

**THE MIZORAM (ELECTION TO VILLAGE COUNCILS)
RULES, 1974 AS AMENDED**

CHAPTER - 1

PRELIMINARY

1. Short title, extent and commencement :

- (1) These Rules may be called the Mizoram (Election to Village Councils) Rules, 1974
- (2) They extended to the whole of the State Mizoram excluding the District Council areas of Pawi-Lakher and Chakma in Chhimtuipui District.
- (3) They shall come into force at once.

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

- As Amended in 2009*
- (a) 'The State Election Commissioner' means The State Election Commissioner appointed by the Governor under Article 243 of the Constitution of India;
 - (b) 'Constituency' means so much of the area as is included within the jurisdiction of a Village Council.
 - (c) 'Court' means the Courts, except the Village Court constituted under the provision of the Lusahi Hills Autonomous District (Administration of Justice) Rules, 1953 as adapted and amended by the North-Eastern Areas (Re-Organisation) (Mizoram) Adaptation of Laws Order, 1972:
- As amended in 2006*
- (d) 'District' means the Aizawl District and Lunglei District, Champhai District, Mamit District, Kolasib District and Serchhip District in Mizoram;
 - (e) 'Election' means an election to fill a seats in the Village Councils;

(f) 'Elector' in relation to a constituency means a person whose name is for the time being entered in the Electoral Roll.

As amended in 1987

(g) 'Electoral Roll' means the electoral roll of a constituency of the V/C of the V/C of Mizoram as modified and amended by the Govt. of Mizoram, which shall include the names of all person who are bonafied residents and entitled to vote in the election to Village Councils;

(h) 'Gazette' means the Mizoram Gazette;

(i) 'Presiding Officer' means the Officer appointed for conducting the Village Council election in a polling station.

As amended in 2009

(j) 'Electoral Registration Officer and District Election Officer' means the electoral registration officer of a constituency and includes an Asst. Electoral Registration Officer and Asst. District Election Officer thereof who may be appointed by The State Election Commissioner;

(k) 'Returning Officer' means any Officer appointed for conducting the Village Council election to a constituency;

(l) 'Village' means a village or villages declared to form a Village Council.

As amended in 2004

(m) 'Voter' means a person whose name is for the time being entered in the electoral roll prepared under sub-rule (4) of Rule 3.

As amended in 2009

(n) 'State Government' means Government of Mizoram.

(o) 'Election Tribunal' means Election Tribunal appointed by the State Government.

CHAPTER - II GENERAL PROVISIONS

3. Holding of General Election :-

- As Amended in 2009*
- (1) Elections to the Village Councils shall be held under the provisions of these rules.
 - (2) The State Election Commissioner shall, by notification in the Official Gazette fix the number of seats for each constituency to form a Village Council as per provision of sub-section (2) of section 3 of the Lushai Hills District (Village Councils) Act, 1953.
 - (3) There shall be an electoral roll for every constituency.
 - (4) Qualification for Voters : (incorporated by the Mizoram) (Election to Village Councils) (Fourth Amendment) Rules, 2005, Notification No.L.A.D./V.C.-86/97(A), dated 18th Nov., 2004.
Every person who is
 - a) a citizen of India, an originally residing in a constituency less than 180 days during the qualifying period;
 - b) not below the age of 18 years on the qualifying date;
 - c) Not of unsound mind does not stand so declared by a competent court, or such other authority as the Government of Mizoram may appoint in this behalf;
 - d) belonging to a scheduled tribe whose affairs are triable by the Village Council Court under Rule 14 of the Lushai Hills Autonomous District (Administration of Justice) Rules, 1953; and
 - e) for the time being not disqualified from voting under the provisions of any law relating to corrupt or illegal practices and other offences in connection with the elections;
- As Amended in 2004*

Shall be entitled to be entered as a voter in the electoral roll

As
Amended
in 2005

f) Provided that permanently resident Gorkhas and their direct decendants, as notified under Govt. of Mizoram Home Department's Notification No. F. 22015/85/94-HM-Vol-II-dated 17th May, 2001, who are otherwise eligible to be voter shall be qualified to be entered as voters in the Electoral Roll;

As
Amended
in 2004

(5) For the purpose of sub-rule (4), the qualifying date and the qualifying period shall be the first day of January of the year in which the electoral roll is prepared, and the year immediately preceding the year respectively.

4. Appointment of Officers :

As
Amended
in 2009

- (1) The Election Commissioner shall appoint an Electoral Registration Officer and District Election Officer for each district for the Village Council elections and may appoint one or more person as Assistant Electoral Registration Officer and Asst. District Election Officer to assist the Electoral Registration Officer and District Election Officer.
- (2) Every Assistant Electoral Registration Officer and Asst. District Election Officer shall, subject to the control of the Electoral Registration Officer and District Election Officer, be competent to perform all or any of the functions of the Electoral Registration Officer and District Election Officer.
- (3) Electoral Registration Officer and District Election Officer may employ such persons as he thinks fit for the preparation of electoral roll for Village Council election.
- (4) Electoral Registration Officer and District Election Officer shall appoint a Returning Officer, who will also function as Presiding Officer, and also Polling Officers, to conduct the election of each Village Council constituency.

As
Amended
in 2009

Provided if a Polling Officer, owing to illness or other unavoidable cause, is unable to perform the functions of the Polling Officer, the Returning Officer may appoint the person who is present at the Polling Station other than person who has been employed by or on behalf of, or have been otherwise working for a candidates in or about the elections to be the Polling Officer, and inform the Electoral Registration Officer and District Election Officer accordingly.

- (5) If the Returning Officer, who is also the Presiding Officer, owing to illness or other unavoidable cause is unable to perform the said functions his functions shall be performed by such Polling Officer as has been previously authorised by the Electoral Registration Officer and District Election Officer to perform such function.

5. Date of Election :

As
Amended
in 2009

The State Election Commissioner shall, by notification in the Gazette, call upon the constituency concerned to elect the number of members to be returned and shall also appoint the date or dates for such election in each constituency simultaneously or consecutively according to convenience.

6. Publication of the names of members Village Council :

The names of members elected and of those nominated for the various Village Councils shall be published in the Gazettes as soon as may be after the election is over.

7. Filling of vacancies :

As
Amended
in 2009

A seat or seats and a casual vacancy or vacancies in the Village Council or Councils in respect of elected seat or seats shall be filled by bye-election.

8. Disqualified members :

The seat of any members found to be disqualified after his election, may be declared vacant by the State Election Commissioner and filled under the provisions of these rules.

9. Duties of Officers :

As Amended in 2009

(a) **Electoral Registration Officer and District Election Officer :** It shall be the general duty of the Electoral Registration Officer and District Election Officer to procure, the electoral rolls and to make necessary amendments, alteration, addition etc. in the rolls and no rolls except those approved by the Electoral Registration Officer and District Election Officer, shall be used in the Village Council elections.

(b) **Returning Officer :** It shall be the general duty of the Returning Officer at any Village Council election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided under these rules and his decision shall be final.

As Amended in 2009

10. Power of the State Election Commissioner :

The State Election Commissioner may prescribe such forms as may be necessary for the conduct of the elections.

CHAPTER - III

11. Qualification of candidates for election and scrutiny of candidature :

As Amended in 1978

Any person whose name is included in the electoral roll of the constituency and who is not otherwise disqualified under section of the Lushai Hills District (Village Council) Acts, 1953 may offer himself as a candidates for election to a Village Council and shall inform the Returning Officer, in writing of his intention to do so by a particular date to be notified in this behalf by the Returning Officers. The scrutiny of candidature shall be taken up by the Returning Officer in the respective constituency on a date and time to be notified by him.

12. Withdrawal of candidature :

The Returning Officer may accept the withdrawal of any candidate before the scrutiny of the candidature takes place and refund the security deposit as here in after provided.

13. Security Deposit refund or forfeiture :

A candidate shall furnish a security deposit of Rs. 25% to the Returning Officer along with his application for candidature which will be refunded in the event of the withdrawal of candidature or at the earliest date after the conclusion of the election.

Provided that the deposit shall be forfeited to the Mizoram State Government if at an election where a poll has been taken to fill one seat the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled by the candidates or in the case of election of more than one member at the election, one-sixth of the total number of valid votes so polled divided by the number of members to be elected.

14. Election Symbol :

Each candidates shall select a symbol out of those prescribed in Appendix 'A' to represent him in the election and the election shall be conducted by symbol system. If more than one candidate selected same symbol, the Returning Officer shall decide by lot to whom of those candidates the symbol will be assigned. The decision of the Returning Officer in assigning any symbol to a candidate under this rule, shall be final.

15. Preparation and publication of the list of valid candidates :

As soon as may be after the scrutiny of the candidature, if the number of candidates exceeds that of the seats to be filled the Returning Officer shall compile a list showing the names of the valid candidates and the symbols assigned to each candidate and publish it in the manner he thinks fit and a poll shall be taking in the manner prescribed in these Rules.

16. (a) When number of valid candidates is equal to number of seats :

If the number of valid candidates in a constituency is equal to the number of elected seats to be filled. The Returning Officer shall forthwith declare all such candidates to be elected to fill those seats in the Village Councils.

(b) When number of valid candidates is less than number of seats :

If the number of valid candidates is less than the number of seats to be filled the Returning Officer shall declared all such candidates to be elected to fill as many of these seats and the State Election Commissioner shall by notification in the Gazette, call upon the constituency to elect a person or person to fill the remaining seat or seats, as the case may be, within such time as may be specified in the notification.

As
Amended
in 2009

CHAPTER - IV

VOTING

17. Arrangement of voting :

One or more Polling Stations shall be set up for the same constituency depending upon the number of voters in the concerned constituency. The Returning Officer or any Officer appointed by him shall make all arrangement for the conduct of election.

18. Election Agent :

One election agent of candidate appointed in writing and submitted to the Returning Officer shall be admissible into the Polling Booth in the case of candidate absenting himself from the Polling Station.

19. No vote by proxy :

Every voter shall record his / her vote at the polling booth by him / herself only and no votes by proxy or otherwise shall be accepted what so ever.

20. Hours of poll :

The Returning Officer shall fix the hours of votes for Polling.

21. Ballot Boxes :

There shall be single Ballot Box for each Village Councils Constituency. Just before Polling is started the empty Ballot Box or Boxes shall be shown to the person present at the polling station. The Ballot box or boxes will then be closed by pasting with an adhesive and wax sealing device.

22. Ballot Paper :

Each voter shall be given one ballot paper containing the name and symbol of all candidates at a polling station.

23. Record of vote :

Each voter shall record his vote or votes by stamping arrow cross mark on particular symbol of candidate or candidates of his choice.

Provided that if for any reasons, a voter does not to use his ballot paper or papers, the voter concerned must return the same which shall be cancelled and mark 'refused' on the counterfoil.

As
Amended
in 2009

24. Helping of Voter :

If owing to blindness or another infirmity an elector is unable to read the symbol on the ballot box or is physically incapable of putting the paper into the ballot box, the Presiding Officer of the Polling Station shall enter the Polling compartment which such an elector, ascertain from the elector the candidate or candidates he desire to vote for and shall put the ballot papers in the ballot box or boxes of such candidate or candidates in accordance with the wishes of such elector. The Presiding Officer shall have this done with as much secrecy as is possible and shall keep a record of such instances.

25. Spoilt Ballot paper :

If the ballot paper happens to be spoilt before it is due to any reason another ballot paper may be obtained surrendering the spoilt ballot paper which shall be cancelled with its counterfoil.

26. Suspension of voting :

If due to any reason beyond control, the polling of Votes has to be stopped resulting in the dispersion of the voters and the candidates and the election Officers within the hours prescribed and before all the voters have polled, the polling shall be suspended and the ballot boxes closed by pasting with an adhesive and wax sealing device till re-opened when polling is continued as decided by the senior most Election Officer present.

27. Closing Ballot Boxes after Poll :

As soon as practicable after the closing of the poll, the Presiding Officer shall, in the presence of the candidates or their agents who may be present, close the ballot boxes and seal them and shall retain the ballot boxes in safe custody until the commencement of the counting of Votes.

CHAPTER - V

COUNTING OF VOTES

28. Counting of votes -

Counting of votes shall be taken up as soon as possible after the close of the poll and the Returning Officer shall inform the date, place and time of counting to the candidates or their election agents. The Returning Officer may appoint any person or persons as may be necessary to assist him in the counting of votes.

29. Authorised persons at the counting of Votes -

No person shall be allowed to be present at the counting of votes except the candidate or his election agent where the candidate is absent and the Returning Officer and such person as the Returning Officer may have appointed to assist him in the counting of votes.

30. Suspension of counting of vote -

If due to any reason beyond control the counting of votes has to be delayed for any period resulting in the disperson of the candidates and the election staff from the booth or the place appointed in its stead, the ballot boxes shall be closed by pasting with an adhesive and wax sealing device. The boxes shall be re-opened at the next counting of votes held.

31. Equality of votes -

In the case of Equality of votes the Returning Officer shall decide membership between those candidates by drawing lots.

32. Publication of Election Result -

The list of candidates elected shall be published in the Gazette.

CHAPTER - VI

ELECTION PETITION

33. Submission of Election Petitions -

As
Amended
in 2009

A petition challenging the validity of any election may be submitted by a candidate and no one else of the Election Tribunal or any Officer appointed by him for the purpose, within 30 days of the declaration of the election result by the Returning Officer of the Constituency concerned attaching to the petition, a treasury challan showing that a deposit of Rs. 35/- as security for the cost of hearing of the petition has been made. Such deposit shall be forfeited to the Election Tribunal in case the petition fails. If however, the petition succeeds the deposit shall be refunded.

34. Withdrawal of Election Petition -

An Election petition may be withdrawal within 14 days from the date of filling with a refund of the security deposit. Withdrawal of election petition after 14 days, but before expiry of 30 days from the date of fillings, will entail forfeiture of the security deposit.

35. Disposal of Election Petition -

As
Amended
in 2009

The State Government shall constitute an Election Tribunal to hear and dispose of all election petition. The Tribunal shall report its finding and decision to the State Election Commissioner, where upon the State Election Commissioner shall notify the decision of the Tribunal.

CHAPTER - VII

CORRUPT PRACTICES

36. Corrupt Practices :

1. The Following shall be deemed to be corrupt practices for the purposes of Election of Village Councils.

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| (1) Bribery | (2) Undue influence |
| (3) Impersonation | (4) Removal of Ballot paper |
| (5) Publication of False statement | |
| (6) Use of or appeal to religious and national symbols as defined in chapter-IX part IV of the Assam Autonomous District (Constitution of District Council) Rules, 1951. | |
| (7) The Corrupt practice enumerated in sub-rule (1) will entail disqualification for a voter or candidate or his agent as the case may be. | |

CHAPTER - VIII

ELECTORAL OFFENCES

37. Public Meeting :

No person shall convene, hold or participate in any public meeting or canvass for self or for any candidate on the date on which poll is taken for election to Village Councils.

38. Maintenance of Secrecy :

Every Officer, clerk or agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain the secrecy of the voting.

39. Prohibition of Interference while polling :

No person shall interfere in any way with the work of the Returning Officer or other Officers employed for the conduct of Elections to Village Councils.

40. Contraventions of any provisions :

Any person who contravenes any of the provision of rules 37-39 shall be punished with fine which may extend to Rs. 50/-

CHAPTER - IX

POWER OF RETURNING OFFICER

- 41.** No Civil Courts shall have jurisdiction to question the legality of any action taken or any decision given by the Returning Officer or by any other person appointed under these Rules in connection with the election.

CHAPTER - X

MISCELLANEOUS PROVISION

42. Power to amend, repeal, etc. :

The State Government may change, alter, amend or repeal any or all of the aforesaid at any time.

- 43.** In any or all matters not specifically provided for in these Rules, the State Government shall have the discretion to take decisions and pass orders in manner considered appropriate by him.

44. Repeal :

The Lushai Hills District (Election to Village Council) Rules, 1954 is hereby repealed.