

**The Sinlung Hills Council Act, 2018**  
**(Act No.6 of 2018)**

(Received the assent of the Governor of Mizoram on 29<sup>th</sup> June, 2018)

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**The Mizoram (Election to Sinlung Hills Council)**  
**Rules, 2019**



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NOTIFICATION

No. H. 12018/246/2018-LJD, the 4th July, 2018. The following Act is hereby published for general information.

The Slnlung Hills Council Act, 2018

(Act No: 6 of 2018)

(Received the assent of the Governor of Mizoram on the 29<sup>th</sup> June, 2018)

Vincent Lalrokima,  
Deputy Secretary to the Govt. of Mizoram.

## The Sinlung Hills Councils Act, 2018

An  
Act

To provide for the establishment of an authority in the name and style of "The Sinlung Hills Council," and for certain matters incidental thereto and connected therewith.

Preamble : Whereas it is expedient to provide for the establishment of the Sinlung Hills Council within the State of Mizoram with autonomy to some extent under the State Government.

Be it enacted by the Mizoram Legislative Assembly in the Sixty Ninth year of the Republic of India as follows :-

CHAPTER-1  
PRELIMINARY

## 1. SHORT TITLE, EXTENT AND COMMENCEMENT.

- (1) This Act may be called Sinlung Hills Council Act, 2018.
- (2) It extend to the area(s) as may be notified by the Government from time to time.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.

## 2. Definition .-

- (1) In this Act, unless the context otherwise requires,-
  - (a) "Bye-law" means the bye-law framed by the General Council.
  - (b) "Commission" means the Mizoram State Election Commission.
  - (c) "Constitution" means the Constitution of India.
  - (d) "Constituency" means the constituency referred to in Section 30 of this Act.
  - (e) "Council Area" means the Sinlung Hills Council Area.
  - (f) "Executive Council" means the Executive body of the General Council of Sinlung Hills Council under sub-section (1) of section 3 and section 23.
  - (g) "Elector" in relation to a constituency means a person whose name is entered in the electoral roll of that constituency.
  - (h) "General Council Fund" means the funds constituted under section 43.
  - (i) "Government" means the State Government of Mizoram.
  - (j) "General Council" means the General Council of the Sinlung Hills Council referred to in section 3 of this Act.
  - (k) "Member" means a member of the General Council or the Executive Council, as the case may be.
  - (l) "Notification" means the notification issued under this Act.
  - (m) "Official Gazette" means the Official Gazette of Mizoram.
  - (n) "Prescribed" means prescribed by rules made under this Act.
  - (o) "Village Council" means the Village Councils as constituted under the Lushai Hills District (Village Councils) Act, 1953 as amended from time to time.

## 3. Sinlung Hills Council .-

- (1) There shall be a Council to be called the Sinlung Hills Council within the State of Mizoram comprising of the areas of the Village Councils as may be notified by the Government, from time to time in the Official Gazette.

- (2) The Council shall be within the framework of the Constitution.
- (3) The Sinalung Hills Council shall have a General Council and an Executive Council as provided hereinafter.

## CHAPTER-II THE GENERAL COUNCIL

4. **Incorporation of the General Council,**  
The General Council shall be a body corporate with the name aforesaid having perpetual succession and a common seal with powers, subject to the provisions of this Act, to acquire, hold and dispose of property, both moveable and immoveable, and to contract with approval of the Government and shall sue or be sued by its corporate name.
5. **Constitution and composition of the General Council, -**
  - (1) The General Council shall consist of 14 (fourteen) members of which 12 (twelve) shall be directly elected and 2 (two) shall be nominated by the Government in consultation with the Council.
  - (2) The Council in its first day of sitting to be convened by an officer authorised by the Government and after taking Oath of Affirmation as specified under section 13 of this Act, shall elect by a secret ballot amongst the 12 (twelve) elected members a pro-tem Chairman who will preside over the proceeding of the Council where in the Chairman and also the Deputy Chairman shall be elected on the same day. In case of tie in the election of Chairman and Deputy Chairman, the Deputy Commissioner who administered the Oath of Affirmation to the Pro-tem Chairman may cast his vote to decide the result of that election. The Members on the same day and under the Chairmanship of the newly elected Chairman shall also elect from amongst themselves 1 (one) Chief Executive Member.
  - (3) The Chief Executive Member will nominate 4 (four) members to be appointed by the Government as Executive Member from amongst the Members.
  - (4) Every Member of the General Council shall be entitled to such allowances as may be fixed by the General Council and approved by the Government.
6. **Term of Office,**
  - (1) The term of office of the General Council shall be five years from the first meeting as appointed by the Government after the election of the members, unless dissolved earlier under section 50 of this Act.
  - (2) Notwithstanding anything contained in sub-section (1) above, the Chief Executive Member of the Executive Council shall cease to hold office as such forthwith if he, for any reason, ceases to be a Member.
  - (3) Notwithstanding anything contained in sub-section (1) above, the Government may, if it is satisfied that circumstances so exist which render the holding of the election, as provided, impracticable, extend the term for a period of 6 (six) months at a time but not exceeding one year.
7. **Resignation of Members of the General Council, -**
  - (1) Any member of the General Council may, at any time, by giving notice in writing addressed to the Chairman, resign his office.  
Provided that in case of the Chairman, the notice shall be addressed to the Deputy Chairman.
  - (2) Such resignation shall take effect from such date as specified in the notice or if no such date is specified, from the date of its receipt by the Chairman or Deputy Chairman, as the case may be;

102

Ex-367/2018

- 4 -

Provided that such resignation shall take effect only upon acceptance of the Chairman or Deputy Chairman, as the case may be.

8. Removal of Members of the General Council, -

- (1) The Chief Executive Member or the Executive Member or any one of them or all of them may be removed from office by a resolution carried by a simple majority of the total number of the elected Members at a special meeting of the General Council called for the purpose upon a requisition made in writing by not less than one third of the members of the General Council.
- (2) The Government, after giving an opportunity to an elected member of the General Council to show cause against the action proposed to be taken against him and after giving a reasonable opportunity of being heard, may by order, remove him from the office, if he-
  - (a) after his election, is convicted by a criminal court of an offence involving moral turpitude punishable with imprisonment for any period exceeding 6 (six) months, or
  - (b) incurs any of the disqualifications mentioned in section 36 of this Act after his election as member of the General Council, or
  - (c) is absent from three consecutive meetings of the General Council without reasonable ground.

9. Salaries, allowances and other emoluments,-

- (1) The Chief Executive Member and Executive Member shall be whole time functionaries and shall be paid out of the General Council Fund such salaries and allowances as may be prescribed.
- (2) The other terms and conditions of service of the Chief Executive Member and the Executive Members shall be such as may be prescribed by rules made hereunder.
- (3) The salary, allowances and conditions of service of the members shall be as may be prescribed by rules made thereunder and shall be paid out of the General Council Fund.

10. Filling up of vacancies,-

- (1) Where the office of any member falls vacant by reason of his death, removal or otherwise, the vacancy shall be filled up by election in accordance with the provisions of this Act and the rules framed there under, as the case may be;  
Provided that any vacancy in the office of the Chief Executive Member or the Executive Member shall be filled up by the General Council by electing a member thereof in the manner prescribed for the election of the Chief Executive Member or the Executive Members as the case may be.
- (2) Any member elected in accordance with the provisions of sub-section (1) above, shall hold such office only for the remainder of the term of the General Council or the period extended under sub-section(3) of Section 6 of this Act.

11. Powers, functions and duties of the Chief Executive Member of the General Council, -  
The Chief Executive Member shall -

- (a) have general responsibility for the financial and executive administration of the General Council.
- (b) exercise Administrative Supervision and control over the officers and employees of the General Council and the officers and employees whose services may be placed at the disposal of the General Council by the Government.
- (c) for transaction of business under this Act or for the purpose of making any order under this Act, exercise such power, perform such functions and discharged such duties as may be exercised, performed or discharge by the General Council under this Act or the Rules made there under;

Provided that the Chief Executive Member shall not exercise such power, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the General Council at a meeting.

(d) exercise such other powers, performed such other duties as the General Council may, by General or Special Resolution, Direct or as the Government may, by Rules made in this behalf, prescribe.

12. Meeting of the General Council,-

- (1) The General Council shall meet at least once in every 4 (four) months for transaction of its business.
- (2) The meeting of the General Council shall be held at the headquarters of the Council at such time as may be notified by the Chairman on the advice of the Chief Executive Member;  
Provided that the first meeting of the General Council after the election shall be held on such date as may be appointed by the Government.
- (3) Every order made or instruction issued or resolution passed by the General Council shall be authenticated by the signature of the Chairman, or in his absence, by the Deputy Chairman.

13. Oath of affirmation by members,-

- (1) Elected member of the General Council shall elect amongst themselves 1(one) member to be pro-tem Chairman, who shall, before taking his seat, make and subscribe an oath of affirmation, in the manner and forms as may be prescribed, before the Deputy Commissioner of the concerned District.
- (2) Every member of the General Council shall, before taking his seat, make and subscribe an oath of affirmation, in the manner and forms as may be prescribed, before the pro-tem Chairman.

14. Quorum,-

The Quorum necessary for transaction of business at a meeting of the General Council shall be two thirds of the members excluding the Chairman.

15. Headquarters of the General Council,-

The Government may, by notification in the official Gazette, declare Sakawrdai or any place within the Council Area to be the Headquarter of the General Council.

16. Secretariat of the Smlung Hills Council,-

- (1) There shall be a Secretariat for the Smlung Hills Council at its Headquarters, headed by a Secretary to be posted by the Government in consultation with the Chief Executive Member.
- (2) The Secretary shall be the Principal Executive Officer of the General Council, who shall be of the rank of Joint Secretary in the Government of Mizoram and all other officers of the General Council shall be subordinate to him.
- (3) The Secretary shall be present and take part in the discussion of all the meetings of the General Council or the Executive Council or any committee of the General Council and may, with the consent of the Chairman or any other person presiding over such meeting for the time being, as the case may be, at any time make a statement or give explanation of the facts and circumstances but shall not be entitled to vote in any such meeting.
- (4) The pay and allowances of the Secretary and the other officers of the Secretariat shall be paid out of the General Council Fund.
- (5) The term of appointment of the Secretary shall be for a period of three years but may be extended by the Government in consultation with the Chief Executive Member.
- (6) The Government may appoint the Secretary for the General Council on such terms and conditions as the Government may, in consultation with the Chief Executive Member, determine by rules made thereunder.

- (7) The Government may, in consultation with the Chief Executive Member, depute such other officers or experts and supporting Staff, as may be required to assist the General Council on such terms and conditions as may be determined by the Government by rules made thereunder.
- (8) All officers and other staff posted in the Council shall be accountable to the Executive Council and shall perform duties under the control and superintendence of the Chief Executive Member.
- (9) Notwithstanding anything contained in sub-section (5) above, the Government may, at any time in consultation with the Chief Executive Member, withdraw the Secretary or any other officer posted or appointed by it in the Secretariat.

### CHAPTER-III POWERS AND FUNCTIONS OF THE GENERAL COUNCIL

17. Powers and Functions of the Sinlung Hills Council (SHC), -  
Notwithstanding anything contained in any other law or rules for the time being in force, the General Council shall have executive powers in relation to the Council area to-
- (1) Formulate plan and schemes for Sinlung Hills Council area, set priorities and determine plan, policies and thrust areas and forward the proposed plan to the State Government for approval.
  - (2) Formulate, execute and implement Sinlung Hills Council area plan, out of the outlay earmarked as discretionary and incentive fund/separately earmarked to meet the local aspirations.
  - (3) Examine all plan proposals under normal State Plan, CSS and other funding agencies within the Council area and forward the same to the State Government.
  - (4) Review and monitor all Sinlung Hills Council area plan and projects under State Plan, CSS and other Central Assistance.
  - (5) Have power and liberty to draw up developmental projects and schemes considered necessary for the Council area for onward submission to the Central Government or any other funding agencies through the State Government and pursue the same.
  - (6) Have the power to prepare its own budget stating the specific head for expenditure which shall be approved by the State Government.
  - (7) Be the Site Allotment Advisory Board within Sinlung Hills Council Area.
  - (8) Have the power to perform such other duties as the Government, may by rules, make in this behalf.
18. Other matter to be under the control of administration of the General Council, -  
Subject to the general policy of the Government; the General Council shall -
- (1) Hold a meeting with Departments of the State Government concerning the developmental affairs of the area to draw up strategic & perspective plan/annual work plan/work schedule under the fund allocated to those Departments from the State's own resources, Central Sponsor Scheme, Additional Central Assistance etc.
  - (2) Summon a meeting of at least once in every three months to monitor progress and implementation of the developmental works executed by Department of the State Government.
19. Powers to impose, levy and collect taxes, -  
Subject to the provisions of any other law for the time being in force, the General Council shall have the powers to collect, within the council area, fees or taxes as are payable under the law for the time being in force in the manner as may be prescribed on any or all the subjects assigned to the Village Council;
- Provided that fees or taxes collected by the Council shall not result in the duplication of levy of the said taxes or fees on the same set of people by the Village Council

Provided further that the tax or taxes as aforesaid shall be collected from such date as may be appointed by the Government by notification in this behalf in the Official Gazette.

20. Power to entrust functions, -  
Notwithstanding anything contained in this Act, the Government may, in consultation with the General Council, entrust either conditionally or without any condition, to the General Council or their officers any function in relation to any matter not enumerated in Section 18 of this Act to which the executive power of the Government extends.
21. Power to acquire, hold and dispose of property, -  
Notwithstanding anything contained in section 4 of this Act, the General Council, subject to the previous approval of the Government and subject to such terms and conditions as may be imposed by the Government, shall have the power to acquire, hold or dispose of any immovable or movable property the value of which exceeds rupees one lakh and to enter into any contract or agreement with any party or authority.
22. Power to make Bye-laws,-  
(1) The General Council may, subject to the provisions of this Act, make Rules of Procedure & Conduct of Business of the General Council.  
(2) The General Council may, subject to the provisions of this Act and the rules made there under and subject to the approval of the Government, make bye-laws to be applicable within the Council area with respect to all or any of the matters enumerated in sections 18 and 19 of this Act for the regulation, control and administration thereof.  
(3) All rules and bye-laws made under sub-section (1)&(2) above, shall have effect upon their publication in the Official Gazette.

#### CHAPTER-IV THE EXECUTIVE COUNCIL

23. The Executive Council, -  
(1) The Executive Council shall consist of Chief Executive Member elected and Executive Members nominated in accordance with the provisions of sub-section (2) & (3) of section 5 of this Act.  
(2) The Chief Executive Member shall be the Chairman of the Executive Council and shall preside over the meetings thereof.  
(3) Any casual vacancy among the members of the Executive Council occurring by reasons of death, resignation, removal or otherwise shall be filled through election by the members of the General Council in the same manner as provided in sub section (3) of section 5 of this Act.  
Provided that no act or proceeding of the Executive Council shall be called in question or shall become invalid merely by reason of any vacancy among its members.  
(4) The manner of transaction of business of the Executive Council shall be such as may be determined by the General Council by bye-laws made by it with the approval of the Government.  
(5) The Executive Council shall be collectively responsible to the General Council.
24. Term of office of the Executive Council,-  
A member of the Executive Council shall hold office until he -  
(a) Ceases to be a member of the General Council, or  
(b) Resigns his office in writing under his hand addressed to the Chief Executive Member in which case the resignation shall take effect from the date of acceptance thereof;  
Provided that in case of the Chief Executive Member, the resignation shall be addressed to Deputy Commissioner concerned.

## 25. Powers &amp; Functions of the Executive Council,-

- (1) The executive powers of the General Council shall vest in the Executive Council.
- (2) All orders or instructions made or executed by the Executive Council shall be deemed to have been made or executed by or under the authority of the General Council.
- (3) Every order made or instruction issued or resolution passed by the Executive Council shall be authenticated by the signature of the Secretary of the Council or other Officers specially authorized by the General Council.

## ✓ 26. General Powers of the Chief Executive Member of the Executive Council,-

- (1) The Chief Executive Member shall be the Chief of the Sinlung Hills Council and shall exercise such powers and discharge such functions as are conferred on him by or under this Act or the rules made there under.
- (2) The Chief Executive Member shall, for the smooth and convenient transaction of business of the Executive Council, allocate among the Executive Members such business in such manner as he may deem fit.

## 27. Special Power of the Chief Executive Member,-

- (1) The Executive Council may, in cases where the Chief Executive Member is required to take in accordance with the provisions of this Act or Rules made there under, or any other law for the time being in force, any action subject to the approval of the Executive Council by a general or special resolution, authorise the Chief Executive Member to take such action subject to such condition, if any, as may be specified therein; in anticipation of such approval.
- (2) Whenever the Chief Executive Member takes any action under sub-section (1) above, he shall inform the Executive Council forthwith and shall obtain the approval thereof.

## 28. Meeting of the Executive Council,-

- (1) The Executive Council shall meet at least once in every three months for transaction of its business at such place and time as the Chief Executive Member may direct.
- (2) The meeting shall be convened by the Chief Executive Member by giving seven clear days notice in writing to each member of the Executive Council.

## 29. Quorum,-

The quorum for transaction of business at a meeting of the Executive Council shall be two third of the total strength of the Executive Members. The meeting shall be conducted by the Chief Executive Member.

#### CHAPTER-V ELECTION

## 30. Delimitation,-

- (1) There shall be 12 (twelve) constituencies in the Council Area for electing Members to the General Council. Each constituency shall be a single Member Constituency.
- (2) The Government shall, by order published in the Official Gazette, determine the territorial limits of the constituencies into which the Council area shall be delimited for the purpose of election of members to the General Council.

## 31. Power to amend or alter delimitation,-

Notwithstanding anything contained in section 30 above, the Government may, by notification published in the Official Gazette, alter or amend the order made under section 30;

Provided that no such order shall be made after the commencement of the election process.

32. Electoral Rolls,-

- (1) Subject to the provisions of this Act and the rules made there under, the electoral rolls of the Village Council as are relatable to a constituency of the General Council, as defined in clause (d) of section 2 of this Act, shall be the electoral roll for the constituency of the General Council.
- (2) Persons whose names are included in the electoral roll as aforesaid in sub-section (1) above, shall be the electorate for the election of members of the General Council.
- (3) The Commission shall, at the time and in the manner prescribed, publish the electoral roll in respect of a constituency.

33. Right to Vote,-

- (1) Save as otherwise provided in this Act every person whose name is entered in the electoral roll for the time being in force, of any constituency shall be entitled to vote in that constituency.
- (2) No person shall vote at an election in any constituency, if he is subject to any of the disqualification referred to in section 10 of the Representation of Peoples Act, 1951 (Central Act 43 of 1951)
- (3) No person shall vote in more than one constituency.
- (4) No person shall vote in the same constituency more than once.
- (5) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or otherwise or in the lawful custody of police;  
~ Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

34. Election of Members,-

Election of Members for the purpose of constituting the General Council shall be held on such date or dates as may be notified by the Commission in consultation with the Government.

35. Qualification for membership of General Council,-

A person shall be qualified to be elected to the General Council if he is an elector as defined in clause (g) of section 2 of this Act.

36. Disqualification for membership of General Council,-

- (1) A person shall not be qualified for being elected to the General Council, if he/she:-
  - (a) is not a citizen of India.
  - (b) is less than 18 years of age on such date as may be fixed by the Government; or
  - (c) is not registered as a voter in the electoral roll of the Village Council within the State; or
  - (d) has been elected to Member of Parliament or Member of Legislative Assembly within the State of Mizoram; or
  - (e) is in service of the Central or State Government, or if he holds any office of profit under the Central or State Government, other than an office declared either by Parliament or the State Legislature by law not to disqualify its holder; or
  - (f) has either directly or indirectly by himself, or by the person or employer or employee, any share or interest in any contract with, by or on behalf of the General Council within the Council Area; or
  - (g) has been dismissed from the services of the Central or State Government or a local authority or a Co-operative Society or a Government company as defined the Companies Act, 2013 (No 18 of 2013) or a Corporation owned or controlled by the Central or the State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal; or

- (h) has been adjudged by a competent court to be of unsound mind; or
  - (i) is undischarged insolvent; or
  - (j) has been convicted by a court of an offence involving moral turpitude punishable with imprisonment for a period of more than six months or an offence under Chapter-IX A of the Indian Penal Code or Chapter - III, Part III or Part VII of the Representation of Peoples Act, 1951 and five years have not elapsed from the date of expiration of the sentence;
- Provided that a person shall not be disqualified under this section, by reason only of his being a member of Village Council or, Chief Executive Member or Executive Member of the General Council.

2) The Government of Mizoram shall make rules with regard to disqualification of Members of the Council on the ground of defection.

37. Filling up of vacancies, -  
Where the office of any member becomes vacant by reason of his death, resignation, removal or otherwise, the vacancy shall be filled by election in accordance with the provisions of this act and the rules made there under.
38. Validation, -  
Where the members elected at an election are restrained from functioning on account of the election as a whole being set aside by order of a court, anything done or any action taken by such members before they are so restrained or before the election is so set aside, as the case may be, shall be deemed to have been validly done or taken.
39. Publication of results of elections,-  
The names of all persons elected to the General Council shall be published by the State Election Commission in the Official Gazette and upon such publication, the General Council shall be deemed to have been duly constituted.
40. Vacation of post,-  
If an elected member is chosen to be a Member of Parliament or the State Legislature, then at the expiration of fourteen days from the date of publication in the Gazette of India or the official Gazette, as the case may be, of the declaration that he has been so elected, the seat of such member in the General Council shall become vacant unless he has previously resigned his seat in the Parliament or the State Legislature, as the case may be.
41. Disputes regarding elections,-
- (1) No election shall be called in question except by an election petition presented in such manner as may be prescribed and before such authority as may be appointed by the Government, from time to time by notification in the official Gazette;  
Provided that no person below the rank of District & Session Judge, within the meaning of article 236 of the Constitution, shall be appointed for the purpose.
  - (2) No election shall be called into question except on any one or more of the following grounds; namely:
    - a) that on the date of his election the returned candidate was not qualified or disqualified, to be elected to fill the seat in the General Council.
    - b) that corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of the returned candidate or his election agent. Corrupt practice shall mean any of the corrupt practices specified in section 123 of the Representation of Peoples Act, 1951 (Central Act 43 of 1951).

- c) that any nomination has been improperly rejected.
- d) that the result of the election in so far as it concerns the returned candidate has been materially affected-
  - i) by the improper acceptance of any nomination, or
  - ii) by any corrupt practice committed in the interest of the returned candidate by an agent other than his election agent, or
  - iii) by improper reception, refusal or rejection of any vote, or
  - iv) by reception of any vote which is void, or
  - v) by any non-compliance with the provisions of this act, or of any rules or order made there under.
- (3) At the conclusion of trial of any election petition, the authority appointed under sub-section (1) shall make an order:-
  - a) dismissing the election petition, or
  - b) declaring the election of all or any of the returned candidates to be void, or
  - c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.
- (4) If a petitioner, in addition to calling in question the election of a returned candidate, make a declaration that he himself or any other candidate has been duly elected and the authority under sub-section (1) is of the opinion that—
  - a) In fact the petitioner or such other candidate has received the majority votes, or
  - b) But for the votes obtained by the returned candidate by corrupt practice, the petitioner or such other candidate would have obtained the majority of the valid votes, the authority as aforesaid shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

42. Powers to make rules regulating the election of the members,-

The Government may, by notification in the Official Gazette make rules to regulate all or any of the following matters for the purpose of holding election to the General Council under this Act.

- (a) the designation of the officer or authority to whom the power to determine the territorial limits for the constituencies under sub-section (2) of section 30 of this Act may be delegated, and the manner in which the electoral roll shall be maintained by the Commission.
- (b) the appointment of returning officers, presiding officers and polling officers for election.
- (c) the drawing up of programme for election.
- (d) the nomination of candidates and scrutiny of nominations,
- (e) the deposits to be made by the candidates and the time and manner of making such deposits,
- (f) Withdrawal of candidature.
- (g) Appointment of agents of candidates.
- (h) The filling up of casual vacancies.
- (i) The general procedure at the election including the time, place and hours of poll and the methods by which votes shall be cast.
- (j) The fee to be paid on election petition.
- (k) Any other matter relating to election or election disputes in respect of which the Government deems it necessary to make rules under this section.

CHAPTER-VI  
FUNDS, AUDIT AND BUDGET

## 43. General Council Fund,-

- (1) There shall be a funds to be called the General Council Fund, meant for the General Council.
- (2) Each fund as aforesaid shall be under separate sub-heads within the council budget to be held for the purpose of this Act and all money realised or realisable under this Act and all moneys otherwise received by the General Council shall be credited to this fund.
- (3) The Government shall provide funds to the General Council Fund in accordance with the appropriate formulas to be worked out keeping in mind the resources of the Government, priorities or development works in other areas along with other relevant deciding factors.
- (4) The following shall be deposited to the General Council Fund.
  - a) Contributions and grants received from the Government.
  - b) All receipts on account of donation, rates, fees, taxes etc.
  - c) All other sums received by or on behalf of the General Council.
- (5) The allocation made under these sub-heads shall be in keeping with the guidelines laid down by the Government of India from time to time in the spirit of the Constitution of India.
- (6) The Government shall not divert the fund allocated under these sub-heads except in exigencies, when there is unavoidable budget deficit.
- (7) All funds, as may be allocated by the Central Government or the State Government for the General Council shall be assigned to it and shall be credited to the General Council Fund.
- (8) The General Council, subject to the provisions of any law relating to raising of loans by the local authorities, raise loans with the approval of the Government for the purposes of this Act and create a sinking fund for the repayment of such loan.
- (9) The money credited to the General Council Fund shall be applied for the payment of all sums, charges and costs necessary for carrying out the purposes of this Act.
- (10) No payment shall be made out of the General Council fund unless such expenditure is covered by a current budget grant.
- (11) The General Council shall make rules for the management of the General Council Fund for the procedure to be followed in respect of payment of money into the said funds, withdrawal of moneys therefore, the custody of the moneys therein and any other matter incidental thereto or connected therewith.
- (12) Surplus money standing at the credit of the General Council at the end of the financial year shall be invested in accordance with such bye-laws as may be made by the General Council in this behalf;  
Provided that no funds standing at the credit of the General Council shall be lapsed but shall be carried over to the budget of the next financial year.
- (13) The accounts of the General Council shall be kept in such form and manner as may be prescribed in consultation with the Accountant General, Mizoram.

## 44. Audit,-

Subject to the provisions of the Comptroller and Auditor General's (Duties, Power and Conditions of Service) Act, 1971 (Act 56 Of 1971) and the rules and the orders made there under, the audit of the accounts of the General Council shall be entrusted by the Government to the Comptroller and Auditor General of India who may submit to the Government such report therein as it may deem fit. The Government shall transmit the report to the General Council for discussion and consideration. The General Council shall return the report to the Government with comments, if any. The Government shall lay such report along with the comments of the General Council before the State Legislature.

45. Budget,-

- (1) The General Council shall at such time and in such manner as may be prescribed prepare in each financial year a budget of its estimated receipts and disbursements for the following financial year and submit it to the Government by 1st November of the current financial year.
- (2) The Government may within such time as may be prescribed, either approve the budget or return it to General Council for reconsideration on the observations of the Government, if any. The General Council shall there-upon resubmit the budget along with its comments on the observation and if the approval of the Government upon such submission or resubmission as the case may be, is not received by the General Council, the budget shall be deemed to have been approved by the Government.
- (3) No expenditure shall be incurred unless the budget of the General Council is either approved or deemed to have been approved by the Government.
- (4) The General Council may prepare in each financial year a Supplementary estimate providing for any modification of its budget for the year and may submit to the Government for approval.

CHAPTER-VII  
MISCELLANEOUS

46. Effect of Byelaw etc., -

All the bye-laws, regulations made, orders passed and notification issued under this Act by the General Council or the Executive Council as the case may be shall be subject to maintenance of security and safety of the State of Mizoram and Government shall have the powers to take such steps as may be deemed necessary for the purpose.

47. Power to Issue Instructions, -

The Government shall have the general power to issue instructions from time to time for the purpose of achieving the object of this Act.

48. Protection of the right of the non-tribal and other ethnic groups,-

All rights and interest of the non-tribal citizens and other ethnic groups other than the Hmar community within the council area as exist at the commencement of this act, in matters pertaining to their language, literature, culture, religion, customs and traditions, trade and commerce, industry, land etc. shall be protected.

49. Properties situated in the Council area,-

- (1) Subject to such restriction as the Government may impose all properties specified below and situated in the council area shall vest in and belong to General Council namely:-
  - a) all public buildings constructed or maintained out of the General Council Fund.
  - b) all public roads which have been constructed and maintained out of the General Council Fund and stones and other materials thereof and also trees, erections, materials implements and things provided for such roads.
  - c) all land and other properties movables or immovable transferred to the General Council by the Government.
  - d) such properties owned and controlled by the Village Council as may be assigned to the General Council by the Government.
- (2) Notwithstanding anything contained in sub-section (1) above all the properties specified in sub-section (1) and construction and maintenance of which has been done by Village Council shall vest in and belong to the Village Council within the area in which the property is situated.

- 112
- (3) The properties vested under sub-section (1) or (2) above and all other properties, which may become vested in the General Council or Village Council, as the case may be, shall be under the management, direction and control of the General Council or the Village Council concerned as the case may be.
50. Dissolution of the General Council and Executive Council, -
- (1) The Government may, if it is satisfied, on receipt of a report or otherwise and in consultation with the Home Department and Law and Judicial Department of the Government that a situation has arisen in which the administration of the Council Area cannot be carried out in accordance with the provisions of the law for the time being in force or the general or the special instructions issued by the Government from time to time, by notification in the Official Gazette, dissolve the General Council and the Executive Council before the expiry of the term and assume to itself all or any of the powers and functions of the General Council and the Executive Council and declare that such powers and functions shall be exercised by such persons or authority as the Government may specify in this behalf for a period not exceeding six months at a time.
- (2) Every order made under sub-section (1) above shall be laid before the State Legislature for approval and unless approved by the State Legislature shall cease to operate on the expiry of thirty days from the date on which the Mizoram Legislative Assembly first sits after the issue of the orders.
51. Effect of dissolution, -
- When an order of dissolution is made under section 50 of this Act, with effect from the date of the orders:-
- (a) All the members of the General Council and the Executive Council shall vacate their offices, and
- (b) All powers, duties, functions of the General Council and the Executive Council shall be exercised, discharged and performed by such authorities or as may be appointed by the Government in this behalf.
52. Special provision for Council areas, -
- The Government shall consult and give due regard to the views of the General Council before any law is made and implemented in the Council Area on the following subjects, namely —
- i) The religious and social practice of the Hmar Community.
- ii) The customary laws and procedures of the Hmar Community.
53. Members, Officers and employees to be public servants, -
- The Chief Executive Member, the Executive Members and Officers and employees, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.
54. Validation, -
- No act or proceedings of the General Council or the Executive Council as the case may be, shall be deemed to be invalid merely by reason of existence of any vacancy therein or any defect or irregularity in the constitution thereof.
55. Indemnity, -
- No suit or other legal proceedings shall lie against the General Council or the Executive Council or any member, or officer or employee thereof for anything done in good faith or intended to be done in pursuance of this Act or any rules or bye-law made there under.

56. Interpretation, -  
If any question arises as to the interpretation of this Act and the Rules made there under, the same shall be referred to the Government whose decision therein shall be final.
57. Power to remove difficulties, -  
(1) If any difficulty arises in giving effect to any provision of this Act, the Government may, by order, do anything not inconsistent with the provisions of this Act as may appear necessary or expedient for the purpose of removing the difficulty;  
Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.  
(2) Every order made under sub-section (1) shall be laid before the State Legislature.
58. Application of Acts of the Legislature of the State, -  
If any provision of the bye-law made by the General Council is repugnant to any provision of the law made by the Legislature of the State of Mizoram, with respect to that matter then the bye-law so made, whether before or after the laws made by the Legislature of the state of Mizoram shall to the extent of repugnancy be void and the law made by the Legislature shall prevail.
59. Power to make rules, -  
(1) The Government may, by notification, make rules for carrying out the provisions of this Act.  
(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislative Assembly.
60. Transitional provision, -  
The Government shall, as soon as possible, take steps for the constitution of an Interim Executive Council by nomination until the General Council is constituted under this Act.
61. Saving, -  
Nothing in this Act shall affect the application of any law, whether made before or after this Act, to the Council area unless such law specifically provides for exclusion of the Council area of such application.

No.H.11022/2/2019-GAD(SHC)  
GOVERNMENT OF MIZORAM  
GENERAL ADMINISTRATION DEPARTMENT

\*\*\*\*\*

**NOTIFICATION**

Dated Aizawl, the 25<sup>th</sup> June, 2019

In exercise of the powers conferred by sub section (1) of Section 59 of the Sinlung Hills Council Act, 2018, the Governor of Mizoram is pleased to make the following rules, namely "The Mizoram (Election to Sinlung Hills Council) Rules, 2019". The Rules will come into force from the date of publication in the Official Gazette.

Sd/- BIAKTLUANGA  
Commissioner & Secretary to the Govt. of Mizoram  
General Administration Department

Memo No. H.11022/2/2019-GAD(SHC)

Dated Aizawl, the 25<sup>th</sup> June, 2019

Copy to:-

1. Secretary to Governor, Mizoram.
2. P.S. to Chief Minister, Mizoram.
3. P.S. to Speaker/Deputy Speaker/Ministers/Dy. Govt. Chief Whip/  
Vice Chairman, State Planning Board.
4. Sr. P.P.S. to Chief Secretary, Government of Mizoram.
5. All Administrative Department.
6. All Heads of Departments.
7. The Chief Controller of Accounts, Accounts & Treasuries, Mizoram.
8. Controller, Printing & Stationery Department with 6(six) spare copies for  
publication in the Mizoram Gazette.
9. The Secretary, Sinlung Hills Council.
10. Guard File.

  
(LALMUANSANGA RALTE)

Under Secretary to the Govt. of Mizoram  
General Administration Department



# The Mizoram Gazette

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Biaktluanga,  
Commissioner & Secretary to the Govt. of Mizoram,  
General Administration Department.

#### The Mizoram (Election to Sinlung Hills Council) Rules, 2019

#### CHAPTER - I PRELIMINARY

In exercise of the powers conferred by sub-section (1) of Section 59 of the Sinlung Hills Council Act, 2018, the Government of Mizoram is pleased to make the following rules, namely:-

1. Short title, extent and commencement.-
  - (1) These rules may be called The Mizoram (Election to Sinlung Hills Council) Rules, 2019.
  - (2) They shall come into force from the date of their publication in the Official Gazette.
2. Definitions.-
  - (1) In these rules, except where it is expressly provided otherwise or the context otherwise requires-
    - a) "Act" means The Sinlung Hills Council Act, 2018;
    - b) "ballot box" means any box, bag or other receptacle used for the insertion of ballot papers for the purpose of casting votes by voters including EVMs;
    - c) "constituency" means a Sinlung Hills Council constituency;
    - d) "contesting candidate" means a candidate whose nomination has been duly accepted under sub-rule 4 of rule 42 and who has not withdrawn his candidature under rule 43;

- e) "*corrupt practices*" means the corrupt practice as defined in section 123 of the Representation of the People Act, 1951 (43 of 1951) in so far as they are relevant to the process of Sinlung Hills Council election under these rules;
- f) "*District Election Officer*" means the District Election Officer appointed or designated under rule 5;
- g) "*District*" means an administrative district;
- h) "*Member of Hills Council (MHC)*" means Members of the Sinlung Hills Council;
- i) "*election*" means an election to fill vacancy or vacancies in a Sinlung Hills Council;
- j) "*elector*" means a person whose name is entered in the electoral roll of the constituency.
- k) "*Electoral Registration Officer*" means the Officer appointed or designated as such under rule 6 in connection with preparation and revision of electoral rolls;
- l) "*electoral roll*" means a list of persons whose names are registered and who are entitled to vote in an election under these rules;
- m) "*Form*" means a form or forms appended to these rules;
- n) "*Governor*" means the Governor of Mizoram appointed by the President of India under article 155 of the Constitution;
- o) "*Polling Officer*" means an officer appointed to assist the Presiding Officer to conduct election in a polling station;
- p) "*Presiding Officer*" means an Officer appointed under rule 11 to conduct election in a polling station under these rules;
- q) "*qualifying date*" means the first day of January of the year in which the Electoral Roll is prepared;
- r) "*qualifying period*" means the year which immediately precedes the year in which the Electoral Roll is prepared;
- s) "*Returning Officer*" means an Officer appointed or designated as such under rule 8 who shall be responsible for the proper conduct of election in one or more constituencies and he may be assisted by Assistant Returning Officer;
- t) "*roll*" means Electoral Roll of Sinlung Hills Council;
- u) "*rules*" means The Mizoram (Election to Sinlung Hills Council) Rules, 2019 as amended from time to time;
- v) "*State Election Commission*" means the State Election Commission, Mizoram constituted by the State Government of Mizoram;
- w) "*State Government*" means the Government of Mizoram.

## CHAPTER - II

### STATE ELECTION COMMISSION AND APPOINTMENT OF OFFICERS

#### 3. State Election Commission.-

- (1) The State Election Commission duly constituted by the State Government of Mizoram, consisting of a State Election Commissioner appointed by the Governor under article 243K of the Constitution of India read with sub-section (1) of section 345 of the Mizoram Municipalities Act, 2007 shall be vested with the superintendence, direction and control of the preparation of the electoral rolls for and the conduct of all elections to the Sinlung Hills Council under these rules.
- (2) The State Election Commission shall co-ordinate and supervise the works of all District Election Officers in the State in the discharge of their functions and duties under these rules.

4. Observers.-

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

5. District Election Officer.-

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

6. Electoral Registration Officer.-

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

7. One Officer may be appointed or designated as both District Election Officer and Electoral Registration Officer.- Nothing in these rules shall prevent the State Election Commission from appointing or designating one and same Officer to be both the District Election Officer and the Electoral Registration Officer for the same district.

8. Returning Officer and Assistant Returning Officer.-

- (1) For every election to fill a seat or seats of a Sinlung Hills Council in any constituency, the State Election Commission shall appoint Sub- Divisional Officer (C), Sakawrdai or an officer subordinate to the concerned Deputy Commissioner to be the Returning Officer to conduct the election in the constituency.
- (2) The State Election Commission shall appoint any officer of the State Government to be Assistant Returning Officer to assist the Returning Officer in the conduct of election in that constituency.
- (3) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer.

9. **Returning Officer to include Assistant Returning Officers performing the functions of the Returning Officer.**-All references in these rules to the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer performing any function which he is authorized to perform under Rule 8.
10. **General duty of the Returning Officer.**-It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by these rules or orders made thereunder.
11. **Presiding Officer and Polling Officers for Polling Station.**-
  - (1) The District Election Officer shall, in consultation with the State Election Commission, appoint a Presiding Officer for each Polling Station and such Polling Officers as may be required from amongst the employees of the State Government to conduct the election in the manner provided by these rules or orders made there under.
  - (2) If the Presiding Officer, owing to illness or other unavoidable cause, is unable to perform his functions, the Polling Officer whose name stands at serial number one of the list of Polling Officers, shall perform the functions of the Presiding Officer, and the third Polling Officer shall be appointed by the Presiding Officer in-charge, from amongst any reliable Government servant.
  - (3) References in these rules to the Presiding Officer shall, be deemed to include the Polling Officer, who performs the functions of the Presiding Officer under sub-rule (2) of these rules.
12. **Duties of Presiding Officer.**- The Presiding Officer shall -
  - (1) maintain order at the Polling Station;
  - (2) ensure that the poll is taken fairly and strictly in accordance with the provisions of these rules;
  - (3) regulate the number of voters to be admitted at any one time inside the Polling Station and exclude there from all other persons except-
    - (a) the Polling Officers and other staff engaged on polling duty;
    - (b) the Candidates, Election Agents and the Polling Agents;
    - (c) Public Servants including Police personnel on duty;
    - (d) a child-in-arm accompanying a voter;
    - (e) a companion of illiterate or blind or infirm elector;
    - (f) observers appointed by the State Election Commission;
    - (g) persons authorized by the State Election Commission such as media persons.
13. **Duties of Polling Officers and other Staff.**-
  - (1) It shall be the duty of the Polling Officers at a Polling Station to issue Ballot Papers to electors according to the provisions of rule 57 and to mark on the left forefinger of the electors to whom ballot papers are issued, and to assist the Presiding Officer as may be required by him.
  - (2) For the purpose of sub-rule (1), the Polling Officers shall be provided with-
    - (a) a sufficient number of Ballot Papers;
    - (b) the Electoral Roll of the constituency;
    - (c) a stamp pad as may be required for taking thumb impression of illiterate elector under sub-rule (2) of rule 57 and;
    - (d) other articles or forms which may be required.
  - (3) The other staff appointed, if any, in a Polling Station shall perform such functions and duties as may be assigned to them by the Presiding Officer.

14. **Functions of the Returning Officer and the Presiding Officer.-**
- (1) The Returning Officer shall function under the control and supervision of the District Election Officer and shall perform such functions and duties as may be directed by the State Election Commission or the District Election Officer.
  - (2) The Presiding Officer shall function under the control and supervision of the Returning Officer and shall perform such functions and duties as may be directed by the District Election Officer or the Returning Officer, as the case may be.
15. **Observer, District Election Officer, Electoral Registration Officer, Returning Officer etc. deemed to be on deputation to the State Election Commission.-** The Observer, District Election Officer, Electoral Registration Officer, Returning Officer etc. referred to in Chapter - II, and any other officers or staff employed in connection with the preparation, revision and correction of electoral rolls for, and the conduct of, all elections shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.

### CHAPTER - III ELECTORAL ROLL

16. **Electoral Roll for every Constituency and adoption of electoral roll of the Assembly Constituency.-**
- (1) For every Sinlung Hills Council Constituency, an electoral roll shall be prepared on the basis of electoral roll of the Village Councils where only bonafide Scheduled Tribe voters will be entered in the list.
  - (2) Notwithstanding anything contained in these rules, the State Election Commission may at the time and in the manner prescribed prepare and publish the electoral rolls of Sinlung Hills Council on the basis of the electoral rolls of the village councils, prepared under the provisions of the Mizoram (Election to Village Council) Rules, 2014 as amended from time to time, as are relatable to constituency of the general council.
  - (3) The electoral roll of the Village Council as are relatable to the constituency of the Member of Hills Council (MHC) as adopted under sub-rule (2) shall be divided into separate parts for each Sinlung Hills Council Constituency and all electors included in the electoral roll of the Village councils as are relatable to the constituency of the General Council shall be the electorate for the election of Member of the Hills Council.
17. **Preparation and Revision of Electoral Roll.-**
- (1) Notwithstanding anything contained in rule 16, the roll shall be revised either intensively or summarily or partly intensively and partly summarily as the State Election Commission may direct.
  - (2) The Electoral Roll for every constituency shall be prepared with reference to the qualifying date before each general election or mid-term or by-election to the Sinlung Hills Council. The Electoral Roll so prepared and published in accordance with the provisions of these rules may be referred to as the mother roll of the constituency.
  - (3) The Electoral Rolls under these rules need not be revised annually or summarily as a matter of course. However, if in the opinion of the State Election Commission there is sufficient reason to do so, it may, by a notification, order that the Electoral Roll or rolls of particular constituency or constituencies be revised summarily at any time of the year other than the year before or during which the Election to Sinlung Hills Council was conducted.

- (4) For the purpose of sub-rule (3), re-election of a dissolved Sinlung Hills Council to restore the Sinlung Hills Council for remaining period of the general term, or by-election to fill casual vacancy in a Sinlung Hills Council at any time, shall not normally be counted as a sufficient reason for ordering summary revision.
- (5) Summary revision under sub-rule (3) shall be done in such a way that the Electoral Registration Officer shall, by reference to the mother roll, invite claims and objections and dispose them of in the manners as provided under these rules, and shall publish a list of amendments containing additions or deletions or both showing the year of such revision, and shall append the lists to the mother roll. The mother roll together with such lists of additions or deletions or both appended to it, shall become the Electoral Roll of the constituency.

18. **Disqualifications for registration as voter in an Electoral Roll.-**

A person shall be disqualified for registration in an Electoral Roll if he

- (a) is not a Citizen of India; or
- (b) is not a member of a Scheduled Tribe
- (c) is less than 18 years of age on such date as may be fixed by the Government or
- (d) is not an ordinary resident of the area falling under the Village Council within the Sinlung Hills Council.

19. **No person to be registered in more than one constituency.-** No person shall be entitled to be registered in the Electoral Roll for more than one constituency at a time.

20. **No person to be registered more than once in any constituency.-** No person shall be entitled to be registered in the Electoral Roll for any constituency more than once.

21. **Conditions of Registration.-**

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

- (a) is not less than eighteen years of age on the qualifying date, and
- (b) is an ordinary resident of the area or if he is an elector as defined in clause(g) of section 2 of The Sinlung Hills Council Act, 2018, shall be entitled to be registered in the Electoral Roll for that Constituency.

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

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

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

23. **Order of Names.-**

- (1) The name of Elector in each roll shall be arranged so far as practicable according to house number of the mother roll.
- (2) The names of electors in each part of the roll shall be numbered, so far as practicable, consecutively with a separate series of numbers beginning with the number one.

24. Electoral Roll to be divided in parts.-
- (1) The electoral roll of Sinlung Hills Council as adopted under sub-rule (2) and (3) of Rule 16 shall be divided into separate parts for each village, and all electors included in the electoral roll for the Village Council Constituency relating thereto shall be incorporated in the electoral roll of the Sinlung Hills Council Constituency concerned.
  - (2) Where there are different localities in a constituency, the Electoral Registration Officer may direct to enter the names of the electors in the locality wise by dividing into sections. This, however, shall not be compulsory but shall be left at the free discretion of the Electoral Registration Officer. In any case, the serial numbers of the electors shall be consecutive all through.
25. Access to certain registers.- For the purpose of preparing electoral roll or deciding any claim or objection to electoral roll, the Electoral Registration Officer and any person employed by him for the purpose shall have access to any Register of births and deaths and to the admission register of any educational institution, and it shall be the duty of every person in charge of any such register to give to the said officer or person such information and such extracts from the said register as he may require.
26. Publication of Electoral Roll in draft.- As soon as the Electoral Roll for a constituency is ready, the Electoral Registration Officer shall publish it in draft, by making a copy thereof available for inspection and displaying a notice in Form 1-
- (a) at his Office, and
  - (b) at such place in the constituency as may be specified by him for the purpose.
27. Further publicity to the draft roll and notice.-The Electoral Registration Officer shall also-
- (a) make a copy of each draft roll with a copy of the notice in Form 1 available for inspection at a specified place accessible to the public and in or near the constituency to which the draft roll relates;
  - (b) give such further publicity to the notice in Form 1 as he may consider necessary; and
  - (c) supply free of cost two copies of each draft roll to every Political Party recognized by the Election Commission of India.
28. Period for lodging claims and objections.- Every claim for the inclusion of a name in the roll and every objection to an entry therein shall be lodged within a period of seven days from the date of publication of the roll in draft under rule 26:
- Provided that the State Election Commission may by a notification extend the period not exceeding seven days in respect of a district as a whole or in respect of any constituency.
29. Form for claims and objections.-
- (1) Every claim for the inclusion of a name in the roll shall be in Form 2 and signed by the person desiring his name to be included in the roll.
  - (2) Every objection to the inclusion of a name in the roll shall be in Form 3 and preferred only by a person whose name is already included in the roll in which the name objected to appears.
  - (3) Every objection to a particular or particulars in an entry in the roll shall be in Form 4 and preferred only by the person to whom that entry relates.
30. Manner of lodging claims and objections.-  
Every claim and objection shall-

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

31. Disposal of claims and objections.-

The Electoral Registration Officer shall-

- (a) ensure that all claims and objections received after draft publication within the prescribed time period are duly disposed of in accordance with law and directions or instructions of the State Election Commission;
- (b) reject any claim or objection that is not lodged within the period or in the Form and manner specified under rule 30;
- (c) hold a summary enquiry into every claim or objection in respect of which a notice has been given and shall record his decision thereon. At the hearing, claimant, or as the case may be, objector and the person objected to and any other person, who, in his opinion, is likely to be of assistance to him, shall be entitled to appear and to be heard;
- (d) record not only his decision in each case but also brief reasons for the decision;
- (e) dispose of all the claims and objections within thirty days from the last date of the period for lodging such claims and objections under rule 28;
- (f) communicate his decision to every applicant within 24 hours from the date of order made by him to enable the applicants whose applications are rejected to file their appeals within the stipulated period of fifteen days.

32. Final publication of electoral roll.-

- (1) The Electoral Registration Officer shall thereafter-
  - (a) prepare a list of amendments to carry out his decisions under rule 31 and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll;
  - (b) publish the roll, together with the list of amendments by making a complete copy thereof available for inspection and displaying a notice in Form 5 at his office; and
  - (c) subject to such general or special directions as may be given by the State Election Commission, supply free of cost, two copies of the roll, as finally published, with the list of amendments, if any, to every political party for which a symbol has been exclusively reserved by the Election Commission of India.
- (2) On such publication, the roll together with the list of amendments if any, shall be the electoral roll of the constituency.
- (3) Where the roll, together with the list of amendments, becomes the electoral roll for a constituency under sub-rule (2) the Electoral Registration Officer may, for the convenience of all concerned, integrate, subject to any general or special directions issued by the State Election Commission in this behalf, the list in to the basic roll by incorporating inclusion of names, amendments, deletion of entries in the relevant parts of the basic roll itself, so however that no change shall be made in the process of such integration in the name of any elector or in any particulars relating to any elector, as given in the list of amendments.

33. Appeals from orders deciding claims and objections.-

- (1) An appeal shall lie in the decision of the Electoral Registration Officer under rule 31 to such officer of Government as the State Election Commission may designate in this behalf (hereinafter referred to as the Appellate Officer):

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by, or to make representations to the Electoral Registration Officer on the matter which is the subject of appeal.

- (2) Every appeal under sub-rule (1) shall be-
    - (a) in the form of a memorandum signed by the appellant and accompanied by a copy of the order appealed against and a fee of Rs.10 (Rupees ten) to be paid-
      - (i) by means of non-judicial stamps, or
      - (ii) in such other manner as may be directed by the State Election Commission, and
    - (b) presented to the Appellate Officer within a period of seven days from the date of announcement of the decision of the Electoral Registration Officer or sent to that officer by registered post so as to reach him within that period.
  - (3) The presentation of an appeal under this rule shall not have the effect of staying or postponing any action to be taken by the Electoral Registration Officer under rule 32.
  - (4) Every decision of the Appellate Officer shall be final; but in so far as it reverses or modifies a decision of the Electoral Registration Officer, shall take effect only from the date of the decision in appeal.
  - (5) The Electoral Registration Officer shall cause such amendments to be made in the roll as may be necessary to give effect to the decisions of the appellate officer under this Rule.
34. Breach of official duty in connection with the preparation etc., of electoral rolls.-
- (1) If any Electoral Registration Officer, Asst. Electoral Registration Officer or other person required by or under this rule to perform any official duty in connection with the preparation, revision or correction of an electoral roll or inclusion or exclusion of any entry in or from such electoral roll is, without reasonable cause, guilty of any act or commission in breach of such official duty, he shall be punishable with fine which may extend to five hundred rupees;
  - (2) No suit or other legal proceeding shall lie against any such officer or other person for damages in respect of any such act or omission as aforesaid unless there is a complaint made by an order of, or under the authority from the State Election Commission or the District Election Officer concerned.

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

35. Publication of Constituency numbers and vacancies.- Immediately after the publication of final electoral rolls under rule 32 or 33, the State Election Commission, in consultation with the State Government, shall publish a list of Sinlung Hills Council Constituency for which election is to be held, and give each village a distinctive village number and showing number of vacancies to be filled in each by such election.
36. Notification for General Election to Sinlung Hills Council.-
- (1) A general election to Sinlung Hills Council shall be held on or before the expiry of the duration of the existing Sinlung Hills Council or on their dissolution, if any, and the State Election Commission shall call upon every constituency to elect members of the Sinlung Hills Council in accordance with these rules within such time as may be specified in such notification.
  - (2) For the purpose of holding elections to fill ordinary or casual vacancies, the State Election Commission shall by a notification in the Official Gazette, appoint-

- (a) the last date for making nominations which shall be the seventh day after the date of publication of the first mentioned notification or, if that is a public holiday, the next succeeding day which is not a public holiday;
  - (b) the date for the scrutiny of nominations which shall be the day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
  - (c) the last date for the withdrawal of candidature, which shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
  - (d) the date of poll shall, if necessary, be a date not earlier than the twenty first day after the last date for the withdrawal of candidatures; and
  - (e) the date before which the election process shall be completed.
- (3) (a) Where general election is to be held otherwise than on the dissolution of the existing Sinlung Hills Council, no such notification shall be issued earlier than 6 months prior to the date on which the duration of the Sinlung Hills Council would expire.
- (b) When a Sinlung Hills Council is dissolved, election to constitute the Sinlung Hills Council for the remaining period of the fixed tenure, shall be completed before the expiry of 6 months from the date of its dissolution:

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

37. **Timeline for issue of notification.-**

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

38. **Public notice of intended election and time of nominations.-** On the issue of a notification by the State Election Commission under rule 36, the Returning Officer shall, in Form 6, give public notice of the intended election inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered.

39. **Qualifications of candidates.-** Every person who is of the age of 18 or above whose name is registered in the electoral roll of the Sinlung Hills Council concerned and who is not disqualified under section 36 of the Act or by any other Acts in force or these rules, shall be qualified to be a candidate for election to the General Council.

40. **Filing of nomination.-** Any person who is qualified to be a candidate under rule 39 may offer himself as a candidate and file his own nomination duly countersigned by a witness, who is an elector of the constituency, in Form 7 and deliver it in person or by his representative at the appointed place and within the appointed date under rule 36 and 38, between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon:

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

41. Security deposit, refund or forfeiture.-

- (1) A candidate shall deposit a security deposit of rupees one thousand along with his nomination paper which shall be refunded to him at once in the case of his withdrawing the candidature, or as early as possible after the conclusion of the election unless he forfeits the deposit.
- (2) The Returning Officer shall issue to the candidate a receipt in Form 8 which shall be taken back from him in the case of refund of the deposit.
- (3) The security deposit of a candidate shall be forfeited to the State Government if at an election to fill one vacancy the candidate is not elected and the number of valid votes polled by him is less than one-sixth of the total number of valid votes polled by all candidates;

42. Scrutiny of nominations.-

- (1) On the date appointed for the scrutiny of nominations under rule 36 and 38, the candidates and one person duly authorized in writing by each candidate, but no other person, may attend at such place and time as the Returning Officer may appoint for such scrutiny. The Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered in time.
- (2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:
  - (a) that the candidate is either not qualified or disqualified for being elected as a member of Sinlung Hills Council under the provisions of any Act or of these Rules; or
  - (b) that there has been a failure to comply with the provisions of rule 40 or Rule 41; or
  - (c) that the signature of the candidate/thumb impression on the nomination paper is not genuine:

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

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

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

- (4) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it to his notice board. Form 9 "List of validly nominated candidates" shall be arranged under three categories-

- (a) Candidates of recognized national parties and state political parties:
- (b) Candidates of registered Political Parties other than those recognized National and State Political Parties.
- (c) Other (Independent) candidates.

43. **Withdrawal of candidature.-**

- (1) Any candidate may withdraw his candidature by a written notice in Form 10 and subscribed by him and delivered before three O'clock in the afternoon on the last date fixed under clause (c) of sub-rule (2) of rule 36 for such withdrawal, to the Returning Officer either by such candidate or any person authorized by him in writing in that behalf. The Returning Officer shall normally accept such withdrawal and refund the security deposit to the withdrawing candidate.
- (2) No person who has given a notice of withdrawal of candidature under sub-rule(1) shall be allowed to cancel the notice.

44. **Election without contest.-**

If, after the scrutiny of nominations or expiry of the period within which candidatures may be withdrawn, the number of valid candidates is equal to the number of vacancy to be filled, the Returning Officer shall forthwith declare the validly nominated candidate elected without contest.

45. **Allotment of symbols and publication of list of contesting candidates.-**

- (1) In every contested election symbol shall be allotted to a contesting candidate and different symbols shall be allotted to different contesting candidate at an election in the same Constituency.
- (2) If, immediately after the expiry of the period within which candidatures may be withdrawn under sub-rule (1) of rule 43, the number of validly nominated candidates is more than the number of vacancies to be filled for a Sinlung Hills Council, the Returning Officer shall forthwith consider the allotment of symbols to those contesting candidates who have not withdrawn their candidatures.
- (3) For the purpose of these rules, symbols are either "reserved" or "free" as shown in Table-I and Table-II respectively in the Appendix. A reserved symbol is a symbol which is reserved for recognized political party for exclusive allotment to a contesting candidate or candidates set up by that party. A free symbol is a symbol other than a reserved symbol.
- (4) For the purposes of these rules, a recognized political party means a political party as may be recognized by the Election Commission of India as a National Party or a State Party of Mizoram as on the date of notification under rule 36.
- (5) Subject to the provisions of sub-rule(3), a candidate set up by a recognized political party shall be allotted the symbol reserved for that party and no other symbol.
- (6) Subject to the provisions of sub-rule (3), a candidate set up by a registered but unrecognized political party shall be given a preference of choosing any symbol out of the symbols specified as "Free symbols".
- (7) Any candidate other than a candidate of a recognized or a registered but unrecognized political party shall choose and be allotted one of the symbols specified as "free symbols". If the choices come into conflict, the Returning Officer shall allot" symbols in conformity, as far as possible, with the wishes of the candidate and, if necessary, by draw of lot and his decision shall be final.
- (8) Each candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and shall be given a specimen thereof.
- (9) A candidate shall be deemed to be set up by a recognized political party if-
  - (a) the candidate has made a declaration to that effect in his nomination paper;

- (b) a notice in writing in Form 11 to that effect has, not later than 3:00 p.m. on the last date of withdrawal of candidatures, been delivered to the Returning Officer; and
  - (c) the said notice is signed by the Party President of the recognized political party.
- (10) A candidate shall be deemed to be set up by a registered but unrecognized political party if –
- (a) the candidate has made a declaration to that effect in his nomination paper,
  - (b) a notice in writing in Form 11 to that effect has, not later than 3:00 p.m. on the last date of withdrawal of candidatures, been delivered to the Returning Officer,
  - (c) the said notice is signed by the President of the registered but unrecognized political party, and
  - (d) a copy of the letter registering the said political party by the Election Commission of India is enclosed.
- (11) The Returning Officer shall then prepare a list in Form 12 of all contesting candidates with their distinctive symbols and display it on the wall of Polling Station and also in two or more conspicuous places in the constituency.
- (12) The list shall contain the names of contesting candidates as prescribed in their nomination papers in English alphabetical order and in the same order as specified below:-
- (a) candidates of recognized political parties;
  - (b) candidates of registered political parties with a reserved symbol;
  - (c) candidates of registered political parties without a reserved symbol;
  - (d) independent candidates.
46. Death of candidate.-If a candidate who has been duly nominated under these rules died after the date fixed for scrutiny of nominations and seven days before commencement of poll, the Returning Officer shall, on confirmation of the fact of such death, report the fact to the State Election Commission. The State Election Commission shall direct the Returning Officer to call upon the sponsoring Political Party to make fresh nomination.

## CHAPTER V CONDUCT OF ELECTION

### 47. Polling Station.-

- (1) One or more Polling Station shall be set up for each constituency depending upon the number of electors in the Electoral Roll of the constituency. At each Polling Station, there shall be set up one or more voting compartments in which electors can cast their votes free from observation.
- (2) The District Election Officer shall provide at each polling station-
  - (a) a ballot box or boxes as may be necessary with reference to the number of electors assigned to it;
  - (b) marked copies of the Electoral Roll of the constituency;
  - (c) ballot papers;
  - (d) materials for making voting compartments;
  - (e) arrow cross mark rubber stamp to mark ballot papers;
  - (f) distinguishing mark rubber stamp;
  - (g) seal of Presiding Officer;
  - (h) indelible ink;
  - (i) statutory and non-statutory forms, other papers and stationery.
  - (j) register of voters.
- (3) Outside each Polling Station, there shall be displayed prominently-
  - (a) A copy of the list of contesting candidates and their distinctive symbols in Form 12.

- (b) A notice specifying the polling area; and
- (c) A notice showing the hours of poll.

48. Appointment of Election Agent, Polling Agents and Counting Agents.-

(1) Election Agent.-

- (a) A candidate at an election may appoint one person other than himself to be his Election Agent and when any such appointment is made, notice of the appointment shall be given in Form 13 to the Returning Officer.
- (b) Any person, who is, for the time being disqualified under these rules for being a member of a Sinlung Hills Council, shall be disqualified for being an Election Agent at any election.
- (c) The notice for appointment of an Election Agent shall be in Form 13 and such notice with 2 copies shall be forwarded to the Returning Officer and subject to the conditions of clause (a) & (b), the Returning Officer shall return one copy thereof to the Election Agent after affixing thereon his seal and signature.
- (d) An Election Agent may perform such functions in connection with the election as are authorized by or under these rules to be performed by an Election Agent.
- (e) Any revocation of the appointment of an Election Agent in Form 14, shall be signed by the candidate, and shall operate from the date on which it is lodged with the Returning Officer.

(2) Polling Agent.-

- (a) The number of Polling Agents that may be appointed by a Contesting Candidate or his Election Agent, shall, in respect of each Polling Station, be one agent and a relief agent.
- (b) Every such appointment of Polling Agent shall be made in Form 15 and the Polling Agent shall deliver it to the Presiding Officer.
- (c) No Polling Agent shall be admitted to the Polling Station unless he has delivered to the Presiding Officer the order of his appointment under sub-rule(2)(b) after duly completing and signing before the Presiding Officer the declaration contained therein.
- (d) Any revocation of the appointment of a Polling Agent in Form 16 shall be signed by the Candidate or his Election Agent and shall operate from the date on which it is lodged with the Presiding Officer, and in the event of such a revocation or of the death of a Polling Agent before the close of the poll, the Candidate or his Election Agent may appoint another Polling Agents as provided under clause (b) at any time before the poll is closed.

(3) Counting Agent.-

- (a) A Contesting Candidate or his Election Agent may appoint one or more persons, but not exceeding such number as may be prescribed by the State Election Commission, to be present as his Counting Agent or Agents at the counting of votes, and when any such appointment is made notice of the appointment in Form 17 shall be given, to the Returning Officer.
- (b) Any revocation of the appointment of a Counting Agent shall be signed by the Candidate or his Election Agent in Form 18 and shall operate from the date on which it is lodged with the Returning Officer, and in the event of such revocation or of the death of a Counting Agent before the commencement of the counting of votes, the Candidate or his Election Agent may appoint another Counting Agent as per clause (a) of sub-rule (3) of rule 48 at any time before the counting of votes is commenced.

- (4) **Functions of Polling Agents and Counting Agent.-**
    - (a) A Polling Agent may perform such functions in connection with the poll as are authorised by or under these rules, to be performed by a Polling Agent;
    - (b) A Counting Agent may perform such functions in connection with the counting of votes as are authorised by or under these rules to be performed by a Counting Agent;
  - (5) **Attendance of a Contesting Candidate or his Election Agent at Polling Stations, and performance by him of the functions of a polling agent or counting agent.-**
    - (a) At every election where a poll is taken, each Contesting Candidate at such election and his Election Agent shall have a right to be present at any polling station provided under rule 47 for the taking of the poll.
    - (b) A Contesting Candidate or his Election Agent may himself do any act or thing which any Polling Agent or the Counting Agent of such Contesting Candidate, if appointed, would have been authorised by or under these rules to do, or may assist any Polling Agent or the counting agent of such Contesting Candidate in doing any such act or thing.
  - (6) **Non-attendance of polling or counting agent.-**Where any act or thing is required or authorised by or under these rules to be done in the presence of the polling or counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.
49. **Fixing the time of Poll.-**The State Election Commission shall fix the hours during which the poll will be taken and the hours so fixed shall be published by notification in the Official Gazette:  
Provided that the total period allotted on any one day for polling shall not be less than eight hours in between 7:00 A.M to 5:00 P.M.
50. **Method of Voting.-**
  - (1) At every election where a poll is taken under these rules, votes shall be given by ballot and no votes shall be received by proxy.
  - (2) Save as otherwise provided, all electors voting at an election shall exercise their franchise in person at the Polling Station provided under rule 47.
51. **Ballot Box.-**
  - (1) There shall be a single ballot box for all contesting candidates at each polling station. A ballot box shall be made of strong materials such as plastic, wood, iron and shall be constructed in such a way that ballot papers can be inserted therein but cannot be withdrawn therefrom without the box being unlocked. The Ballot Box shall be duly approved by State Election Commission.
  - (2) Every ballot box used at a Polling Station shall bear label outside and marked with the number & name of the Constituency, and the serial number of the Polling Station if more than one Polling Station are set up for one Sinlung Hills Development Council Constituency.
  - (3) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the contesting candidates, polling agents and other persons who are present that the ballot box is empty and bears the labels referred to in sub-rule (2).
  - (4) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the Polling Agents.

## 52. Ballot Papers.-

- (1) Every ballot paper shall be in Form 19 with a counterfoil portion and shall provided a space for signature or thumb impression of elector just above the words "*Signature or Thumb Impression*" on the right hand side.
- (2) On each ballot paper the names of all contesting candidates shall be printed with their respective symbols in the order in which their names are published under sub-rule (12) of rule 45 in Form 12.
- (3) The ballot papers shall be serially numbered and shall be stamped on their reverse by such distinguishing marks, so that the determination of a ballot paper as the original part of a counterfoil can be determined or in such a manner as the State Election Commission may direct from time to time.

## 53. Procedure for voting by a voter on election duty.-

- (1) A voter on election duty, who wishes to vote, shall, at least five days before the date of poll, approach the District Election Officer concerned and make an application in Form 20 for the issuance of the ballot paper in order to enable him to cast his vote as may be prescribed by the State Election Commission.
- (2) The District Election Officer shall, on being satisfied as to the identity of such voter on production of the letter of appointment in connection with the election-
  - (a) have the person's name marked in the electoral roll; and
  - (b) issue to such voter a ballot paper and permit him to vote on the spot with instrument provided for the purpose.
- (3) After recording his vote, such voter shall make over the ballot paper to the District Election Officer in a sealed cover for onward dispatch to the Returning Officer concerned.
- (4) The District Election Officer shall keep the counterfoil of such ballot paper in a separate sealed cover and keep the cover containing the ballot paper in his safe custody.

## 54. Challenging of identity.-

- (1) Any Polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of rupees hundred in cash which is not refundable with the Presiding Officer for each such challenge.
- (2) In the case of challenge made under sub-rule (1) the Presiding Officer shall—
  - (a) warn the person challenged of the penalty for impersonation;
  - (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
  - (c) enter his name and address in the list of challenged votes in Form 21; and
  - (d) require him to affix his signature in the said list.
- (3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose,-
  - (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
  - (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
  - (c) administer an oath to the person challenged and any other person offering to give evidence.
- (4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established **he shall allow the person challenged to vote**; and if he considers that the challenge has been **established, he shall debar the person challenged from voting.**

55. Safeguards against impersonation.-

- (1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied with, shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and indelible ink mark to be put on it.
- (2) If any elector refuses to allow his left forefinger to be inspected or marked, in accordance with sub-rule (1) or already has such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.
- (3) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

56. Identification of electors.-

- (1) As each elector enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.
- (2) Every elector shall produce identity card issued to him under the provisions of the Registration of Electors Rules, 1960 made under the Representation of the People Act, 1950 or any such documents as may be specified, by order, by the State Election Commission before the Presiding Officer or the Polling Officer authorized by him in this behalf, in order to establish his identity at the polling station.
- (3) In deciding the right of a person to cast his vote, the Presiding Officer or the Polling Officer, as the case may be, shall overlook the clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

57. Issue of ballot papers.-

- (1) Before any ballot paper is delivered to an elector, the Presiding Officer shall sign his name in full on the back of the ballot paper.
- (2) At the time of issuing a ballot paper to the elector, the signature or thumb impression of the elector shall be taken on the counterfoil of the ballot paper. No ballot paper shall be delivered to the elector unless he puts his signature or thumb impression on the counterfoil of the ballot paper.  
Before permitting an elector to vote, the Polling Officer shall record the Electoral Roll number of the elector as entered in the marked copy of the Electoral Roll in a register of Voters in Form 32.
- (3) After the elector put his signature or thumb impression as at sub-rule (2), the Polling Officer shall record on the counterfoil, the serial number of the elector as at the electoral roll and then deliver the ballot paper to the elector.
- (4) The Polling Officer in-charge of the marked copy of the electoral roll shall mark the name of the elector in the marked copy by underlining the entry, and if elector is a female, put a tick mark also on the left hand side of the name of the elector.
- (5) No person in the polling station shall be allowed to note down the serial number of ballot paper issued to a particular elector.
- (6) Each elector shall be given only one ballot paper for each election. Every elector to whom a ballot paper has been issued shall maintain secrecy of voting and for that purpose observe the voting procedure hereinafter laid down.

## 58. Voting procedure.-

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

## 59. Marking of ballot paper in excess or deficit.-

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

## 60. Recording of votes of illiterate or blind or infirm electors.-

- 1) If the Presiding Officer is satisfied that owing to old age or blindness or other physical infirmity or illiteracy, an elector is unable to recognize the names of the contesting candidates and their symbols on the ballot paper or to make a mark thereon, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

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

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

- (2) The Presiding Officer shall keep a record in Form 23 of all such cases under this Rule.

## 61. Spoilt and returned ballot papers.-

- (1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as ballot paper may on returning it to the Presiding Officer or Polling Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked "*Spoilt - cancelled*" by Presiding Officer.

- (2) If an elector after obtaining a ballot paper desires not to use it he shall return it to the Presiding Officer or Polling Officer and the ballot paper so refused shall be marked "*Refused – cancelled*" by the Presiding Officer.
- (3) All ballot papers cancelled under sub-rule (1) or (2) shall be kept in the cover for unused ballot papers.

62. Adjournment of poll in emergencies.-

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

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

- (1) If at any election-
  - (a) any ballot box used at Polling Station is unlawfully taken out of the custody of the Presiding Officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with to such an extent that the result of the poll at that Polling Station cannot be ascertained; or
  - (b) any such error or irregularity in procedure, as is likely to vitiate the poll, is committed at a Polling Station, the Presiding Officer shall forthwith report the matter to the Returning Officer and the District Election Officer.
- (2) There-upon the District Election Officer shall, after taking all material circumstances into account, and in consultation with the State Election Commission, either-
  - (a) declare the poll at that Polling Station to be void; appoint a day and fix the hours, for taking a fresh poll at that Polling Station, and notify the day so appointed and the hours so fixed in such manner as he may deem fit; or
  - (b) issue such directions to the Returning Officer as it may deem proper for the further conduct and completion of the election, provided the Commission is satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material.
- (3) The provisions of these Rules shall apply to every such fresh poll as they apply to the original poll.

64. Tendered votes.-

- (1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the

following provisions of this Rule, to mark a ballot paper (hereinafter in these rules referred to as a 'Tendered Ballot Paper') in the same manner as any other elector.

- (2) Every such person shall, before being supplied with tendered ballot paper, sign his name against the entry relating to him in a list in Form 24.
- (3) A tendered ballot paper shall be the same as the other ballot papers used at the Polling Station except that it shall be-
  - a) serially the last in the bundle of ballot papers issued for use at the Polling Station; and
  - b) endorsed on the back with the words, "Tendered Ballot Paper" by the Presiding Officer in his own hand and signed by him.
- (4) The elector, after marking a tendered ballot paper in the voting compartment and folding it, shall instead of putting it into ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose:
 

Provided that if there is reasonable ground for believing that the person, by applying for tendered ballot paper, has committed the offence of personating, the Presiding Officer shall immediately direct the Police to arrest him.
- (5) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

65. Sealing of ballot boxes after poll.-

- (1) Immediately after the closing of the poll, the Presiding Officer shall close the ballot box, and seal up the box and also allow any polling agent present to affix his seal.
- (2) The ballot box shall thereafter be sealed and secured.
- (3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rule (1) and (2) before another ballot box is put into use.

66. Ballot paper account of Presiding Officer.- The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form 25 and enclose it in a separate cover with the words "Ballot paper account of Presiding Officer" superscribed thereon showing the number & name of the Sinlung Hills Council constituency and the date of election on the cover.

67. Sealing of other packets.-

- (1) The Presiding Officer shall then make into separate packets-
  - (a) the marked copy of the electoral roll;
  - (b) the unused ballot paper;
  - (c) the cancelled ballot papers;
  - (d) the cover containing the tendered ballot papers and Form 24.
  - (e) declaration of companion of illiterate or blind or infirm elector in Form 22 with the record in Form 23; and
  - (f) any other papers directed by District Election Officer to be kept in a sealed packet.
- (2) Each such packet shall be sealed with the seals of the Presiding Officer and of those polling agents who may desire to affix their seals thereon.

## CHAPTER VI COUNTING OF VOTES AND SEALING OF ELECTION PAPERS

68. Appointment of place and time for counting of votes.- The State Election Commission shall appoint the time and place for counting of votes. Counting of votes shall be taken up as soon as possible after the close of the poll and the Returning Officer shall inform the candidates or their Election agents. The Returning Officer may appoint any reliable government servant or servants available as may be necessary to assist him in the counting of votes.

69. Admission to the place of counting of votes, etc..-

- (1) The Returning Officer shall exclude from the place fixed for counting of votes all person except-
  - (a) such person to be known as counting supervisors and counting assistants as he may appoint to assist him in the counting;
  - (b) the candidate/election agent and his counting agents duly authorized in writing by candidate;
  - (c) persons authorized by the State Election Commission, if any; and
  - (d) public servants on duty in connection with the election.
- (2) Any person who during the counting of votes misconducts himself or fails to obey the directions of the Returning Officer may be removed from the place by any Police Officer on duty or by any other person authorized in this behalf by the Returning Officer.
- (3) The Returning Officer shall, before the commencement of the counting, briefly explain the counting procedure to all those allowed admission in the counting place under sub-rule (1) and caution them as to the maintenance of secrecy, the violation of which shall be an electoral offence under rule 92.

70. Scrutiny and opening of ballot boxes.- The Returning Officer shall satisfy himself that the ballot box is intact, and also allow the Candidates or Election Agents or Counting Agents present to inspect the seals on the ballot box to satisfy themselves that it is intact, and thereafter open the ballot box.

71. Scrutiny and rejection of ballot papers.-

- (1) The ballot papers taken out of the ballot box shall be arranged in 100 ballot papers bundles and scrutinized.
- (2) The Returning Officer shall reject any ballot paper in whole only if-
  - (a) it is a spurious ballot paper; or
  - (b) it bears any mark or writing by which the elector can be identified; or
  - (c) no vote is recorded thereon; or
  - (d) votes are recorded on it in favour of more candidates than the vacancy to be filled; or
  - (e) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
  - (f) it bears a serial number, or a design different from the serial number or design of the ballot papers authorized for use at the particular polling station; or
  - (g) it does not bear the mark which it would have borne under the provisions of sub-rule (2) of rule 51;

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

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

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

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

73. Counting of votes.-

- (1) Each valid vote recorded on ballot paper which is not rejected, shall be counted as one valid vote:  
Provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted.
- (2) The Returning Officer shall count all valid votes in all valid ballot papers and also the total number of valid votes polled for each candidate: Round-wise counting sheet, counting table-wise results tabulation sheet and round-wise tabulation sheet shall be in Form 26, 27 and 28 respectively.
- (3) The candidate or his counting agent shall be allowed full view of the counting process and sufficient proximity so as to enable him to discern the votes cast on each ballot paper and also on the record of votes for tabulation. Under no circumstances shall physical contact with the ballot paper be allowed.

74. Re-count of votes.-

- (1) After the completion of the counting of votes under rule 73, the Returning Officer shall record in the result sheet in Form 29 the total number of votes recorded in favour of each candidate and read out the particulars.
- (2) Thereafter, a candidate or, in his absence his election agent may apply in writing to the Returning Officer to recount the ballot papers either wholly or in part stating the grounds on which he demands such re-count.
- (3) On such an application being made the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it, in toto if it appears to him to be frivolous or unreasonable.
- (4) Every decision of the Returning Officer under sub-rule (3) shall be in writing and shall contain the reasons thereof.
- (5) If the Returning Officer decides under sub-rule (3) to allow an application either wholly or in part, he shall,-
  - (a) re-count the ballot papers in accordance with Rules 71, 72 and 73;
  - (b) amend the result sheet in Form 29 to the extent necessary after such re-count; and
  - (c) announce the particulars of amendments so made by him.
- (6) After the total number of votes polled by each candidate has been read out under sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form 29 and no application for a re-count shall be entertained thereafter;

Provided that no step under this sub-rule shall be taken on the completion of the counting of votes until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (3) of rule 74.

75. Declaration of result of election.-

On completion of procedures under rule 74 the Returning Officer shall forthwith, subject to the provisions of rule 73 declare as elected the candidate who obtains the largest number of valid votes.

76. Equality of votes.- If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates and the addition of one vote will lead to any of those candidates being declared elected, the Returning Officer shall forthwith decide between those candidates by draw of lot.

77. Publication of election results.-

- (1) The Returning Officer shall prepare the election results in Form 29 and send the results to the State Election Commission and also to the District Election Officer.
- (2) The Returning Officer shall also display the election result in Form 29, in the Notice Board of the constituency.
- (3) On receipt of all the results from the District Election Officer or the Returning Officer, the State Election Commission shall publish the election results in the Official Gazette.

78. Grant of certificate of election to returned candidate.- The Returning Officer shall grant to each returned candidate a Certificate of Election in Form 30.

79. Ballot Paper account of Returning Officer.-

- (1) The Returning Officer shall prepare a ballot paper account in Form 31 which shall consist of:
  - (a) total number of ballot papers found in the ballot box or boxes;
  - (b) total number of rejected ballot papers under sub-rule (3) of Rule 71;
  - (c) total number of valid ballot papers i.e. ballot papers which are not rejected;
  - (d) total number of invalid votes on all valid ballot papers;
- (2) The Returning Officer shall enclose the ballot paper account in a separate cover with the words "Ballot paper account of Returning Officer" subscribed thereon and showing the name of the Sinlung Hills Development Council and the date of counting of votes, and submit the cover to the District Election Officer along with the election result.

80. Packet of election papers and sealing.-

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

81. Safe keeping of the packet containing election papers.- While in the custody of the District Election Officer, the packets and cover under sub-rule (3) of rule 80, shall not be inspected by, or produced before, any person or authority except under an order of a competent Authority as may be appointed by the Government under sub-section 1 of section 41 of the Act.

82. Custody of ballot boxes and papers relating to election.-

- (1) All ballot boxes used at an election shall be kept in such custody as the State Election Commission may direct.
- (2) The District Election Officer shall keep in safe custody -
  - (a) the packets of unused ballot papers with counterfoils attached thereto;
  - (b) the packets of used ballot papers whether valid, tendered or rejected;
  - (c) the packets of counterfoil of used ballot papers ;
  - (d) the packets of marked copy of the electoral roll;

- (e) the packets of the declaration by electors:
  - (f) all other paper relating to election and they shall not be opened except under the order of a competent authority.
83. Disposal of Election Papers.- Subject to any direction given by the State Election Commission or by a competent court or authority –
- (a) the packets of unused ballot papers shall be retained for a period of six months and shall thereafter be destroyed in such manner as the State Election commission may direct ;
  - (b) the other packets referred to in sub-rule (2) of rule 82 shall be retained for a period of one year and shall thereafter be destroyed;
- Provided that packets containing the counter foil of used ballot paper shall not be destroyed except with the approval of the State Election Commission;
- (c) all other papers relating to the election shall be retained for such period as the State Election Commission may direct.

## CHAPTER VII DISPUTES REGARDING ELECTION

84. Election petitions.-
- (1) An election petition may be presented by any candidate or any elector who is entitled to vote at the election to which the petition relates within a period of 30 (thirty) days from the date of election of the returned candidate. Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be true copy of the petition.
  - (2) The petition shall contain a statement in brief of the material facts on which the petitioner relies and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner as laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings.
  - (3) The petitioner may, in addition to claiming a declaration that the election of the returned candidate is void, claim a further declaration that he himself or any other candidate has been duly elected.
  - (4) At the time of presenting an election petition the petitioner shall deposit on obtaining order of the Authority, as Security for the cost of petition, a sum of two hundred rupees. During the course of trial of an election petition, the authority may at any time, call upon the petitioner to give such further security for cost as it may direct.
  - (5) The authority shall, if the deposit in accordance with sub-rule has been made, proceed to enquire into the petition.
  - (6) The authority shall, as soon as may be, cause a copy of the petition to be served on each opposite party.
85. Procedure to be followed.-  
Every dispute relating to election shall be enquired into by the authority as early as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1905 (5 of 1908) to trial of suits. The provision of the Indian Evidence Act, 1872 (1 of 1872) shall apply in all respects to the trial of an election petition.
86. Withdrawal.-
- (1) An election petition may be withdrawn only by the leave of the authority.
  - (2) Where an application for withdrawal is made under sub-rule(1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition.

- (3) If, there are more petitioners than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners.
- (4) No application for withdrawal shall be granted, if in the opinion of the authority such application has been induced by any bargain or consideration which ought not to be allowed.
- (5) If the application is granted, the petitioner shall be ordered to pay such cost to the opposite party as the authority may think fit.

87. Decision of the Authority.-

At the conclusion of the trial of an election, the authority shall make an appropriate order-

- (a) dismissing the election petition; or
- (b) declaring the election of all or any of the returned candidates to be void; or
- (c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected;
- (d) also determine the cost to be paid.

The order of the authority under this rule shall be communicated forthwith to the State Election Commission and the Government.

88. Grounds for declaring an election to be void.-

- (1) Subject to the provisions of sub – rule (2) of this rule, if the authority is of the opinion –
  - (a) that, on the date of election a returned candidate was not qualified, or was disqualified under sec.36 of the Act to be chosen to fill the seat in the General Council; or
  - (b) that, any corrupt practice has been committed by a returned candidate or his election agent, or any other person with the consent of the returned candidate or his election agent; or
  - (c) that, any nomination has been improperly rejected; or
  - (d) that, the result of the election, in so far as it concerns the returned candidate, has materially affected –
    - (i) by the improper acceptance of any nomination; or
    - (ii) by any corrupt practice committed in the interest of the returned candidate by an agent other than his election agent; or
    - (iii) by improper reception, refusal or rejection of any vote or the reception of any vote which is void; or
    - (iv) by any non-compliance with the provisions of the Constitution or the Act or of any Rules or Order made under the Act.
  - (e) that, a returned candidate or his agent or an other persons with the connivance of such candidate or agent has committed or abetted the Commission of any election offence falling under Chapter IX-A of the Indian Penal Code (45 of 1890) or any law or rule relating to infringement of the secrecy of an election;
  - (f) then the election of such candidate shall be void.
- (2) If, the authority is of the opinion that corrupt practice specified in sub-rule (1) which does not amount to any form of bribery, has been committed, and the authority is of further opinion that-
  - (a) no such corrupt practice was committed at the election by the candidate or his election agent and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate or his election agent;
  - (b) such candidate and his election agent took all reasonable means for preventing the Commission of corrupt practices at the election; and
  - (c) in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents – then the authority may decide the election of the returned candidate to be not void.

89. Grounds for which a candidate other than the returned candidate may be declared to have been elected.-

If, any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the authority is of opinion –

- (a) that, in fact the petitioner or such other candidate received a majority of the valid votes; or
- (b) that, but for the votes obtained by the returned candidate by corrupt practices, the petitioner or such other candidate would have obtained a majority of the valid votes, the authority shall after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

90. Fresh Election at Courts Order.-

When an election is declared void under Rule 88 the seat of the returned candidate shall be deemed to be vacant from the date of the order of the authority and the State Election Commission shall forthwith take necessary steps for holding election for filling the seat.

### CHAPTER - VIII ELECTORAL OFFENCES

91. Prohibition of public meeting.-

- (1) On the date of poll: No person shall convene, hold or attend any public meeting within any polling area on which a poll is taken for an election in that polling area.
- (2) Period of forty eight hours ending with hour fixed for conclusion of poll.-No person shall-
  - (a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or
  - (b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or
  - (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto,  
In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of an election.]
- (3) Any person who contravenes the provisions of sub-rule (1) & (2) shall be punishable with fine which may extend to Rupees Two Hundred.

92. Maintenance of Secrecy of voting.-

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

93. Officer, etc., at elections not to act for candidates or to influence voting.-

- (1) No person who is a Magistrate or a Presiding Officer or Polling Officer at an election shall in the conduct of or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

- (2) No such person as aforesaid, and no member of a Police force, shall endeavour-
  - (a) to persuade any person to give his vote at an election; or
  - (b) to dissuade any person from giving his vote at an election; or
  - (c) to influence the voting of any person at an election in any manner.
  - (d) any person who contravenes the provisions of sub-rule (1) or sub-rule(2) shall be punishable with imprisonment which may extend to three years or with fine or with both.

94. Prohibition of canvassing in or near polling stations.-

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

95. Penalty for disorderly conduct in or near polling stations.-

- (1) No person shall, on the date or dates which a poll is taken at any polling station-
  - (a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker;
  - or
  - (b) shout or otherwise act in a disorderly manner so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.
- (2) Any persons who contravenes, or willfully aids or abets the contravention of, the provisions of sub-rule (1) shall be punishable with the imprisonment which may extend to three months or with fine or with both.
- (3) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under these rules, he may direct any Police Officer to arrest such person, and thereupon the Police Officer shall arrest him.
- (4) Any Police Officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-rule(1), and may seize any apparatus used for such contravention.

96. Penalty for misconduct at the polling station.-

- (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the Presiding Officer may be removed from the polling stations by the Presiding Officer or by any Police Officer on duty or by any person authorized in this behalf by such Presiding Officer.
- (2) The powers conferred by sub-rule (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.
- (3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the Presiding Officer shall be punishable with imprisonment for a

term which may extend to three years or with fine which may extend to rupees one thousand or with both.

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

**97. Removal of ballot papers from polling station to be an offence.-**

- (1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or willfully aids or abets the doing on any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to Rupees five hundred or with both.

- (2) If the Presiding Officer of a Polling station has reason to believe that any person is committing or has committed an offence punishable under sub-rule (1), such officer may, before such person leaves the polling station, arrest or 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) An offence punishable under sub-rule (1) shall be cognizable.

**98. Other offences and penalties thereof.-**

- (1) A person shall be guilty of an electoral offence if at any election he -

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

- (2) Any person guilty of an electoral offence under this rule shall be punishable with imprisonment which may extend to six months or with fine or with both.

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

- (4) An offences punishable under sub-rule (2) shall be cognizable.

**99. Penalty for corrupt practice.-** Whoever commits a corrupt practice at an election shall be punishable with a fine not exceeding five hundred rupees.

100. Breaches of official duty in connection with elections.-

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

CHAPTER IX  
MISCELLANEOUS PROVISIONS

101. Election to more than one seat.-

- (1) if a person is elected in one or more seats or chosen to be a member of the Parliament or of the State Legislature then unless, within fourteen days from the date of his election, he resigns all but one of the seats by writing under his hand addressed –
  - (a) To the Speaker or Chairman, as the case may be, of the Council or of the House; or
  - (b) where the office of the Speaker or Chairman for the time being vacant or is deemed to be in abeyance, to the Deputy Speaker or the Deputy Chairman of the Council or of the House; or
  - (c) where the post of the Deputy Speaker or Deputy Chairman is also for the time being vacant or is, deemed to be in abeyance, to the commission all the seats shall become vacant.
- (2) Where the resignation has been addressed to the Commission under sub-rule (1), the Commission shall, as soon as may be after the receipt of the resignation, send a copy thereof to the Secretary of the Council or of the House concerned.
- (3) if a person is elected from more than one constituency in the election to General Council, he/she should vacate either of the constituency and inform in writing to Secretary of the Council within fourteen days from the declaration of the election result. The procedure for intimation of information may be same as sub-rules (1) and (2) of this rule.

102. Election Expenses.-

- (1) Every candidate at an election shall either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof both days inclusive.
- (2) The account shall contain the following particulars in respect of each item of expenditure from day to day inclusive.
  - (a) the date on which the expenditure was incurred or authorized;
  - (b) the nature of the expenditure e.g.
    - (i) travelling
    - (ii) Cost of postage
    - (iii) printing cost of leaflets, posters etc.
    - (iv) petrol and other lubricants.

- (v) hiring charges of the vehicles
  - (vi) meeting/ processions
  - (vii) refreshments,
  - (viii) camp office expenses;
  - (ix) other miscellaneous expenses and the like;
- (c) the amount of the expenditure:-
- (i) the amount paid;
  - (ii) the amount outstanding;
- (d) the date of payment;
- (e) the name and address of the payee;
- (f) the serial number of vouchers, in case of amount outstanding;
- (g) the name and address of the person to whom the amount outstanding and payable ( to be submitted with a certificate on the body of the bills certifying that the expenditure was actually incurred).-
- (3) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage travel by rail and the like, it is not practicable to obtain a voucher. All such voucher shall have to be countersigned by the candidate.
- (4) All vouchers shall be lodged alongwith the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial number shall be entered in the account under item (f) of sub-rule(2).
- (5) it shall not be necessary to give the particulars mentioned in item (e) of sub-rule(2) in regard to items of expenditure for which vouchers have not been obtained under sub-rule(3).

103. **Maximum Election Expenses.**-The total of the expenditure of which account is to be kept under rule 102 and which is incurred or authorized to be incurred in connection with an election shall not exceed Rs. 2,00,000.00 (Rupees two lakhs) in any one Council Constituency subject to the revision of the quantum of the amount by the Commission in consultation with the Government from time to time.

104. **Lodging of the account of election expenses with the District Election Officer.**-

- (1) Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate, lodge with the District Election Officer an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under rule 104 duly verified by an auditor of a local body. Such account of election expenses shall be submitted in Form 33.
- (2) The District Election Officer shall, therefore, issue a letter to all the contesting candidates in every Constituency within three days of the day of election of the returned candidate intimating his name ,designation, and address for lodging the account of election expenses and also the last date before which the account should reach him.
- (3) If a candidate contests election from more than one Constituency he has to lodge a separate account of election expenses for every election, which he contests. The election for each Constituency is a separate election.

105. **Report of the Commission by the District Election Officer.**-

- (1) immediately after the last date for filling accounts of election expenses has expired, and in any case not later than the tenth day after such expiry date, the District Election Officer shall report to the Commission in Form 34 of Appendix II
  - (i) the name of each candidate whose name was included in the list of contesting candidates.
  - (ii) whether the candidate had lodged his account of election expenses;
  - (iii) if so, the date on which the account has been lodged, and

- (iv) whether in the opinion of the District Election Officer the account has been lodged within the time and in the manner required under these rules and Commission's directions, if any in this regard.
- (2) If any candidate has not submitted his account by the time the District Election Officer would send his report, his name should also be included with the remarks that the account has not been lodge.
- (3) Whenever the District Election Officer report that an account lodged by a contesting candidate is not in the manner required under these rules and the Commission's directions, if any, he shall alongwith his report, forward to the Commission that account and the documents accompanying it.
- (4) The District Election Officer shall not send with his report those accounts which he considers to have been lodged in the manner required under these rules, unless specially asked for by the Commission in any case.
- (5) Since the return of election expenditure filed by a candidate has to reflect the "correct" account of the candidate as being in accordance with the manner prescribed, many conduct such enquiry as he deems necessary, and shall certify in his report to the Commission that the document filed before him were verified and that the statement of account was filed in the manner prescribed.

**106. Disqualification and removal thereof by the Commission.-**

- (1) The Commission, on receipt of the report of the District Election Officer, shall take such action against the defaulting candidates and after considering the representation submitted by such candidates, if it is satisfied that a candidate-
  - (a) has failed to lodge an account of election expenses within the time and in the manner required under these rules, and
  - (b) has no good reason or justification for the failure, the Commission shall, any order published in the Official Gazette, declare him to be disqualified for a period as it considers proper, but such period may be extended up to a maximum period of three years.
- (2) However, the Commission may for reasons to be reached in writing, remove any disqualification or reduce the period of any such disqualification.

**107. Filling up of Casual Vacancies.-**

Under the provisions of section 10 of the Act, when the seat of a member becomes vacant by reason of his death, resignation removal or otherwise, the Commission shall; by a notification in the Official Gazette, call upon the Council Constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification, and the provisions of the Act and these rules shall apply, as far as may be, in relation to the election of a member to fill such vacancy.

**108. Time limit for filling vacancies.-**

Notwithstanding anything contained in section 10 of the Act, a bye-election for filling any vacancy referred to in the said section shall be held within a period of six months from the date of the occurrence of the vacancy:

Provided that nothing contained in this rule shall apply if:

- (a) The remainder of the term of a member in relation to a vacancy is less than one year, or
- (b) The commission in consultation with the State Government certifies that it is difficult to hold the bye-election within the said period.

CHAPTER – X  
GENERAL PROVISIONS

109. Civil court not to have jurisdiction.-

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

- (a) any action taken by the Returning Officer in the discharge of his duties under these rules; or
- (b) any action taken by the Presiding Officer and the Polling Officer in the discharge of their duties under these rules; or

110. Requisitioning of premises etc., for election purposes.-

(1) If it appears to the State Election Commission or the District Election Officer that in connection with an election to a Sinlung Hills Development Council-

- (a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or
- (b) any vehicle or vessel is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for the performance of any duties in connection with such election, the State Election Commission or as the case may be, the District Election Officer may by order in writing, requisition such premises or such vehicle or vessel, as the case may be and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning in respect of matters including reasonable remuneration to be given therefor:

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

- (2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Election Commission or, as the case may be, the District Election Officer to be the owner or person in possession of the property.
- (3) Whenever any property is requisitioned under sub-rule (1) the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-rule.
- (4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.
- (5) In this rule-
  - (a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;
  - (b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise;
  - (c) "vessel" means any vessel used or capable of being used for the purpose of water transport, whether propelled by mechanical power or otherwise.

111. Staff of every local authority to be made available.- Every department of the State Government or other authorities and every educational institution including an aided school or private affiliated college in the State shall when so requested by the State Election Commission or the District Election Officer make available-

- (a) to the Electoral Registration Officer, such staff as may be necessary for the performance of any duties in connection with the preparation and revision of electoral rolls; or

- (b) to the District Election Officer and any Returning Officer such staff as may be necessary for the performance of any duties in connection with an election.
112. Expenses in connection with elections.- Funds to meet all expenses in connection with the elections to the Sirlung Hills Council including those in relation to the preparation of electoral rolls therefor, shall be provided by the State Government.
113. Grant of Paid Holiday to Employees on the day of Poll.-
- (1) Every person engaged in work in any trade establishment or commercial establishment or industrial establishment or in any other establishment in the private sector who is eligible to vote in the Election to Sinlung Hills Development Council shall be granted leave on the day of poll.
  - (2) The wages of any such person shall not be reduced or disallowed on account of the leave granted under sub-rule (1) even though such person is appointed on the basis that, wages will not ordinarily be paid for such date, he shall be paid the wages that would have been received by him on such date, had he not been granted leave for that day.
114. Repeal and Savings.-
- (1) On and from the commencement of these rules, The Mizoram (Election to Sinlung Hills Development Council) rules, 2017 and all the subsequent amendments shall stand repealed.
  - (2) In spite of such repeal, anything done or any action purported to have been done or taken under the rules so repealed, shall be deemed to have been so done or taken or purported to have been done or taken under these rules.
115. Removal of difficulties, if any, by the Government.-
- (1) The Government may, after consulting the Commission, issue such general or special instruction as may in its opinion be necessary for the purpose of giving effect to these rules for holding any election under these rules.
  - (2) If any difficulty arises in giving effect to the provisions of these rules or holding of any elections under these rules, the Government as the occasion requires may, in consultation with the Commission, by order, do anything which appears to it to be necessary for the purpose of removing the difficulties.
116. Matters not covered in these rules to be guided by the R.P.Act, 1950 and R.P.Act, 1951 and the rules framed thereunder.-  
As regards matters not provided in these rules such matters shall be guided by the provision of the Representation of the People Act, 1950 (4 of 1950) and the Representation of People Act, 1951 (43 of 1951) and the rules framed thereunder, namely; the Registration of Electors Rules 1960 and the Conduct of Elections Rule, 1961, respectively.

FORM - 1  
[See Rule 26 and 27]

NOTICE OF PUBLICATION OF ELECTORAL ROLL IN DRAFT

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

To,

The Electors of the .....Sinlung Hills Council  
Constituency.

Notice is hereby given that the electoral roll has been prepared in accordance with the Mizoram  
(Election to Sinlung Hills Councils) Rules, 2019 and a copy thereof is available for inspection at my office,  
and at ..... during office hours.

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

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

Date.....  
Address:.....  
Place .....

Electoral Registration Officer

FORM - 2  
[See Rule 29]

APPLICATION FOR INCLUSION OF NAME

To,

The Electoral Registration Officer,  
Sinlung Hills Council  
..... District.

Sir,

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

My name (in full) .....  
My Father's/ Mother's/ Husband's Name .....  
Particulars of my place of residence are :-

House No. ....  
 Street .....  
 Village .....  
 Post Office .....  
 Police Station .....  
 District .....

I hereby declare that to the best of my knowledge and belief:-

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

or

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

Full Address of earlier place of ordinary residence:-

.....  
 .....

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

.....  
Signature or thumb impression of the Applicant

Record of action taken

The application in Form - 3 of Mr/Mrs/Miss.....  
of ..... has been -

- (a) accepted and his/her name is included in the electoral roll of .....  
 ..... Sinlung Hills Council Constituency,  
 or
- (b) rejected for the reason .....  
 .....

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

Electoral Registration Officer

(Seal)

FORM 3  
[See Rule 29]

APPLICATION FOR OBJECTING INCLUSION OR SEEKING DELETION

To,

The Electoral Registration Officer,  
Sinlung Hills Council  
..... District.

Sir,

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

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

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

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

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

NOTE : Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under Rule 22 of the Mizoram (Election to Sinlung Hills Councils) Rules, 2019 and provisions under the appropriate law including Indian Penal Code.

Record of action taken

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

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

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

Electoral Registration Officer,  
  
(Seal)

FORM 4  
[See Rule 29]

OBJECTIONS TO PARTICULARS IN ANY ENTRY

To,

The Electoral Registration Officer,  
Sinlung Hills Council ,  
..... District.

Sir,

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

“ ..... ”

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

.....  
Signature or thumb impression  
of the elector.

NOTE : Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under Rule 22 of the Mizoram (Election to Sinlung Hills Councils) Rules, 2019 and provisions under the appropriate law including Indian Penal Code.

Record of action taken

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

(a) accepted and the relevant entry has been corrected to read as follows :-

.....  
.....

(b) rejected for the reason .....

Date.....

Place .....

Electoral Registration Officer

(Seal)

FORM 5  
[See Rule 32]

NOTICE OF FINAL PUBLICATION OF ELECTORAL ROLL

It is hereby notified for public information that the list of amendments to the draft electoral roll for the..... (No. & Name) Sinlung Hills Council Constituency of ..... District has been prepared with reference to..... as the qualifying date and in accordance with The Mizoram (Election to Sinlung Hills Councils) Rules, 2019. A copy of the said roll together with the said list of amendments has been published and will be available for inspection at my office.

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

Electoral Registration Officer,  
Address: .....  
.....

FORM 6  
[See Rule 38]

NOTICE OF ELECTION

Notice is hereby given that:-

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

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

Returning Officer  
No. & Name of SHC Constituency.....

FORM 7  
[See Rule 40]  
NOMINATION PAPER  
Part - I

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

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

Part - II  
(CANDIDATE'S DECLARATION)

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

- 1) that I have completed \_\_\_\_\_ years of age;
- 2) that I am a member of Scheduled Tribe belonging to \_\_\_\_\_ sub-tribe;
- 3) that I am set up at this election by the \_\_\_\_\_ party; if any
- 4) that symbols I have chosen are, in order of preference  
i) \_\_\_\_\_ ii) \_\_\_\_\_ iii) \_\_\_\_\_
- 5) that I am not disqualified for being elected to fill the said seat in the Sinlung Hills Council;
- 6) that I am not an unsound mind and stands so declared by a competent Court of Authority;
- 7) that my Name and Father's/Husband's Name have been correctly spelt out above in \_\_\_\_\_ (name of language);
- 8) that the Code of Conduct prescribed by the State Election Commission has been read by me/read over to me and I will abide by it;
- 9) that I have deposited a security deposit of Rs. 1000/- (Rupees one thousand) only as prescribed under Rule 41(1).
- 10) that I am not holding any office of profit under the Central Government or the State Government.
- 11) that to the best of my knowledge and belief, I am qualified and not disqualified for being elected to fill the seat of the said Sinlung Hills Council;

Witness:

(.....)  
Signature

(.....)  
Signature

(.....)  
Name (Capital Letter)

(.....)  
Name (Capital Letter)

Sl.No in the E/Roll.....  
Date.....  
Place.....

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

Part-III  
(To be filled by the Returning Officer)

Serial No. of Nomination Paper .....

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

Signature of the Returning Officer or  
other authorised person

Part-IV  
(Decision of Returning Officer accepting or rejecting the nomination paper)

I have examined this nomination in accordance with Rule \_\_\_\_\_ and decided as follows:

Date: \_\_\_\_\_  
Place: \_\_\_\_\_

Accepted/Rejected

Returning Officer

(Perforation)

Part-V

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

Serial No. of Nomination Paper .....

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

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

Date: .....  
Place: .....

Returning Officer

FORM 8  
[See Rule 41(2)]

RECEIPT OF SECURITY DEPOSIT

Part 'A'

Part 'A'

No.....  
Date.....  
Received a sum of Rs 1000/- (Rupees one thousand) only from Pi / Pu ..... of ..... on account of security deposit for his nomination for SHC election.

No.....  
Date.....  
Received a sum of Rs 1000/- (Rupees one thousand) only from Pi / Pu ..... of ..... on account of security deposit for his nomination for SHC election.

Returning Officer,  
No & Name of SHC Constituency  
.....

Returning Officer,  
No & Name of SHC Constituency  
.....

Part 'B'

Part 'B'

HOW DISPOSED OF

HOW DISPOSED OF

Date.....  
Refunded/forfeited

Date.....  
Refunded/forfeited

Signature of Candidate.      Returning Officer  
No & Name of SHC Constituency  
.....

Signature of Candidate.      Returning Officer  
No & Name of SHC Constituency  
.....

FORM 9  
[See Rule 42(4)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to Sinlung Hills Council of ..... (No & Name) 20.....

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

Place :  
Date :

Returning Officer

FORM 10

[See Rule 43(1)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

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

To,  
The Returning Officer,  
.....

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

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

Signature of nominated candidate

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

.....  
Returning Officer

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

(Perforation)

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

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

.....  
Returning Officer

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

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

Form 11  
[See Rule 45(9)(b) & 45(10)(b)]

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

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

To,

The Returning Officer,  
.....

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

Sir/Madam,

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

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

Yours faithfully,

Signature \_\_\_\_\_

Name of President ( \_\_\_\_\_ )

(Seal)



FORM 13  
[See Rule 48(1)(a)&(c)]

APPOINTMENT OF ELECTION AGENT

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

To,

The Returning Officer,  
.....

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

Place .....

Date .....

.....  
*Signature of Candidate*

I accept the above appointment

Place .....

Date .....

.....  
*Signature of Election Agent*

*Approved*  
*Signature and seal of the Returning Officer*

FORM 14  
[See Rule 48(1)(e)]

REVOCATION OF APPOINTMENT OF ELECTION AGENT

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

To,

The Returning Officer,  
.....

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

Place .....

Date .....

.....  
*Signature of Candidate*

FORM 15  
[See Rule 48(2)(b)]

APPOINTMENT OF POLLING AGENT

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

To,

The Presiding Officer,  
.....

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

Place:  
Date:

Signature of Candidate/Election Agent

I agree to act as Polling Agent

Place:  
Date:

Signature of Polling Agent

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

I, ..... Polling Agent of Pi/Pu ..... do hereby  
declare that at the Election to the Sinlung Hills Council Constituency of .....  
(No. & Name) I will not do anything that may violate the secrecy of the election or any provision of the  
Mizoram (Election to Sinlung Hills Council) Rules, 2019 in connection with this election.

Signature of Polling Agent (date)

Signed before me and accepted

Presiding Officer

Place:  
Date

\*Strike off whichever is not applicable.