4)Any police officer may take such steps, and use such force as may be reasonably necessary for preventing any

contravention of the provisions of sub-rule (1) and may seize any apparatus used for such contravention.

203. 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 station by the Presiding Officer or any police officer on duty or by any person authorised in this behalf by such Presiding Officer. (2) The powers conferred by sub-rule (1) shall not be exercised so as to prevent any election who is otherwise entitled to vote at a polling station from having an opportunity of voting at the station. (3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the Presiding Officer he shall be punishable with imprisonment for a term which may extend to three months or with fine up to five hundred rupees or with both. (4) An offence punishable under sub-rule (3) shall be cognisable.

204. Penalty for illegal hiring or procuring of conveyance at election.

- Any person illegally hiring or procuring conveyance at an election or in connection with an election, shall be punishable with fine which may extend to five hundred rupees.

205. Branches of official duty in connection with election.

(1) If any person to whom this rule applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees. (2) No suit or other legal proceeding shall be against any such person for damages in respect of any such act or omission as aforesaid. (3) The person to whom this rule applies are the Returning Officer, Additional Returning Officer, Presiding Officer, Polling Officers and any other person appointed to perform any duty in connection with the preparation of an electoral roll, the receipt of nominations or withdrawal of candidature or the recording or counting of votes at an election; and the expression "official duty" shall, for the purpose of this rule, be construed accordingly, but shall not include duties imposed otherwise than by or under the rules of this Part.

206. 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 polling station, or wilfully aids or abets the doing of any such act, shall, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both. (2) If the Presiding Officer or a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-rule (1) such other may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer: Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency. (3) Any ballot paper found upon the person arrested on search shall be

made over for safe custody to a police officer, by the Presiding Officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.(4)Any offence punishable under sub-rule (1) shall be cognisable.

207. Other offences and penalties therefor.

(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 and list, notice or other documents affixed by or under the authority of a Returning Officer, or(c)fraudulently defaces or fraudulently destroys any ballot paper or any declaration of identity, or(d)without due authority supplies any ballot paper to any person; or(e)fraudulently puts any paper into any ballot box put in, or(f)without the 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 wilfully aids or abets the doing of any such acts.(2)Any person guilty of an electoral offence under this rule shall-(a)if he is a Returning Officer or an Additional Returning Officer or Presiding Officer at a polling station or any other Officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine up to two thousand rupees or with both;(b)if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine up to one thousand rupees or with both.(3)For the purposes of this rule, a person shall not 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 paper and other documents in connection with such election but the expression "official duty" shall not include any duty imposed otherwise than by or under the rules of this Part.(4)An offence punishable under Clause (b) of sub-rule (2) shall be cognisable.

208. Prosecution regarding certain offences.

(1)If the Government have reasons to believe that any offence punishable under Rule 200 or under Rule 205 or under Clause (a) of sub-rule (2) of Rule 207 has been committed in reference to any election within an Autonomous District, the Government shall cause such inquiries to be made and such prosecutions to be instituted as the circumstances of the case may require.(2)No court shall take cognisance of any offence punishable under Rule 200 or under Rule 205 or under Clause (a) of sub-rule 207 unless there is a complaint made by order of or under authority from the Government.

Chapter XI

Disqualifications

Disqualification for membership

209. Offences entailing disqualification.

(1)The offence punishable with imprisonment under Section 171-E or Section 171-F of the Indian Penal Code (Act XLV of 1860) and offences punishable under Rule 206 or Clause (a) of sub-rule (2) of Rule 207 shall entail disqualification for membership of the District Council of an Autonomous District.(2)The period of such disqualification shall be six years from the date of the conviction of the offence.

210. Corrupt and illegal practices entailing disqualification.

(1)The corrupt practices specified in Rule 194 or Rule 195, under illegal practices specified in Rule 196, shall entail disqualification for membership of the District Council of an Autonomous District.(2)The period of such disqualification shall be six years in case of a corrupt practice and four years in case of an illegal practice, counting from the date on which the finding on the Commissioner as to such practice takes effect under Chapter VIII of this Part.Disqualification for voting

211. Disqualification arising out of conviction and corrupt practices.

- If, any person after the commencement of these rules-(a)is convicted of an offence punishable under Section 171-E or Section 171-F of the Indian Penal Code (Act XLV of 1860) or of an offence under Rule 206 or Clause (a) of sub-rule (2) of Rule 207; or(b)is upon the trial of an election petition under Chapter VIII of this Part, found guilty of any corrupt practice;he shall, for a period of six years from the date of the conviction or from the date on which such finding takes effect, be disqualified for voting at any election.

212. Disqualification arising out of illegal practices.

- If in relation to any election any person is upon the trial of an election petition under Chapter VIII Of this Part, found guilty of any illegal practice, he shall be disqualified for voting at any election for a period of four years from the date on which such finding takes effect.

213. Disqualification for failure to lodge return of election expenses.

- If default is made in making the return of the election expenses of any person who has been nominated as a candidate at an election to which the provisions of Chapter VII of this Part apply, or if such a return is found, either upon the trial of an election petition under Chapter VIII of this Part or by any Court in a judicial proceeding to be false in any material particular the candidate and his election agent shall be disqualified for voting at any election for a period of three years from the date by which the return was required to be lodged.Other disqualifications

214. Disqualification for being an election agent.

- Any person who is for the time being disqualified under the foregoing provisions of this Chapter for being a member of the District Council of an Autonomous District or for voting at elections, shall, so long as the disqualification exists, also be disqualified for being an election agent at any election.

215. Removal of disqualification.

- Any disqualification under this Chapter shall be removed by the Government for reasons to be recorded in writing. Miscellaneous

216. Interpretation.

- In this Part, unless the context otherwise requires-(a)"Serial number of an elector in an electoral roll" includes shall particulars regarding the name or description of the electoral area in reference to which the said electoral roll has been prepared as will indemnify the entry relating to such elector in that electoral roll.(b)"Sign" in relation to a person who is unable to write his name means authenticating in the manner prescribed below:A person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other papers if he has placed a mark on such instrument or other papers in the presence of the Returning Officer or the Presiding Officer or such other officer as may be specified in this behalf by the Government and such officer on being satisfied as to his indemnity has attested the mark as being the mark of such person.

217. Requisitioning of premises, vehicles, etc. for election.

- The provisions of Sections 160, 161, 161, 163, 164, 165, 166 and 167 of Representation of the People Act, 1951 (No. XLIII of 1951) and of Rules 142 and 143 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951 shall apply mutatis mutandis in respect of elections of the District Council of an Autonomous District. Note. - The sections of the Representation of the People Act, 1951 (No XLIII of 1951) and the rules of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951 referred to in these rules are reproduce in Appendix X.

218. Jurisdiction of Civil Courts barred.

- No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Returning Officer or by any other person appointed under these rules in connection with an election. Appendix I [Rule 11(3)] Budget Estimate [Showing the probable receipt and expenditure of District Council of.....District for the year 19....]

Head of Receipt	Estimate for the year 19.....	Actual receipt for 9 months for current	Actual receipt for previous year 19....	Sanctioned estimate for current year 19.....
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year19.....

Probable balance at the commencement of the year

I. Land Revenue

Ordinary revenue

Sale proceeds of waste land

Rents etc. of fisheries

Rates and cesses on land

Land registration and mutation fees

Stone quarries

Coal mines

Mineral oil including petroleum oil/revenue

Grazing tax

Poll, capitation, house and hoe taxes

Fees, fines and forfeitures in revenue courts

Fees or tax for use of canal or water course for the purpose of agriculture

II. Stamp

A. Non-judicial sale or other non-judicial stamps

Duty on impressing documents

Fines and penalties

Miscellaneous

Deduct-Refunds

B. Judicial Courts Fees

Court fees realised in stamps

Sale of stamps

Fines and penalties

Miscellaneous

Deduct-Refunds

III. Forest

(a) Royalty, etc. on-Timber firewood, bamboos, elephants

Other forest produce

(b) Miscellaneous-Fees for registering documents

Fees for copies of registered documents

IV. Registration

Fees for registering documents

Fees for copies of registered documents

Deduct-Refunds

V. Administration of justice

Court fees realised in cash

General fees, fines and forfeitures

Miscellaneous fees and fines

- VI. Marriage licence fees
- VII. Taxes on animals, vehicles and boats
- VIII. Taxes on profession, trades, callings and employment
- IX. Taxes On entry of goods into markets for sale therein
- X. Taxes on passengers and goods carried in ferries
- XI. Taxes for the maintenance of schools
- XII. Taxes for the maintenance of dispensaries
- XIII. Taxes for the maintenance of roads
- XIV. Royalties on minerals
- XV. Income from cattle ponds
- XVI. Loans, advances and sanctions from Government of Mizoram
- XVII. Extraordinary receipts
 1. Pay of officers-
 1. Members of Executive Committee
 2. Secretary
 3. Judicial Officers
 2. Pay of establishment-
 1. Primary school teacher
 2. Doctors
 3. Road Overseers
 4. Road Mohorers
 5. Tax Collectors
 6. Clerks
 7. Servants
 3. Allowances and honoraria travelling allowances of officers;travelling allowances of establishment
 4. Contingencies-Pay of contingency menials, purchase ofstationery; revenue collection charges
 5. Grants-in-aid to primary schools
 6. Miscellaneous expenditure in connection with the maintenanceetc. of primary schools, dispensaries, markets, cattle-poundsferries, fisheries, road and water-ways
 7. Other miscellaneous expenditure

Appendix IIList of Returning Officers[Rule 131 (1)]

Constituencies	Returning Officers	Other persons authorised to perform the functionsof Returning Officer
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1. Constituencies in Pawi Autonomous District	Deputy Commissioner Chhimtuipui District	Sub-Divisional Officer, Lawngtlai
2. Constituencies in Lakher Autonomous District	Deputy Commissioner Chhimtuipui District	Election Officer, Saiha
3. Constituencies in Chakma Autonomous District	Deputy Commissioner Chhimtuipui District	Sub-Divisional Officer, Chawngte

Appendix III[Rule 134 (3)]Nomination paperName of the Constituency for which the candidate is nominated.....Name of candidate.....Father's or husband's name.....Age.....Address.....Constituency on the electoral roll of which the name of the candidate is included.....No. of the candidate in the electoral roll of the constituency in which his name is included.....Name of proposer.....No. of the proposer in the electoral roll of the constituency.....Signature of the proposer.....Name of the seconder.....No. of the seconder in the electoral roll of the constituency.....Signature of seconder.....Declaration by CandidateI hereby declare that I agree to this nomination.Date.....Signature of candidateI hereby declare that U have appointed.....to be my election agent.Signature of candidateI hereby declare that I have selected as the symbol for my election (To be filled in by the Returning Officer or other authorised person).Serial No.....Certificate of delivery.....This nomination paper was delivered to me at my office, at (date and hour)Returning OfficerAppendix IVList of Symbols[Rules 134 (6)]

1. Bull

2. Chicken Cage

3. Cock

4. Covered Basket

5. Drum

6. Head of Mythum

7. He-Goat

8. House

9. Lantern

10. Spinning Wheel

11. Tree

12. Umbrella

13. Haldhar with Wheel-Janata Party (Chakra Haldhar)

14. Hand-Indian National Congress (I)

15. Scales-People Conference Party

16. Tiger-Mizo National Front

17. Rising Sun-Mizoram Chakma Jatiya Parishad

18. Bicycle

19. Boat

20. Camel

21. Cart

22. Eagle about to fly

23. Elephant

24. Fish

25. Flaming Torch

26. Horse

27. Ladder

28. Pot

29. Railway Engine

30. Spade

31. Spade and Stroker

32. Sparrow

33. Two Leaves

Appendix V Form of Ballot Paper [See Rule 154]

.....District
 Council Election 19.....(GENL/BYE) Constituency No.....Polling
 Station No.....Ballot Paper.....Electoral Roll
 Part No.....Serial No. of Elector.....

Sl. No.....

Signature/Thumb Impression.....District Council Election
 19.....(GENL/BYE) Constituency No.....Polling
 Station No.....Ballot Paper.....

Sl. No.....

Name of the
 Candidates and Symbol
 Party

Certificate of scrutiny I have scrutinised the eligibility of the candidate, the proposer and seconder and find that they are respectively qualified to stand for election and to propose and to second the nomination. Dated.....Returning Officer. Appendix VI [Rule 155] Tendered Votes List Names and No. of polling station.....

Name of constituency	Name of voter	No. in electoral roll	Signature or thumb impression of voter and address
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Appendix VII [Rule 156] List of Challenged votes

No. of electoral roll	Name	Sign of voter if literate of thumb impression if illiterate and address	Sign and address of identifier, if any	Order of presiding officer in each case	Remarks
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Appendix VIII [Rule 161] Ballot paper account

Ordinary ballot paper Tendered ballot paper

- 1. Number of ballot papers received by the presiding officer**
- 2. Number of unused ballot papers returned**
- 3. Number of spoilt ballot papers.**
- 4. Number of tendered ballot papers used**
- 5. Number of ballot papers dealt with under Rule 158 (2)**
- 6. Number of ballot papers issued**

Appendix IX[Rule 174 (2) and (3)]Form of return of election expenses and of declaration of candidates and his agentFor the.....constituency.

Part I – Receipts-including all monies, security and equivalents of money received from any person (including the candidate himself); club, society, association in respect of any expenses whether paid or remaining unpaid incurred on account of or in connection with or incidental to the election. The name of each such person etc. and the amount received shall be shown separately.

Date of receipt	Name and description of prayer	Amount of value
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Total.....

Part II – Expenses-including all payments made by the candidate or by his election agent or by any person on behalf of or in the interest of the candidate in respect of any expenses incurred on account of or in connection with or incidental to the election and all unpaid claims in respect of any such expenses of which the candidate or his election agent is aware.

N.B. - Vouchers shall be attached to the return for all items of expenditure amounting to Rs. 5 and over unless from the nature of the case, a receipt cannot be obtained; the voucher shall be numbered and arranged in serial order and the number of the vouchers entered in the return against the item of expenditure.

2. Each payment made shall be entered separately except payments on account of postage and telegrams for which lump sum may be shown. The name and description of each person paid and the work done or the nature of the goods supplied shall be shown in respect of each payment.

A - Under head A shall be shown the personal expenditure of the candidate incurred or paid by him or by his election agent on his behalf including all payments for personal services rendered for hotel bill, for travelling expenses and for the purchase of books or election literature.

Name and description of payees	On what account	Date of payment	Voucher No.	Amount paid	Amount unpaid
--------------------------------	-----------------	-----------------	-------------	-------------	---------------

Total.....

B. - Under head B shall be shown expenditure incurred by the candidate of his election agent for the remuneration of agents (including the election agent), clerks or messengers. The name and description of agent, clerk or messenger employed and the rate of remuneration and the amount paid to each shall be shown separately.

Name and description of pay	On what account	Rate of payment	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
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Total.....

C. - Under head C shall be shown expenditure (including travelling expenses and cost of refreshments provided) incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger and the amount paid to each shall be shown.

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
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Total.....

D. - Under head D shall be shown the amounts paid for the hiring or employment of any conveyance for the purpose of taking voters to the poll and travelling expenses of persons (not being agents, clerks or messengers) whether in receipt of salary or not incurred or paid by the candidate, his election agent or the person so travelling.

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
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Total.....

E. - Under head E the cost of printing shall be shown.

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
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Total.....

F. - Under head F the cost of advertising shall be shown.

Name and description of payee	On what account	Rate of payment if any	Voucher No.	Amount paid	Amount remaining unpaid
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Total.....

G. - Under head G the cost of stationery shall be shown.

Name and description of payee	On what account	Date of payment if any	Voucher No.	Amount paid	Amount unpaid
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Total.....

H. - Under head H the cost of postage and telegrams may be shown in lump sums.

Expenditure incurred	Date of payment if separate payments are shown	Amount paid
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Total.....

I. - Under head I the cost of rooms hired for public meetings or as committee rooms or as an office shall be shown.

Name and description of payee	Locality and description of rooms	Date of payment	Voucher No.	Amount paid	Amount unpaid
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Total.....

J. - Under head J shall be included every disputed claim remaining unpaid.

Name and description of claimant	Natural and alleged ground of claim	Amount of claim
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Total.....

K. - Under head K all expenditure incurred and payments made by the candidate or by his election agent or by any person on behalf of or in the interests of the candidate in connection with the election is not included in any of the foregoing Parts shall be shown.

Name and description of payee	On what account	Date of payment if any	Voucher No.	Amount paid	Amount unpaid
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Total.....

L. - Under head L the total expenditure incurred under each of the previous heads shall be shown.

Head	Paid	Unpaid	Total
ABCDEFGHIHetc.			
Total			

Part III – Declaration by candidates and their agents. The form of the declaration shall be as follows:

Form of declaration by election agent I.....being the appointed election agent for.....a candidate for election in the constituency, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief and that, except the expenses herein set forth no expenses of any nature whatsoever have to my knowledge or belief been incurred in or for the purpose of.....candidature. Solemnly affirmed before me. Election Agent Magistrate

Form of declaration by candidate I.....being a candidate for election in the constituency do hereby solemnly affirm that the above return of expenses is true to the best of my knowledge and belief that except the expenses herein set forth no expenses of any nature whatsoever have a knowledge and belief been incurred in or for the purpose of any candidature. Solemnly affirmed before me. Candidate (Magistrate)

Form of declaration by a candidate under Rule 113 (3) I.....being a candidate for election in the.....constituency do hereby solemnly affirm that the return of election expenses signed by my election agent is (with the exceptions noted below) true to the best of my knowledge and belief and that (with the exceptions noted below) no expenses of any nature whatsoever other than the expenses therein set forth have to my knowledge and belief been incurred in or for the purposes of candidature. Particulars of Exception...Solemnly affirmed before me. (Candidate) (Magistrate)

Appendix X [Rule 217] A. Extracts from the Representation of the People Act, 1951 (No. LXIII of 1951)

160. Requisitioning premises, vehicles etc. for election purposes. - (1) If it appears to the State Government that in connection with an election to hold within the State-

(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, vessel or animal 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 performance of any duties in connection with such election, the Government may by order in writing requisition such premises or such vehicle, vessel or animal as the case may be and may make such further order as may appear to it to be necessary or expedient in connection with the requisitioning: Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section 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 Government to be the owner or person in possession of the property and such order shall be served in the prescribed manner on the person to whom it is addressed. (3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purpose mentioned in that sub-section. (4) In this section - (a) "premises" means any land, building, or part of a building and includes a hut and/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.

161. Payment of compensation. - (1) Whenever in pursuance of Section 160 the State Government requisitions any premises there shall be paid to persons interested, compensation the amount of which shall be determined by taking into consideration that following, namely-

(i) the rent payable in respect of the premises or if no rent payable for similar premises in the locality; (ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business the reasonable expenses (if any) incidental to such change: Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Government for referring the matter to an arbitrator the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine: Provided further that where there is any dispute as to the title to receive the compensation or as to the proportion of the amount of compensation it shall be referred by the State Government to an arbitrator appointed in this behalf by that Government for determination and shall be determined in accordance with the decision of such arbitrator. Explanation. - In this sub-section the expression "person interested" means the person who was in actual possession of the premises requisitioned under Section 160 immediately before the requisition or where no person was in such actual possession, the owner of such premises. (2) Whenever in pursuance of Section 160 the State Government requisitions any vehicle, vessel or animal there shall be paid to owner thereof compensation the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal: Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Government for referring the matter to an arbitrator the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine: Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire-purchase agreement in the possession of a person other than owner the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon and in default of agreement in such manner as an arbitrator appointed by the State Government in this behalf may decide.

162. Power to obtain information. - The State Government may with a view to requisitioning any property under Section 60 or determining the compensation payable under Section 161 by order require any person to furnish, to such authority as may be specified in the order, such information as is in his possession relating to such property as may be specified.

163. Power of entry into and inspection of premises etc. - (1) Any person authorised in this behalf by the State Government may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purposes of determining whether and if so in what manner an order under Section 160 should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any orders made under that section.

(2) In this section the expression "premises" and "vehicle" have the same meanings as in Section 160.

164. Eviction from requisitioned premises. - (1) Any person remaining in any requisitioned premises in contravention of any order made under Section 160 may be summarily evicted from the premises by any officer empowered by the State Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

165. Release of premises from requisition. - (1) When any premises requisitioned under Section 160 are to be released from requisition, the possession thereof shall be delivered to the person from whose possession was taken at the time when the premises were requisitioned or, if there were no such person, to the person deemed by the State Government to be the owner of such premises and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery but shall not prejudice any right in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under Section 160 is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the official Gazette. (3) When a notice referred to in sub-section (2) is published in the official Gazette the premises specified in such notice shall cause to be subject to the requisition on and from the date of such publication; shall be deemed to have been delivered to the person entitled to possession thereof; and the said Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

166. Delegation of functions of the State Government with regard to requisitioning. - The Government may by notification in the official Gazette, direct that any powers conferred or any duty imposed on that Government by any of the provisions of Sections 160 to 165 shall under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

167. Penalty for contravention of any order regarding requisitioning. - If any person contravenes any order made under Section 160 or Section 162, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

B - Extracts from the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951
Manner of serving the order of requisition of premises, vehicle. - An order of requisition under Section 60 shall be served-(a)where the person to whom such order is addressed is a corporation or firm, in the manner provided for the service of summons in Rule 2 of Order XXIX or Rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908);(b)where the person to whom order is discharged addressed is an individual-(i)personally by delivering or tendering the order ; or(ii)by registered post; or(iii)where the person cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

123. Time within which an application for reference to arbitration is to be made under Section 161. - The time within which any person interested who is aggrieved by the amount of compensation determined under sub-section (1) of Section 161, or within which the owner of a vehicle, vessel or animal who is aggrieved by the amount of compensation determined under sub-section (2) of that section, may make referring the matter to an arbitrator shall be fourteen days from the date of determination of the amount of each compensation.

Appendix XI
Form of tendered ballot paper[Rule 155]
Polling Station.....Constituency.....Name of voter.....No. of voter on electoral Roll....Name of candidate for whom this is tendered.Date.....Signature of Presiding Officer