# A compilation of Acts, Regulations & Rules under LADC

## VOLUME-III

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# THE LAI AUTONOMOUS DISTRICT COUNCIL

# VILLAGE COUNCIL, ACT 1974.

# (AS AMENDED IN 1993)

**Village Council dinna leh khawchhung inrelbawlna Dan**.

**Thupui (Preamble) -**

Village Council din dan leh a thuneihna thin te, khawchhung inrelbawlna te leh Village Police dinte Vantlang hriselna lamte huam a dan siam a lotul avangin leh India Constitution Sixh Schedule para 3 (1) (e) & (f) in Autonomous District Council chu Village or Town Committee din leh an thu neih dan tur-te, Village or Town Police din thute leh Vantlang hriselna chungchang thu a dan siam tura thuneihna a pek angin, Lai district Council chuan India ram Republic a nih atanga kum 25 na-ah hetiang hian dan a siam a ni.

## Bung - 1

## THUHMAHRUAI ( PRELIMINARY )

**1. A hming a huam chin leh hman tanna-**

(1) He dan hi Lai Autonomous District Council (Village Councils) Act, 74 tih a ni ang.

(2) Lai District Council ram pumpui a huam ang.

(3) Mizoram Gazette a puanchhuah ni atangin hman tan a ni ang.

**2. Sawifiahna :-**

He danah hian a bik taka sawina emaw a thu zawmpuiin a awmze danglam a nei a nih loh chuan.

(1) 'District' tih chu India Constitution Sixth Schedule part III para 20 na a sawi Lai Autonomous District chu a ni.

(2) 'Deputy Commissioner' tih chu Chhimtuipui District a Bawrhsap (Deputy Commissioner) tihna a ni.

(3) 'Executive Committee' tih chu Lai District Council Executive Committee tihna a ni.

(4) 'Secretary' tih chu Village Council a Secretary tihna a ni.

(5) 'District Council' tih chu Lai District Council tihna a ni.

(6) 'Schedule Tribe or Tribes' tih awmzia chu India Constitution aricle 342 (1) anga President -in a puante leh Parliament - in a tihdanglam ang zela Mizoram U.T. a Scheduled Tribe ti a puante an ni.

(7) 'Tlangau' tih chu khawchhung Tlangau tihna a ni.

(8) 'Hnatlang' tih chu khawchhung that nana khua a mi ten a huhova hna an thawh hi a ni.

(9) 'Village Council' hemi dan anga Village Council siam chu a ni ang.

(10) 'Voter' tih chu Lai District Council inthlanna tawh phawt a thlang theitute hi an ni.

(11) 'Upa' tih chu Village Council pakhat rorelna hnuaia khawper enkawltu atana ruat hi a ni.

(12) 'Governor' tih chu Mizoram awptu India Constitution article 239-na ang a India President-in a ruat hi a ni.

**3. Village Council din dan -**

(1) Lai Autonomous District Council huam chhunga khawtinah Village Council a awm ang. Mahse in 40 aia tlem a nih chuan Village Council hran an nei thei lo ang.

(2) Village Council chuan Member, a in tam dan zulzuiin a hnuaia tarlan ang hian a nei thei ang.

| | | | | |
|---|---|---|---|---|
| (a) | In 40 atanga | 100 - | 2 | Members |
| (b) | In 101 atanga | 200 - | 3 | Members |
| (c) | In 201 leh chung lam zawng | - | 4 | Members |

(3) Sub - Section (2) a member neih theih zat tarlan bakah Village Council tin chuan Nominated Members, 2 aia tam lo, VCP recommend angin executive Committee chuan a ruat ang a, Members dang zawng chu he dan hnuai a District Council in dan - te (Election to Village

Council Rules,1981) a siam zulzuiin chu khua a kum puitling chin ten an thlang ang. Amaherawhchu, Village Council-in Nominated Member tel ova VCP an thlan theih loh chuan Executive Committee chuan khawchhunga mi tupawh VCP recommend-na tel lovin Nominated Seat ah a appoint thei ang.

(4) Nominated Members tih loh Village Council Member-te chu khawchhung mi, District Council in thlanna hnuhnung ber a Electoral Roll a hming chuang ten an thlang ang.

**4. Member atana tlinna :-** (Qualification)

Village Council Member ni tur leh thlan tur a tan heg hi tling lova ngaih a ni ang.

(a) 'Scheduled Tribe' a nih loh chuan.

(b) Kum 25 a tlin loh chuan.

(c) Inpek a tumna hmun a Voter anih loh chuan.

(d) Village Council danga member a nih chuan.

(e) Hemi dan awm hma leh awm hnu emaw pawh a, Lai Autonomous District Council dan ding lai emaw, India ram chhunga Dan ding lai bawhchhiat avanga convict an nih atanga kum thum a ral hma loh chuan emaw, Lung in tang a nih pawhin, Lung in atanga chhuah a nih atanga kum 3 a ral zet loh chuan.

(f) India khua leh tui a nih loh chuan.

(g) Executive Committee-in khawper atana Upa ruat tula a hriat chuan, khawper neitu Village Council President rawnin Upa a ruat ang a, chumi ruat a chu hemi dan sec 4 in a sawi anga Member ni thei chin a ni tur a ni.

**5. Village Council Member paih theih dan -**

(1) Village Council member zinga mi tupawh natna khirhkhan tak avanga Village Council Committee na-a tel thei lo leh chu Village Council din hun chhung (term) zawng pawh a, a natna chu a tha thei dawn lova a lan chuan

Member tling lova puan a ni ang. Tin, chutiang report V/C President hnen atanga hmuh a nih chuan, Executive Committee-in tul atih angin enfiahna a nei ang a, chumi hnuah Executive Committee chuan chumi hmun chu a ruak tih a puang ang.

(2) Village Council Member tupawh member a nihna ngaihsak lova, Village Council thutkhawmna-a a zawna vawi nga (50) tel lo chu a Member nihna paih theih a ni ang. Chutiang member paihna tura thu tihtlukna chu Member dang te kim taka thukhawmin an hretlang tur a ni a. Execituve Committee hnenah pawmpui turin an thawn ang. Pawmpui a nih chuan a hmun chu a ruak a puan a ni ang.

(3) Village Council Member tupawh thuawilo leh kawhmawhbawl lui hrim hrim leh chhan dang tha tawk engemaw avanga Executive Committee-in Village Council rorelna a tel tlak lo ni a a ngaih-te chu hun engemaw ti chhung (Thla 3 aia reilo) Village Council rorelna a an tel a phal lo thei ang.

5.A. (1) VCP chu Village Councila Member ten rintawk lohna an nei a, chumi atana a bik taka thutkhawm, Executive Committee-in rem a tihah Member tam zawkin rintawk lohna an pass chuan VCP chu a tla a ni.

(2) Village Council a Member tam zawk ten hming ziak meuh a an President thiltih dan-ah complaint-na an neih a, paihthlak an duhthu executive Committee-ah an rawn thlen a, Secretary-in a rawn forward bawk chuan Executive Committee chuan hemi atan bik VC thutkhawm a ni nen lam ruat in a ko ang. Amaherawhchu Execituve Committee chuan complaint an submit chu a nih dan tur ang taka tih a nih loh chuan a paih thei ang.

(3) Village Council,VCP rintawklohna thu a thukhawm an nih chuan Secretary-in a kaihruai ang a, a ni chuan Vote a nei thei lovang.

(4) Village Council Member tam zawk ten rintawklohna thu an pass chuan, Secretary chuan VCP chu paihthlak a ni

tih thutkhawmna ah chuan a puang ang a, Member tam zawk ten rintawklohna thu chu an thlawp loh chuan secretary chuan VCP chu paihthlak a ni lova, VCP a ni zawm zel a ni tih a puang thung ang. Vote in tluk thilah Secretary chuan thum a vawr ang.

(5) VCP paihthlak a lo nihin, paihthlak atanga ni 2 chhung ngeiin VCP thar thlan tur a ni.

(6) VC chuan ni 2 chhunga President thar a thlan theih loh chuan, Executive Committee-in khawtlang rorelna chu a kut-ah a la ang a chumi atan CS tu ber pawh thla thum aia reilo emaw Sec 6 (1) in a sawi anga President thar an thlan emaw (a hmasa zawk zawk) V/C dissolve lovin khawtlang rorelna kengkawh turin a ruat ang. President thlanna chu, Secretary-in VCP thlan dan tur ang takin a kaihruai ang.

**6. Village Council hun chhung :-**

(1) Village Council chu thiat a nih loh chuan Executive Committee in an thutkhawm tan ni tur a ruat atanga kum thum chhung a awh ang.

(2) Executive Committee-in tum khatah thla ruk aia rei lovin a pawt seiin a titawi thei ang.

**7. Ruat Seat Memberte tan hun chhung -**

Village Council Member atana ruat (Nominate) chuan Sec 3 (4) a sawi angin Executive Committee te remtih hun chhung member nih theih a ni ang.

**8. Executive :-**

(1) Village Council chuan President a nei ang a, a ni chu Village Council Member zinga thlan, vote hmu tam ber chu a ni. Vice President erawh chu President in VCM te zinga a recommend, Executive Committee-in a appoint a ni. An ni hian Secretary tanpui na in V.C hna zawng zawng an thawk ang. President awm loh hlanin Vice President chuan President Charge a la ang.

(2) Executive Committee chuan, President nena in rawnin Village Council Secretary a la appoint-in a ban thei ang.

(3) Village Council Member te leh Secretary-te chuan eng hun ah pawh an mahni kut ziak ngeiin, Executive Committee-ah President kaltlangin banna an thehlut thei ang a, chutiang anga hmun ruak a lo awm chuan executive Committee chuan a hmun ruak a zirin a thlaktu tur atan in thlanna emaw appointment emaw a rang thei ang berin a buatsaih ang.

(4) President chuan eng hunah pawh ama kut ziak ngeiin Executive Committee hnenah banna a thehlut thei ang a, a banna Executive Committee in a pawm hma chuan President hna chu a chelh zel rih ang.

(5) Eng hunah pawh engvang pawh a Village Council hmun ruak a lo awmin, Executive Committee hnenah President-in report vat zel tur a ni.

(6) Engvang pawha President hmun a lo ruak anih chuan Executive Committee in chu hmun ruak chu tih khah dan a ngaihtuah ang. Chumi chhungin Executive Committee in Member tu ber emaw President hna lo chelh lai lawk turin a ruat thei ang.

(7) Vice President-in resign-na a submit dan tur chu Sub section (3) na a member or Secretary emaw resign submit dan tur angin a ni ang a. Eng hunah pawh President Office chu a ruak anih chuan Vice President Office pawh a ruak nghal a ni.

**9. Village Council tih tur leh a mawhphurhna te :-**

V/C te chuan heng thilah te hian a vaiin emaw, a then a zar emaw enkawl leh thawh thu-ah mawh an phur ang a, hemi kengkawh nana dan tul angte chu Executive Committee- in a siam thei ang.

(1) Khawchhung kawng tihfai.

(2) Khawtlang hriselna leh khawchhung buai ven him.

(3) Khawtlang tana tui intur te, insuk leh inbualna a tan Tuikhur leh Tuichhunchhuah te siam leh enkawl leh humhalh.

(4) Thlanmual leh miruang halna hmun tur emaw ruat leh, chumi atana dan siam te, Ran thi paihna tur hmun leh thil tul dang te.

(5) Tlang hrileng laka inven.

(6) Khawchhung kawng leh tuihawk luan kawr leh tui kawng siam leh enkawl.

(7) Khawchhung tana ran tlatna hmun turte, khawchhunga ran dahkhawmna tur hmun tur te, Vantlang leh hnam thilte tha taka humhalh leh vawn (Control) te.

(8) In thar sak dan thu a dan zam leh in dinglai zauh leh tihdanglam thu.

(9) Sikserh leh khawsik (Kala azar-black fever) ven leh ban zai tir thu te.

(10) Piangthar leh mitthi zat chhinchhiah leh, chumi atana lehkhabu (Register) vawnte.

(11) Khawchhunga thi leh Naupiang te leh chhungkua lopem lute maw pemchhuak emaw thla 3 dan zelah Executive Committee - in Form a siam angin a report tur a ni.

(12) Khawtlang hriselna leh zunram thiarna leh tuihawk luankawr enkawl leh humhalh.

(13) Khawchhung mipuite rilru a hmasawn zawng a hman tangkai.

(14) Kawngsir leh mipui Vantlang chenna hmun kianga thing phun leh enkawl.

(15) Vantlang tana tangkai thei zawnga radio hman leh enkawl chungchang.

(16) In tih harh nan leh infiam nana Library leh lehkha chhiarna hmun siamte leh Cultural Club siam te.

(17) Mahni hnam infiamnate, Hnam hla leh Hnam lam-te leh kut chi hrang hrang te tih lar thar.

(18) District Council-in kawng danga tih tur leh thuneihna a pek thu ah.

(19) Hnatlang chungchanga dan siam leh thupek (Order) hei hi PADC. Hnatlang Act,1980 dan anga Hnatlang siam leh enkawl tur a ni ang.

(20) V/C chuan an mahni ram chhung, khawi lai ram emaw Lo leh Leipui atan a thet thei ang. Chung lo te chu India Constitution a Sixth Schedule para 3 (1) (d) thu anga District Council in dan a siam ang a sem a ni ang.

A chunga hnate leh tihtur sawi hote khi tha taka tih puitlin a nih theih nan V/C ten tul an tih chuan committee ( Hriselna lam ngaihtuah Pawl) a din thei ang.

**10. Hnatlang Chungchang -**

(1) Village Council-in mimal emaw a aia tam emaw dam lohna avangin emaw chhan tha tawk awmin emaw a ma thuin Hnatlang awl tir theihna a nei ang. Awltirna chhan chu ziaka vawn tur a ni. Mi Kum 60 emaw a aia tam emaw chu hnatlang reng reng ah phut an ni lovang.

(2) Mi tupawh Kum 15 hnuai lam chu Hnatlang ah aiawh atan tel tir phal a ni lovang.

(3) Village Council President-in emaw Secretary-in emaw Hnatlang thawkte hmingbu a vawng ang a, in tin thawktu kim leh kim loh a en ziah ang.

(4) Village Council aiawh pakhatin Hnatlang thawkte an endik (Control) ang.

(5) Village President-in Hnatlang thawh rawt anih leh thawh ni tur leh a hun a puang ang.

(6) Tupawh Hnatlang awl emaw awlna Sub-Section (1) in a pek loh te chu, Hnatlang thawh ni a an thawh loh chuan Rs 30/- emaw thleng bungrua a hu tawk chawi tir a ni ang.

(7) Village Council-in a run a te chunga thupek kenkawh theih a nih loh chuan Executive Committee hnenah thin chhuah sak atan a thlen ang.

(8) Mi tupawh Hnatlang thawh aiah pawisa a thawh duh zawk chuan Rs, 20/- aia tam lo laksak in a ti thei ang.

(9) Run Sum hman dan :-

(1) Sub-Section (6) na leh Sub-Section (8) na a run sum chu hnatlang thawk tu ten, tha an tih anga hman ral theih a ni ang.

(2) Run sum leh phatna sum lak luh leh hman ralna chu Village Council Secretary-in ziakin a vawng ang a, chu chu mi tupawhin, an duh chuan an en thei ang.

(10) Hnatlang buai chungchanga Executive Committee thu relna :-

Hnatlang thawh chungchanga buaina a awm chuan Executive Committee-in a ngaihtuah anga, a thu tihtluk chu thutawp a ni ang.

Hnatlang chungchanga he dan-in a a sawi bakah chuan District Council-in dan a siam thei anga, chung zawng zawng te chu Executive Committee in tha a tih ang in a puangzar ang.

**11. In Vawn thianghlim :-**

Khawchhung in vawn fel thu-ah V/C ten mawh an phur ang. V/C chuan tula a hriat chuan Sanitation Committee (hriselna lam ngaihtuah tu Pawl) a din thei ang.

**12. Chhiahkhawn thu :-**

(1) Executive Committee-in emaw a aiawha a ruat Officer ten emaw Tax khawn turin mi a ruat thei ang a, a hna kalhmang leh a thawh dan tur te pawh felt akin a kawh hmuh ang.

(2) Executive emaw a aiawha a ruat District Council Officer-in emaw tihdan tur a kawhhmuh angin, chhiah chu khawn tur a ni.

## BUNG. III

IN KHAWM KAL HMANG.

**13. President leh V/C inkhawm thu -**

VCP chuan V/C thutkhawm a ho vanga, thla hnih chhungin vawi 1 tal thutkhawm a ko vang. Meeting leh Meeting inkar ah ni 60 a tla tur a nilova, Member 2/3 in ziak

ngeia an ngen emaw a tul bawk chuan chu aia zing pawhin a neih theih a ni.

**14. Rorel thei tura Member kal zat : (Quaram)**

V/C Memberte 2/3 an kalkawm chuan rorelna an nei thei ang.

**15. Village Council rorelna a thu tihtluk dan -**

(1) Rawtna reng reng vote a tihtluk zel a ni ang.

(2) V/C President emaw a ai lo awh tu emaw chaun an vote ve tur a ni lova. Amaherawhchu vote a lo in zat chuan tha an tihna lam apiangah vote an pe thei ang.

(3) Secretary leh Tlangau te thutkhawmna ah an tel ve ang a, vote erawh an nei lovang.

**16. V/C Rorelna a thupek humhalhna dan :-**

President chuan V/C rorel inkhawm laiin a thlana dan leh thupek kengkawhin thutawp siam chungchang ah thuneihna a nei ang.

(1) Rorelna atangin Member tupawh che mawilo leh hnawksak te chu tello turin thu a pe thei ang a, chu thupek chu a zawm nghal bawk tur a ni.

(2) Member tupawh inkhawm tumkhat a tel lo tura vawihnih hrilh a nih tawh chuan chu inkhawm kalmekah tel lo turin a suspend thei ang.

(3) A chunga sawi lan tak sub.sec,(1) & (2) anga Member tupawhin thupek an awi duh loh chuan, President in ziak ngeiin Executive Committee hmaah thil awmdan a report ang a, Executive Committee in tul a a hriat chuan, chutiang mite chu tul a tih hun chhunga Member nihna a chawlhtir thei ang.

**17. Village Council tinin "V.C Sum" an nei ang a, Ram chhuah leh leiman tih loh mipuite thatna atana khawn tesep, Dan in thuneihna a pek anga khawn chu he V.C Sum-ah hian chhun luh tur a ni. Secretary chu he sum vawngtu hi a ni ang a, V.C. Member tupawhin Meeting an neihin Sum vawn dan chu a endik thei ang-**

**18. Thupek (Order) kenkawh chungchanga President mawhphurhna te -**

(1) President chuan khawchhung tana thil hlauhawm lo thleng thei entirnan ;- Meikang thu-ah te, Tlang hrileng lakah te khawchhung mipuite an fimkhur theih nan, Tlangau a au tir zel tur a ni. Tin, District Council atanga thuchhuak hriattirnate, thupek leh lehkha pawimawh khaw danga thawn chhawn tur te chu, Secretary a thawn tir zel ang.

(2) District Council atangin emaw, Chhimtuipui District Bawrhsap Saiha atanga District Council kaltlanga thu pek leh, hriattirna an thawnchhuah-te tihhlawhtlin thuah V/C President chu mawhphurtu a ni ang.

(3) President chuan chutianga thu chhuak te chu V/C rorel na ah Secretary a chhiarchhuah tir anga, mipuite hriattir tul anih chuan, Secretary in khawchhungah Tlangau a au tir tur a ni.

(4) Secretary-in lehkhabu leh record-te fel tak leh indawt thlapa vawn thu-ah President-in mawh a phur ang.

**19. Secretary -**

Secretary chu khawchhung ziaktu a ni ang a, a hnuaia tih tur ziak lan thilah te hian mawh a phur ang.

(a) Khawchhung thubuai leh rorelna thuchhuak zawng zawng fel taka chhinchhiahin, ziak lut thlap anga, chu chu President-in a hming a signed (ziak) hnan tur a ni. Tin, thupekte hriattirna-na te leh Record but e chu a tul dan ang zelin, puanchhuah a ni ang a, President-in chungah te chuan hming a signed (ziak) zel tur a ni.

(b) District Council emaw Deputy Commissioner emaw leh a thawhpuite hnen atang emaw hriattirna emaw leh lehkha thawnte khawdang V/C a thawn chhawn tur a tih te chu fel taka thawn zel turin Secretary chu mawhphurtu a ni.

(c) Village Council leh Village Court rorel chhinchhiahna bu zawng zawng chu Secretary-in a vawng ang a, Executive Committee-in mamawhna a neih chuan, chung lehkhabu-te chu a ma hming leh President hming signed ngeiin a thawn thin ang.

(d) Chung lehkhabu leh rorelte chu District Council Officer emaw District Council-in a aiawh a ruat V/c Member tu pawhin eng hun pawha an endik theih turin fel takin vawn tur a ni.

(e) V.C. Sum a vawng anga, section 17 na a sawi angin Account a vawng ang.

**20. Khawchhung dante -**

(1) V/C tin ten, khawchhungin an mamawh dan ang zelin khawchhung inawpna atan dan a siam thei ang.

(2) Executive Committee pawmpui hmasak a nih loh chuan eng dan mah a hmang thei lovang.

**21. V/C Thuthmun :-**

(1) Executive Committee remtihna lahmasa lo chuan khawhmun sawn theih a ni lovang.

(2) Executive Committee-in ziak ngeia phalna a pek loh chuan Lai District huam chhungah khawper emaw khaw lailawk (Temporary Village) siam leh din phal a ni lo.

(3) Executive Committee emaw Executive committee-in a aiawh a Officer a ruat emaw chuan, tu pawh phalna lova khaw thar din emaw, khawper siam a awm te chu thla 1 chhunga chhuahsan tura a hriattir hnuin, a hnawtchhuak thei ang.

(4) Hun tiam chhunga chhuahsan duh lo te chu, Executive Committee chuan, a aiawh a ruat Officer emaw chuan a hrilhhriat hnu pawh a, phal lo chunga luah lui tute chhungkua chu thla tin Rs.50/- aia tam lo a chawitir thei ang.

(5) Sub-sec. (3) & (40) na a sawi anga phalna lova awm luite hnawhchhuah thu-ah, Executive Committee emaw, a aiawh Officer emaw thu tihtluk chu Civil Court thu remna anga ngaih a ni ang.

**22. Tlangau :-**

(1) Dan naranin V/C tinah Tlangau pakhat a awm anga, chhan tha tawk engemaw avanga Tlangau pakhat aia tam neih a tul anih chuan, executive Committee hnenah (Appointment) phalna lak hmasak tur a ni.

(2) V/C a Tlangau lak dawn chuan President-in lak ni tur ruat fel diamin hriattirna (Advertisement) a chhuah ang. V/C Member-te thukhawmin diltu te zing atangin, Tlangau tur chu an la ang. V/C te chuan Tlangau chu an ban thei anga, amaherawhchu an thil kal dan hmang Executive Committee-ah an report tur a ni.

(3) Heng te hi Tlangau hna leh mawhphurhna a ni ang :-

(1) V/C in puan tula a hriat thupek leh hriattirnate Vantlang hnenah a puang thin ang.

(2) Village Council emaw, V/C Court-in emaw an thutkhawmna (Rorelna) a in lan tura an tihte mimal or pawl-hote a ko thin ang.

(3) Lai District Council hnuaia thawk te leh secretary in tul an tih angin, Tlangau an chhawr thei ang.

(4) Khawchhung rikrum thil thu a mipui vantlang punkhawm a lo tul thut anih chuan, President be rawn hmasa kher lo pawhin tupawhin Mipui ko khawm turin Tlangau an tir thei ang.

(5) President V/C Committee a koh apaiangin, Member-te Tlangau in a hrilh thin ang.

**23. Memberte hlawh -**

President, Secretary, Tlangau leh Member te chuan Council-in a ruat angin, hlawh an nei ve ang.

**24. Secretary leh Tlangau -**

V/C Committee apaiangah Secretary leh Tlangau chu an tel ve thin ang a, vote erawh chu an nei lovang.

**25. Village Council thiah thu : (Dissolution) -**

(1) Executive Committee chuan hriattirna chhuahin Commission Council Officer te zinga mi, mi 3 aia tam lo a ruat ang a, an ni chuan ngun taka an ngaihtuah hnuah, Village Council chu khawtlang rorelna kengkawh zo lo leh tlak lo emaw State Sawrkar kalh zawnga che emaw thamna leh hlepna diklo a in hnamhnawih nia a hriat chuan Ex-

ecutive Committee- in hun a tiam chhungin a thil hmuh dan leh a recommend-na nen executive Committee-ah a thehlut ang.

(2) Executive Committee chuan Commission report leh ama rawtna te nen District Council hmaah a pharh ang a, District Council thukhawmin thu a pass angin Executive Committee chuan chu Village Council chungchangah chuan order a chhuah ang. Chu order copy chu deputy Commissioner Chhimtuipui District pek tur a ni.

(3) V.C chu a chunga tarlan ang a Disslove a nih chuan Executive Committee chuan inthlanna neih zawh hma zawnga khawtlang awpna leh rorelna lo kengkawh turin, mi 3 aia tam lo a ruat ang Village Council thiah leh inthlanna neih tir inkar chu, Disslove ni atanga chhiar tanin, engtikawng mahin thla 6 a pel tur a ni lo.

**26. Khawchhung in hmun pek thu :-**

Mi tupawh V.C ten ziak ngeia phalna an pek loh chuan engtikawng pawha hman tur In (House) sak phal a ni lo. Executive Committee in In hmun, insakna atan pek a duh chuan chu a thuneihna chu engtikawng mahin dal theih a ni lo.

## THE LAI AUTONOMOUS DISTRICT COUNCIL (SALARIES, ALLOWANCES AND PENSION OF MEMBERS) ACT, 1993.

AN
ACT

To provide for the Salaries, Allowances and Pension of Members of the Lai Autonomous District Council:

Whereas it is expedient to provide for the Salaries, Allowances and Pension of members of the Lai Autonomous District Council.

It is hereby enacted by the Lai Autonomous District Council in the Forty-fourth year of the Republic of India as follows :-

**1. Short title and commencement-**

(1) This Act may be called the Lai Autonomous District Council (Salaries, Allowances and Pension of Members) Act,1993.

(2) It shall be deemed to have come into force with effect from the first day of September,1992.

**2. Definitions -**

In this Act unless the context otherwise requires :-

(a) "Committee" means a Committee of the District Council :

(b) "Day" means a period of twenty four hours beginning at midnight:

(c) "District Council" means the Lai Autonomous District Council established the under Sixth Schedule to the Constitution of India :

(d) "Family" in relation to a Member means the wife or husband residing with him or her as the case may be, and the children (including the legally adopted children and step-children) residing with and wholly dependent on such members :

(e) "Form" mean a form appended to the second Schedule :

(f) "He" and its gramatical variation stand for both man and woman :

(g) "Member" means a Member of the Lai Autonomous District Council and it does not include the Chief Executive Member, Chairman, Executive Members, Deputy Chairman and Vice Chairman of Planning and Development Committee of the District Council, but includes for the purpose of pension including family pension only under section 10;

(h) "Period of residence on duty" means the period during a member resides at a place where a session of the District Council or a sitting of a Committee is held or where any

other business connected with his duties as such member is transacted, or for the purpose of attending such other business and includes, except in the case of member who ordinary resides at the place where a session of the District Council or sitting of the Committee is held, or where any other business connected with his duties as such member is transacted:

(i) In the case of a session of the District Council, a period of such residence, not exceeding two days immediately succeeding the date on which the District Council is adjourned sine die ;

(ii) In the case of a sitting of a Committee or any other business a period of such residence, not exceeding two days immediately succeeding one day immediately proceeding the commencement of the business of the committee or other business and a period of such residence not exceeding one day immediately succeeding the conclusion of the business of the committee or other business.

(i) "Schedule" means a Schedule appended to this Act;

(j) "Term of Office" in relation to a member means the period beginning with the date when such member takes his seat in the District Council and ending with the date on which his seat becomes vacant;

(k) "Usual place of residence" in relation to a member means the place where the member personally resides or works for gain within the Lai Autonomous District.

**3. Salaries of Members -**

A member shall be paid a salary of one thousand five-hundred rupees per member during the whole of his term of Office.

**4. Daily Allowances -**

A member shall be entitled to receive Daily Allowances of one hundred fifty rupees for each day of the journey

performed for attending a session of the District Council or for meeting of a Committee and also for each day of the period of residence on duty.

**5. Constituency and contingencies allowances -**
A member shall be paid of Rs.2000/- per member with contingency allowances of Rs.800/- per month.

**6. Residence etc -**

A member shall be entitle without any payment to use and maintenance of a furnished residence throughout his term of Office as a member and for a period of 15 days immediately thereafter, and so long as such residence is not provided for he shall be entitled to a residence which rental charges shall be not more than one thousand rupees per mensem.

EXPLANATION – For the purpose of this section

(a) "Residence" includes the staff quarters and other building appurtunent thereto and garden thereof.

(b) "Maintenance" in relation to a residence includes-

(i) Provision of electricity upto 50 units per mensem and free supply of water.

(ii) Free telephone calls upto 500 calls per quarter, and

(iii) Payment of local rate and taxes;

(c) "Occupation of Member Hostel" A member occupying the members Hostel not just staying a few days as a visitor shall not be entitled to the rental charge in lieu of furnished residence.

**7. Travelling Allowances -**

(1) There shall be paid travelling allowances to each member in respect of every journey performed by him for the purpose of attending a session of the District Council or a sitting to a Committee or for the purpose of attending

to any other business connected with his duties as a member from his usual place of residence to the place where the session of the sitting is to be held or the other business is to be transacted and for the return journey from such a place to his usual place of residence at the rate of one hundred fifty rupees per day. This will not include touring in the constituencies without specific order by the Executive Committee.

(2) Where no Government accommodation is available outside the State, a member on official duty shall be entitled to reimbursement of accommodation charge of single room in a Three star Hotel in addition to the Daily Allowances subject to production of actual payment receipt.

(3) Notwithstanding anything contained in sub section (1) a member who performs by road between place connected by rail, either wholly or part, may draw the road mileage on the scale mentioned in the sub-section (1) instead of the travelling by rails.

Provided that the total allowances of travelling allowances drawn by such member for the entire journey shall not exceed the amount which could have been admissible to him, had he performed the journey by rail.

Provided further that a member shall be entitled to an advance of travelling and daily allowances in respect of the tour undertaken by him on official duties.

**8. Special Provision :**

In the special circumstances specified in the First Schedule, the provisions of this Act shall apply subject to the provision of that Schedule.

**9. Proceeding** :

The provisions of the Second Schedule shall apply in respect of all claims for salaries and allowances.

**10. Pension :**

There shall be paid a pension of one thousand rupees per mensem to any person who has served for a period of five years or for any period shorter than five years.

(a) As member of the erstwhile Pawi-Lakher Autonomous Regional Council or

(b) As member of the Pawi/Lai Autonomous District Council.

EXPLANATION

(1) This provision does not apply to a person who was elected as a member of Pawl Lakher Regional Council from any constituency which does not form a part of the present District of the Lai Autonomous District.

(2) Where any person has served as aforesaid for a period exceeding five year an additional pension of hundred rupees per mensem is part to him for every year but in no case the pension payable to such person shall exceed two thousand rupees per mensem and whereas pension shall be admissible to any member.

(3) Where any person entitle to pension becomes a member of any Autonomous District Council or is employed on a salary under the Central Government or any Corporation owned or controlled by the State Government or any semi-Government or any local authority, such person is not entitled to any pension for the period during which he continued to hold such office or as such member or is employed or continue to be entitled to such remuneration when the salary payable to such person for holding such office or being such member also employed or where the remuneration payable to such person is in other case less than the pension payable to him such pension shall be entitled only to receive the balance as pension.

(4) Where any person entitled to pension is also entitled to any pension from the Central Government or any local authority under any law or other then –

(a) Where the amount of pension to which he is entitled under such law or otherwise equal to or in excess of that to which he is entitled as a member, such person shall not be entitled to any pension and

(b) Where the amount of pension to which he is entitled under such law or otherwise is less than that to which he is entitled as a member such pension shall be entitled to pension only of an amount which fall short of the amount or pension to which he is otherwise entitled as a member.

(5) In computing the number of year, for these purposes the period during which a person has served as a Chief Executive Member, or as a Chairman, or as Executive Member, or as a Deputy Chairman or as Vice Chairman of Planning and Development Committee of the District council or more than any of the aforesaid by virtue of his Membership in the Pawi-Lakher Regional Council shall be taken into account.

**11. Family Pension :**

When Member has became the expiry of the term of his Office, his/her spouse he paid family pension of the same amount of pension for the deceases Member.

**12. Travel by Air :**

A member is entitled to travel by air on tour performing Official duties within India.

**13. Medical treatment :**

A Member and the members of his family shall be entitled free of charge to accommodation in hospital maintained or recognized to members by the District Council and also to Medical treatment in accordance with Medical Attendance Rules as amended from time to time, applicable to first Grade Officer of the Government of Mizoram.

EXPALNATION

If a member has more than one wife residing with him the benefit conferred by this section shall be available only to

such wife as may be nominated in this behalf by the Member.

**14. Repeal and saving :**

(1) The Pawi Autonomous District Council (Salary and Allowances of Members) Rules 1982 and all subsequent amendments thereof are hearby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Rule so repealed shall, in so far as it is not inconsistent with the provision of this Act, be deemed to have been done of taken under this Act.

FIRST SCHEDULE

(See Section 7)

**15. Regulation of daily and Travelling Allowances -**

(1) Notwithstanding that a member has not taken his seat in the of payment District Council to which he as elected or nominated, he shall be entitled to receive travelling allowances for the purpose of taking his seat in the Council.

(2) For absence for a period of two days or more during a session of the District Council or a sitting or Committee for visiting any place in the State of Mizoram not travelling or daily allowances will be admissible.

EXPLANATION.

If a member comes back on the second day, whether in the forenoon or in the afternoon his absence shall be treated as being less than two days.

(3) The term "During Session" or a sitting of a Committee occurring in sub-para (2) of part – of First Schedule does not include the period of two immediate proceeding the commencement of the session and two days immediate succeeding the commencement of the business one day immediate succeeding the conclusion of business of the Committee.

(4) Travelling Allowance for return journey to the usual place of residence shall be admissible to a member who leaves the place of the session of the District Council or a sitting of a Committee during the continuance of such session or sitting within two days after the conclusion of business of the session or the sitting as the case may be, before finally returning to his usual place of residence.

(5) All case regarding the admissible of travelling allowance to a member who arrives at the place where a session of the District Council or a sitting of a Committee is held, without the knowledge of the postponement of the session or sitting including case of such members who arrives after the session or sitting is adjourned suddenly should be determined by the Chairman of the District Council having regard to the circumstance of each case. In case the member has performed such journey at his own expenses he shall have certified for the same as follows :- " Certified that I have not performed any part of the journey by a conveyance provided of the expenses of the District Council".

(6) Where a member provided with free boarding and lodging at the expense of any District Council he shall be entitled to receive only one half of the daily allowances admissible to him under section 7 if only boarding or lodging is provided he shall be entitled to receive three fourths of the daily allowances admissible to him under that section.

## SECOND SCHEDULE
(See section 9)

## PROCEDURAI PROVISION

(1) Every Member Shall As Soon As Possible after he is elected, declare in form 'A' appended to Second schedule his usual place of residence to the Secretary to the District Council and any subsequence change in the usual place of residence so declared shall be notified in the said form to the Secretary to the District Council.

(2) A member who claims any travelling or other allowances under this Act shall support his claims by a Certificate in the following form namely :

"Certified that the travelling Allowances in respect of the journey of daily allowance for the period mentioned in this bill has been or will be claimed from any other Official source"

(3) Where no part of the journey is performed by a conveyance provided at the expense of the district Council the following Certificate shall be furnished namely :

"Certified that I have not performed any part of the journey by a conveyance provided that the expense of the District Council"

(4) Ordinary any non- Governmental dues outstanding against a member shall not be recovered from his salaries and allowances but where such dues are no account of certain service rendered to him in the course of his duties as a member, such as when he is _____ with a Committee, and the arrangement for such service have been made by or at the instance of Semi Government institution of private parties as the request of Offices of the District Council and where such member, in spite of repeated request had failed to make payment of such dues, recovery thereof may be effected from the salaries or daily allowances bills of such member.

FORM 'A'

My usual place of residence is ……..……

……...……

Of

I have changed my usual place of residence from

……..……

…….……

To.…….……

Witheffect from……due to……..……

…….....

(here state reason)
I may henceforward be allowed allowances from

……..……

Signature……

Constituency……..

Date……

FORM 'B'
DEPARTURE AND RETURN JOURNEY CERTIFICATE

The certificate may kindly be filled, signed and returned to the Secretary Lai Autonomous District Council as soon as possible, after the completion of the return journey.

(1) Certified that I performed the return journey under section 7 of Lai Autonomous District Council (Salaries, Allowances and Pension of members) Act 1993 leaving.

....……..(Place)on the……

..…….(Date) Arrive at……

……..…(Place) on the……....

..……(Date)

(2) Certified that I have not performed any part of journey Other than the railway journey by a conveyance provided at the expense of District Council.

(3) Certified that I actually travelled by air from

……....

(place)to…….....

(Place) by…….....

Day/night service.

Payment of the supplementary bill is required at

……..……..(Station)

Station……

Dated the……

(Strike out if not applicable)

Member of Lai Autonomous District Council

Constituency.....

Certified that this bill was passed by the Lai Autonomous District Council in session and in authentication whereof.

I give my signature this twenty fifth day of November, one thousand nine hundred ninety three, Anno Domini

Dated Lawngtlai
The 25th Nov 1994

F.Rohnuna
Chairman
Lai Autonomous District Council
Lawngtlai.

I assent to this Bill

Dated Aizawl
The 24th Feb 1994

P.R.Kyndiah
Governor Mizoram.

# THE LAI AUTONOMOUS DISTRICT (SALARIES AND ALLOWANCES OF THE CHAIRMAN AND THE DEPUTY CHAIRMAN) ACT, 1993.

AN

ACT

To provide for the salaries and allowances of the Chairman and the Deputy Chairman of the Lai Autonomous District Council:

Whereas it is expedient to provide for the salaries and allowances of the Chairman and the Deputy Chairman.

It is hereby enacted by the Lai Autonomous District Council in the forty fourth year of the Republic of India as follows:-

**1. Short title and commencement-**

(1) This Act may be called the Lai Autonomous District (Salaries and Allowances of the Chairman and the deputy Chairman) Act 1993.

(2) It shall be deemed to have come into force with effect from the first day of September, 1992.

**2. Definitions-**

(a) "Chairman" means the Chairman of the Lai Autonomous District Council.

(b) "Deputy Chairman" means the Deputy Chairman of the Lai Autonomous District Council.

(c) "District Council" means the District Council of the Lai Autonomous District Council.

(d) "Family" in relation to the Chairman and the Deputy Chairman means the wife residing with him and the legitimate children and step-children residing with, or wholly dependent on him and where the husband has more than one wife only one wife shall be included in his family.

(e) "Government" means the Government of Mizoram.

(f) "He" and its grammatical variation stand for both man and woman.

(g) "Schedule" means the Schedule appended to this Act.

(h) "Travelling Allowances" means the Allowances granted to the Chairman and the Deputy Chairman under this Act to cover the expenses which he incurs in travelling in the interest of public service.

**3. Salaries of Chairman and Deputy Chairman-**

On and from the commencement of this Act, there shall be paid to the Chairman salary of rupees two thousand eight hundred per mensem and to the Deputy Chairman a salary of rupees two thousand six hundred per mensem.

**4. Sumptuary Allowances, family allowances and entertainment Allowance of Chairman and Deputy Chairman.**

There shall be paid to the Chairman and the Deputy Chairman a sumptuary allowances of two thousand rupees each per mensen family allowances of one thousand five hundred rupees each per mensen and the entertainment allowances of one thousand rupees per mensem.

**5. Residence-**

The Chairman and the Deputy Chairman shall be entitled without any payment to the use and maintenance of a furnished residence throughout their term of Office and for a period of fifteen days immediately thereafter and so long as such residence is not provided there shall be paid to each of them one thousand five hundred rupees per mensem as house rent.

EXPLANATION :- For the purpose of this Act,-

(a) "Residence" includes the Staff Quarters and other building apartment thereto and the garden therof.

(b) "Maintenance" in relation to a residence includes –

(i) provision of electricity and water;

(ii) provision of free installation of telephone and free calls to the extent of rupees two thousand per mensem and

(iii) payment of local rates and taxes.

**6. Conveyance allowances and use of vehicle-**

The Chairman and the Deputy Chairman shall be entitled to the free use of motor vehicle, the entire cost of maintenance and propulsion along with the service of chauffeur which shall be borne by the District Council.

**7. Travelling and daily allowances-**

Subject to the provision of the Schedule the Chairman and the Deputy Chairman shall be entitled to –

(a) travelling allowances for the transport of personal effect of himself and his family -

(i) in respect of journey to Lawngtlai from his usual place of residence for the purpose of assuming office and

(ii) in respect of journey from Lawngtlai to his usual place of residence on relinquishing office; and

(b) travelling and daily allowances in respect of tour undertaken by him in the discharge of his official duties whether by land or by air.

**8. Medical facilities-**

The Chairman and the Deputy Chairman and members of their families shall be entitled free of charge to accommodation in Hospital, Nursing Homes and Clinics recognised by the Council and also to medical treatment, consultation fees and diet charges with the Medical Attendent in case he is admitted to Hospital.

**9. Chairman Deputy Chairman not to draw Allowances as Member of District Council.**

No person in receipt of a salary or allowances under this Act shall be entitled to receive any sum out of the funds provided by the District Council by membership of the District Council.

**10. Notification respecting election of Chairman and Deputy Chairman to be conclusive evidence thereof.**

The date on which any person become, or ceased to be a Chairman deputy Chairman shall be published in the

Mizoram Gazette and any such notification shall be conclusive evidence of the fact that or cease to be Chairman and Deputy Chairman on that date for all the purposes of this Act.

**11. Repeal and Saving -**

(1) On and from the commencement of this Act, order or notification which has been passed or issued by the district Council previously for the purposes of payment of salaries and allowances to the Chairman or the deputy Chairman shall stand repealed.

(2) Notwithstanding such repealed anything done or any action taken, the order or notification so repealed shall, in so far as it is not inconsistent with the provision of this Act, be deemed to have been done or taken under this Act.

THE SCHEDULE

(Section – 7)

**1. Travelling on duty-**

When travelling on duty by railway or by road or by steamer or by air a Chief Executive Member or an executive Member shall be entitled to draw travelling allowances (actual fare incidental charges and personal effect) and daily allowances at the rate of Rs.175/- per day.

**2. Traveling allowanes on journey for assuming and demitting of office-**

In respect of the Journey to Headquaters from his usual place of residence for assuming office or between Headquarter and usual place of residence, Chief Executive Member or an Executive Member is entitled to entitled to travelling allowances towards the cost of transporting himself and members of his family's effect.

**3. Travel by air-**

(1) The Chief Executive Member or the other Executive Members may, in the public interest, perform journey on tour by air in public air transport services.

(2) On the cancellation of a journey due to official reason a Chief Executive Member or an Executive Member shall be entitled to be re-imbursed by the District Council any deduction made by the air transport services when refunding the fare on account of cancellation of the passage.

(3) The Chief Executive Member or the other Executive Member who does not utilize the free transport service between the air booking Centre and the airport may also recover in respect of journey to and from the airport actual travelling expenses or road mileage as for journey on duty by road whichever is less.

**4. Accommodation-**

Where no Government accommodation is available the Chief Executive Member and the other Executive Members on official duty shall be entitled tore-imbursement of accom modation charge of double room in a three star hotel subject to production of actual receipt.

**5. Advance-**

(1) The Chief Executive Member and the other Executive Members shall be entitled to (a) an advance of travelling allowances towards the cost of transporting themselves and the member of their families and their family's effect –

(i) in respect of the journey to Lawngtlai from their usual place of residence for assuming office.

(ii) in respect of the journey from Lawngtlai to their usual place of residence outside Lawngtlai on relinquishing office; and

(b) An advance travelling and daily allowance in respect of the tours undertaken by them in the discharge of their official duties whether by land or air.

(2) These advances will be adjusted in the first travelling allowances Bill submitted thereafter.

Certified that this Bill was passed by the Lai Autonomous District Council-in-session and in authentication whereof.

I give my signature this twenty fifth day of November, one thousand nine hundred ninety three, Anno Domini.

Dated, Lawngtlai
The 25th Nov.1993

F.Rohnuna
Chairman
Lai Autonomous District Council
Lawngtlai.

I assent to this Bill.

Dated, Aizawl,
The 34th Feb 1994.

P.R.Kyandiah
Governor, Mizoram.

# THE LAI AUTONOMOUS DISTRICT (SALARIES AND ALLOWANCES OF THE CHIEF EXECUTIVE MEMBER AND THE OTHER EXECUTIVE MEMBERS) ACT, 1993

AN

ACT

to provide for the salaries and allowances of Chief Executive Member and other Executive Members of the Lai Autonomous District Council;

Whereas it is expedient to provide for the salaries and allowances of Chief Executive Member and other Executive Members.

It is hereby enacted by the Lai Autonomous District Council in the Fortyfourth Year of the Republic of India as follows :-

**1. Short title and commencement-**

(1) This Act may be called the Lai Autonomous District (Salaries and Allowances of the Chief Executive Member and the other Executive Members) Act, 1993.

(2) It shall be deemed to have come into force with effect from the first day of September, 1992.

**2. Definitions-**

In this Act, unless the context otherwise requires:—

(a) "Chief Executive Member" means the Chief Executive Member of the Lai Autonomous District Council;

(b) "District Council" means the District Council of the Lai Autonomous District;

(c) "Executive Member" means the Executive Member of the Lai Autonomous District Council;

(d) "Family" in relation to the Chief Executive Members means wife residing with him and ligetimate children residing with, or wholly dependent on, him and where the husband has more than one wife, only one wife shall be included in his family for the purposes of this act;

(e) "Government" means the Government of the State of Mizoram;

(f) "he" and its gramatical variation stand for both man and woman;

(g) "Schedule" means the Schedule appended to this Act;

(h) "Travelling Allowances" means the allowances granted to a Chief Executive Member under this Act to cover the expenses which he incurs in travelling in the interest of public service.

**3. Salaries of Chief Executive Member and other Executive Members.**

There shall be paid to the Chief Executive Member and a salary of rupees three thousand per mensem and to each Executive Member a salary of rupees two thousand six hundred per mensem.

**4. Sumptuary allowances, family allowances and entertainment allowances of Chief Executive Member and other Executive Members-**

There shall be paid to the Chief Executive Member and the other Executive Member a sumtuary allowances of two

thousands rupees each per mensem, family allowances of rupees one thousand five hundred rupees each per mensem and the entertainment allowances of rupees one thousand each per mensem.

**5. Residence -**

The Chief Executive Member and the other Executive Members shall be entittled without any payment to the use and maintenance of furnished residence throuhout their term of office and for a period of fifteen days immediately thereafter; and so long as such residence is not provided, there shall be paid to each of them one thousand five hundred rupees per mensem as house rent.

EXPLANATION.— For the purpose of this Act

(a) "Residence" includes the staff quarters and other appurtenent thereto and the garden thereof,

(b) "Maintenance" in relation to a residence includes:-

(i) Provision of electricity and water;

(ii) Provision of free installation of telephone and free calls to the extent of Rs. 2000/- (Rupees two thousand) per mensem; and

(iii) Payment of local rates and taxes.

**6. Conveyance allowance and use of motor vehicle-**

The Chief Executive Member and the other Executive Members shall be entitled to the free use of a motor vehicle, the entire cost of maintenance and propulsion alongwith the services of chauffeur which shall be borne by the District Council.

**7. Travelling and daily allowances-** :

Subject to the provision of the Schedule, the Chief Executive Member and the other Executive Members shall be entitled to,-

(a) `travelling allowance for the transport of personal effect of himself and his family—

(i) in respect of journey to Lawngtlai from, his usual place of residence for the purpose of assuming office, and

(ii) in respect of journey from Lawngtlai to his usual place of residence on relinguishing office; and

(b) travelling and daily allowance in respect of tours undertaken by him in the discharge of his official duties whether by land, sea or air.

**8. Medical Facilities-**

The Chief Executive Member and the other Executive Members and their families shall be entitled free of charges to accomodation in Hospitals, Nursing Homes and Clinics recognised by the Council and also to medical treatment, consultation fees and diet charges with one Medical Attendant in case he is admitted to Hospital.

**9. Chief Executive Member and other Executive Member not to draw salaries and Allowances as Members of the District Council-**

No person in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by the District Council by way of salary or allowance in respect of his membership of the District Council.

**10. Notification respecting election and appointment of Chief Executive Member and other Executive Member as the case may be to the conclusive evidence thereof-**

The date on which any person became, or ceased to be, a Chief Executive Member or an Executive Member shall be published in the Mizoram Gazette and any such notification shall be conclusive evidence of the fact that he became or ceased to be Chief Executive Member or Executive Member on that date for all the purposes of this Act.

**11. Repeal and saving-**

(1) On and from the commencement of this Act, any order or notification which has been passed or issued by the District Council immediately preceding the commencement of this Act for the purposes of the payment of Salaries and allowances to the Chief Executive Member or the other Executive Members shall stand repealed.

(2) Notwithstanding such repealed anything done or any action taken, the order or notification so repealed shall, in so far as it is not inconsistent with the provision of this Act, be deemed to have been done or taken under this Act.

THE SCHEDULE

(See section-7)

**1. Travelling on duty-**

When travelling on duty by railway or by road or by steamer or by air a Chief Executive Member or an Executive Member shall be entitled to draw travelling allowance (actual fare, incidental charges and personal effect) and daily allowances at the rate of Rs. 175/- per day.

**2. Travelling allowances on journey for assuming and demitting of office-**

In respect of the journey to Headquarters from his usual place of residence for assuming office or between headquarters and his usual place of residence, a Chief Executive Member or an Executive Member is entitled to travelling allowances towards the cost of transporting himself and members of his family's effect.

**3. Travel by air-**

(1) The Chief Executive Member or the other Executive Members may, in the public interest, perform journey on tour by air in public air transport services.

(2) On the cancellation of a journey due to official reason, a Chief Executive Member or an Executive Member shall be entitled to be reimbursed by the District Council any deduction made by the air transport services when refunding the fare on account of cancellation of the passage.

3) The Chief Executive Member or the other Executive Member who does not utilise the free transport service between the air booking Centre and the airport may also recover in respect of journey to and from the airport actual travelling expenses or road mileage as for journey on duly by road, whichever is less.

**4. Accommodation-**

Where no Government accomodation is available the Chief Executive Member and the other Executive Members on official duty shall be entitled to re-imbursement of accommodation charge of double room in a three star hotel subject to production of actual receipt.

**5. Advances-**

(1) The Chief Executive Member and the other Executive Members shall be entitled to-

(a) an advance of travelling allowance towards the cost of transporting themselves and the member of their families and their family's effect-

(i) in respect of the journey to Lawngtlai from their usual place of residence for assuming office;

(ii) in respect of the journey from Lawngtlai to their usual place of residence outside Lawngtlai on relinguishing office; and

(b) An advance travelling and daily allowance in respect of the tours undertaken by them in the discharge of their official duties whether by land or air.

(2) These advances will be adjusted in the first travelling allowance Bill submitted thereafter.

Certified that this Bill was passed by the Lai Autonomous

District Council in session and in authentication whereof.

I give my signature this twenty-fifth day of November one thousand nine hundred ninety three, Anno Domini.

Dated Lawngtlai,
the 25th Nov., 1993

F. Rohnuna,
Chairman,
Lai Autonomous District Council,
Lawngtlai.

I assent to this Bill.

Dated Lawngtlai,
the 24th Feb., 1994

P. R. Kyndiah
Governor. Mizoram.

## NOTIFICATION

## MIZORAM AUTONOMOUS DISTRICT COUNCIL FUND RULES, 1996.

In exercise of the powers conferred under sub-paragraph (2) of paragraph 7 of the Sixth Schedule to the Constitution of India, the Governor is pleased to make the following rules, namely :-

### PART - I
### GENERAL

### CHAPTER - I
### PRELIMINARY

1. (1). These Rules may be called the Mizoram Autonomous District Councils Fund Rules,1996.

   (2) They shall come into force at once.

2. In these rules, unless the context otherwise requires.

   (1) "Autonomous District" means an area where the Sixth Schedule to the Constitution of India is in operation.

   (2) "Bank" means a branch of the State Bank of India.

(3) "Chief Executive Member" means the Chief Executive member of the Executive Committee of the District Council constituted under the Mizoram Autonomous Districts (Constitution and Conduct of Business of the District Council) Rules,1974;

(4) "Constitution" means the Constitution of India.

(5) "Council" means the District Councils of the Lai, Mara and Chakma;

(6) "District Fund" means the fund for the Council constituted under the provision of paragraph 7 of the Sixth Schedule to the Constitution and the term "Fund" shall be construed accordingly;

(7) "Examiner and Local Accounts" means the Examiner of Local Accounts, Mizoram.

(8) "Finance and Accounts Officer" means the Officer recruited under the provision of the District Council Rules for the Office of the District Council;

(9) "Government" means the Government of Mizoram.

(10) "Governor" means the Governor of Mizoram;

(11) "Member-in-charge of the Financial Affairs" means the member of the Executive Committee of the District Council entrusted with the management of financial affairs of the Council under Rule 32 (2) of part III of the Mizoram Autonomous Districts (Constitution and Conduct of Business of the District Council) Rules 1974;

(12) "Secretary" means Secretary to the Executive Committee of the Autonomous District Council;

(13) "Treasury" means any Treasury in the State of the Mizoram and includes a Sub-Treasury.

3. (1) The District Council Fund is constituted under sub-paragraph (1) of paragraph 7 of the Sixth Schedule to the Constitution of India, to which shall be credited all moneys received by the District Council in the course of

the Administration of the District Council in accordance with the provisions of the Constitution. The fund shall accordingly comprise all receipts realized by the District council under the provisions contained in the Sixth Schedule to the Constitution including the Grant-in-aid received from the government and taxes levied or other revenues or receipts realized under the laws, rules or regulations framed by the District Councils under paragraphs 3,4,6,8,9 and 10 of the Sixth Schedule to the Constitution.

(2) The Fund shall also include any liquid assets, surplus Revenue, Customary Receipts, cash balance or Bank Balance, etc. acquired by the District Council from the previous administrators of the locality or area revenue or receipt accruing to the administration for the constitution of the District Council but realized thereafter.

4. Any matter which is not covered by or under these rules shall be referred to the Governor and his decision thereon shall be final.

**GENERAL PRINCIPLES AND METHODS OF ACCOUNTS.**

5. Period of Accounts :- The annual accounts of the Councils shall record all transactions which take place during a financial year running from 1st April of a year to 31st march of the next year. The Accounts of a year may be kept open upto 20th June in the following year for completion of the various accounting processes. Adjustment may also be made after the closure of the owing to mispostings and misclassification coming to notice after the 31st march should not, however, be treated as pertaining to the previous financial year even the accounts for that year may be kept open for the purpose mentioned above.

6. (1) Main Division of Accounts :- The accounts of the Council shall be kept in following two parts :-

(a) Part I - District Fund of the Council

(b) Part II - Deposit Fund

(2) In part I of the accounts, there shall be two main divisions, namely :

(a) Revenue Account :- Revenue Receipt Heads (Revenue account) and Expenditure Heads (Revenue Account)

The first Division, viz, 'Revenue Account' shall deal with the proceeds of taxation and other receipts classed as revenue, and expenditure met therefrom. It shall also include the grants and contributions received from the Government, and also grants and contributions made by the Council.

(b) Capital Account :- Public debt, Loans consisting of section for receipt heads (Capital Account) and expenditure Heads (Capital Account) and Public Debt, Loans and Advances.

(3) The second division shall deal with expenditure met usually from borrowed funds with the object either of increasing concrete assets of a material and permanent character or reducing recurring liabilities. It also includes receipt of a capital nature intended to be applied as a set off to capital expenditure.

(4) The section "Public Debt" and "Loans and Advances etc" of the second division shall comprise, Loans received and their repayment by the Council and Loans and Advances made (and their recoveries) by the Council.

(5) In part II of the Accounts, the transactions relating to Deposit including Contributory Provident Fund and other Funds and Advances shall be recorded. The transactions under 'Debt' 'Deposit and Advances' in this part are such, in respect of which the Council incurs a liability to repay the moneys received or has a claim to recover the amount paid, together with the repayment of the former (deposits) and the recoveries of the later (Advance).

7. (1) Within each of the division/sections mentioned in the preceding paragraph, the transactions shall be divided into major Heads of Accounts which shall be divided into Minor Heads, each of which shall have number of subordinate Heads. The classification of Accounts shall be such as given

in the List of major Heads of Accounts. In all account records, the major and Minor Heads shall be arrange in the exact order shown in the list of Major and Minor Heads of Accounts. The classification prescribed (including the Code Number assigned up to the Major Heads) should be strictly followed.

(2) The Major Heads of Accounts generally correspond 'sanction' of the Council, such as the different services like 'Agriculture' 'Public Works' etc. provided by the Council, while the Minor Heads subordinate to them identify the 'programme' undertaken to achieve the objectives of the function represented by the Major Heads. A 'detailed Head' may be termed on objective classification. On the expenditure side of the accounts, the detailed heads are primarily meant for item-wised control over expenditure and to indicate the nature of expenditure on a scheme or activity or organization in terms of input such as 'pay and allowances' 'other charges' etc. Any other detailed head (other than the standard detailed heads may be opened with the approval of Accountant General (Accounts and Entitlement), Mizoram etc.

**8. EXPENDITURE ON PUBLIC WORKS :**

(1) Expenditure on Public Works where are under the administrative control of the public works Department of the District council shall be classified in accounts, according to the following principles :

(2) Expenditure on the construction of Council's building for administrative and Office purpose and other buildings which exclusively relate to functions under General Service as distinct from that on the constructions of buildings for functional purposes like Schools etc. will be accounted for under the major Head-2059 Public Works (iii) Construction of buildings.

(3) Expenditure on the construction of buildings for purely functional purposes such as schools Etc. Will be accounted for under the relevant Major Heads closely connected with

functions-such as 2202 - General Education,2203-Technical Education,2204-Sport and Youth Services, 2205-Art & Culture.

(4) Expenditure on maintenance and repairs of all Council buildings whether for administrative Office of functional purposes will, however, be accounted for under the Major Head - 2059- Public Works, (v) Maintenance and Repairs to buildings.

(5) Expenditure on roads and bridged being in the nature of communication services, will be accounted under the Major Head-3054- roads and Bridges etc. NOTES - Allocation of expenditure between Revenue and Capital Heads will be done under the orders of the District Council.

**9. CONTRIBUTIONS MADE BY OR TO COUNCIL -**

Contributions/Grants made by the Council to Town Committees, Village Committees etc. or vice versa shall be debited as expenditure or shown as receipts (as the case may be) under the head of account closely connected with the object for which the contribution/grants are made.

**10. REFUND OF REVENUE -**

Refund of Revenue, shall, as a general rule be taken in reduction of the Revenue receipts. The refund of Revenue may be accounted for under separate detailed head. "Deduction - Refunds" under the respective Major/Minor heads.

**11. CLASSIFICATION OF TRANSACTION UNDER 'CIVIL ADVANCE' :**

Moneys advances for miscellaneous purposes under special authority and recoverable in cash and sums over paid on vouchers other than those for service payment shall be adjusted under the head 'F-Civil Advances". This head shall cover items which are from their inception, Depts. Due to District Council recoverable either in cash or by deduction from pay and allowances.

**12. MUNICIPAL RATES AND TAXES-**

This should be classified under the Detailed head 'Rent, Rates and Taxes' under the functional Major head if the same is paid by the Department. If the same is paid by the Public Works Wing, the payment may be debited to 2059-Public works (v) Maintenance and Repairs etc.

**13. ACCOUNTING FOR RECOVERIES OF OVERPAYMENT :**

The recoveries of overpayments shall be posted direct under receipt or service head concerned in the compilation Book in the following manner. This rule should conform to the provisions of 3.10 of General direction of the revised list of 'Major and Minor Heads of Accounts'.

(a) Recoveries relating to overpayments in the current year. Those recoveries whether made in cash or form payment vouchers shall be taken as a reduction of expenditure by posting these minus expenditure. Under the head previously overcharged, and

(b) Recoveries relating to overpayments in the current year or years. These shall be credited to the departmental receipt head concerned as receipt of the Department or in case of Departments not having a corresponding receipt head, to the Major head 0070-Other Administrative Services- Other receipts.

**14. ACCOUNTS OF COMMERCIAL UNDERTAKINGS**

Where any undertakings of the Council are conducted on Commercial lines, the essential formalities of Commercial account should, if the Council so desires, be strictly observed. In such cases, separate commercial accounts of the undertaking shall be kept put side the regular Council account. The heads of accounts should be common to the Council accounts.

**15. WORKING EXPENSES OF COMMERCIAL DEPARTMENT :**

As a general rule, all expenditure pertaining to any Department, including a Commercial Department, should be recorded only on the expenditure side of the accounts.

## PART - II

## LOCATION AND CUSTODY OF MONEY AND PAYMENT TO THE DISTRICT FUND

### CHAPTER - I

16. (1) All money pertaining to the District Fund shall be held in the Treasury in the personal Accounts of the District Council.

(2) Accounts of the District Fund at the Treasury will be kept as a Deposit account, the transaction being booked under the head K - Deposit and Advances (b) Deposit not bearing interest, 8443-Civil deposits, 120-Deposit of Autonomous District and regional Funds (Assam, Meghalaya and Mizoram).

Moneys shall be paid in as provided in rule - 20 and drawn out from the Treasury by cheques signed by the Secretary. The District Council Fund shall not be allowed to overdraw the balance of its credits without obtaining before hand a loan or contribution to cover the overdraft.

**17. All dues of the District Council shall be paid into District fund held in the treasury through the District Council Office.**

**18. Save as otherwise expressly provided in these rules, the following rules shall be observed by the cashier who is required to receive and handle cash:-**

(a) The cashier shall keep the Cash Book in the form prescribed in Appendix I in which he shall enter all sums received and payment made by him on account of the

Council. when a grant is made to the Council by the Government, the Secretary shall draw the amount by transfer credit to the District Fund maintained in the treasury and Bring the amount to account in the Cash Book.

(b) All monetary transaction shall be entered in the Cash Book as they occur and attested by the Secretary with full dated signature in token of his check.

(c) The Cash Book shall be closed daily and completely checked. The Secretary shall verify the totaling of the Cash Book and give his full signature against each item of entry in token of acceptance.

(d) At the and of each month, the Secretary shall verify the cash, balance in the Cash Book and record a signed and dated certificate to that effect specifying the verified cash balance both in words and figures in his own handwriting under his full and dated signature. The closing cash balance at the end of each month should also be analyzed in a footnote or in the remarks column of the Cash Book to show the details (including dates) of receipt or drawal of the cash in hand.

(e) When Council moneys, in the custody of the Cashier are paid into the Treasury, the Secretary making such payment shall compare the Treasury Officer's receipt on his Pass Book and the original copy of the challan with the entry in the Cash Book before attesting it, and satisfy himself that the amounts have been actually credited into the Treasury.

(f) An erasure or over-writing of an entry once made in the cash book is strictly prohibited. If a mistake is discovered, it shall be corrected by drawing the pen through the incorrect entry and inserting the corrected one in red ink between the lines. The Secretary shall attest by his full and dated signature against each such corrections.

(g) The Cashier who handles Council money shall not, except with the special sanction of the District Council, be allowed to handle in his official capacity, money which does not

belong to the Council. where under any special sanction, the secretary deals with both Council and non-Council money shall be kept in a cash book separate from the Council money and the transactions relating to the non-Council money shall be counted for in separate set of books and kept entirely out of the Council account.

(h) The employment of peons to fetch or carry money shall be discouraged. When it is absolutely necessary to employ such person for this purpose, a reliable person and of proven trustworthiness shall only be selected and in all cases, when the money to be handled is large, the member-in-charge of Financial affairs shall take sufficient precautions for the safe escort of the money to and from the Treasury/Bank.

(i) Council money in the custody of the cashier shall be kept in a strong cash chest secured by two locks of different patterns. The keys of one lock will remain with the Cashier and the key of the other lock with the secretary or any other officer to be designated by the Secretary in writing. Both the custodians of the keys shall be jointly and severally responsible for the contents of the chest, which shall not be opened unless both the custodians are present.

(j) A bill Register in the form at Appendix II shall be maintained in which all bills of kinds, on the basis of which money would be drown from the Treasury by cheques, should be entered. The Secretary, while signing the bills should attest each entry in the Bill Register.

(k) All financial transactions shall be expressed in whole rupees. Fractions of a rupee for paise fifty and less shall be ignored and those for more than fifty paise rounded to the next higher rupee.

NOTE :-

1. In case it is considered necessary to employ armed guards the member-in-charge of Financial Affairs may apply for the same to the Deputy Commissioner/Sub-Divisional Officer (Civil).

2. The duplicate keys of the cash chest may be placed under the seal of the Council in the Custody of the Treasury Officer, each in a separate sealed packed. A duplicate key register should be maintained and once a year, in each April. The keys must be sent for, examined and returned under fresh seal to the Treasury Officer, a note being kept in the register that they have been found correct.

## PART - II

## PAYMENT OF MONEY TO DISTRICT FUND

19. All receipts due to the Council collected by any officer or employee of the Council authorized to collect such receipts shall pass through the Cashier, who shall enter them in the cash book. The Cashier shall furnish a receipt in the form prescribed in Appendix III duly countersigned by the Secretary to the officer or employee from whom the money is received.

## CHAPTER III

## PAYMENT OF MONEY TO DISTRICT FUND

20. All money of account of District Fund shall be remitted in full with the least possible delay into the Treasury and shall on no account be appropriated towards any expenditure. Where the Treasury and the Council Office are at the same place, the collections of each day shall be deposited not later than the first day following that on which the Treasury is opened for business. In other cases, the collection shall be remitted at such intervals as may be necessary but under no circumstances should the amount left in the custody of the Cashier exceeding the security furnished by him. The Secretary or such other authorized officer shall satisfy himself daily that the rules are being observed. In any circumstances cashier security, the Secretary or such other authorized officer will make special arrangement for the safe custody of the entire cash in hand.

21. (1) All money paid into the Treasury to the credit of the District fund shall be accompanied by the pass Book of the Council and the prescribed Treasury challan, in triplicate. The second part of the challan shall be retained by the Treasury Office, and the original or counterfoil shall be receipted by the Treasury Officials and brought back to the Council Office by the person sent with the remittance.

(2) When a remittance is to be made to the treasury, a line shall be drawn across the Register and the various money column shall be totaled. If any money is received after the remittance for the day has been made to the Treasury, it shall be entered below the total but the date, in column - I shall be the actual date of receipt and not of remittance, and the money shall be kept in the chest.

22. Each remittance made to the Treasury should be entered in cash Book in the payment side and shown as payment into Treasury. In challan for remittance by the cashier shall be recorded the name of the Council on account of which the money is remitted to the Treasury, details of the notes and coins of which the remittance is composed and the head of account under which the amount is deposit.

23. When the payment has to be made from the District Fund to the State or Union Government or to any local Fund whose funds are lodged in the Treasury, or vice versa, it is not necessary that the money is actually drawn in cash from the Treasury and pay the amount to the concerned Government.

A cheque or voucher as the case may be, should be used in such cases, in which it should be specified that the amount is to be paid by transfer credit. All payments to the District Fund should be supported by a receipt stamped, when necessary, by the authorized officer of the District Fund.

24. (1) With remittance shall be sent, the Pass Book of the Council upon receipt of the money by the Treasury, both sides of the Pass Book shall be written up-to-date by the Treasury,

with dated initial of the Treasury Officer against each entry and the book returned to the Council Office.

(2) The Secretary or such other authorized office under whose custody the Pass book is kept shall examine the Pass Book from time to time and shall immediately call for the attention of the treasury Officer to any discrepancy that may appear between the debits and credits shown in the pass book and those shown in the Account of the Council's Office.

25. The passbook will be supplied gratis by the treasury. It is not a council Account Book but simply a copy of the account kept in the Treasury of the money paid in and taken out by the Council, and must, therefore, always be written up only by the Treasury establishment, by whom the original account is kept.

26. No entry marks shall under any circumstances, be made in the pass book by any of connected with or working in the Council Office. At the close of each month, the balance in the Pass Book shall be struck, the amount written in both figure and words and signed by the Treasury Officer.

27. Council dues or other money receivable on account of the Council may ordinarily be realised in legal tender coins or notes only. Precaution must be taken by the receiver to ensure that no counterfeit coins or notes are received.

28. (1) The Officer receiving money on behalf of the Council must give the payer a receipt in the prescribed printed form. This rule applies to all moneys received either for credit to the Council or for deposit or for any other purpose, except, however, to money withdrawn from the Treasury for disbursement of pay, allowances, advances etc. to Council employees or for payment of contingent and other charges to private parties.

(2) The Receipt issued by the Cashier under rule 19 to any officer or employee of the Council authorized to collect any receipt or other money due to the Council shall be countersigned by the Secretary who shall satisfy himself

that the amount has been properly entered in the cash Book either directly or through a subsidiary Register of the cash book. The seal of the Council should be affixed to such receipt before it is issued.

(3) As an exception to the preceding sub-rule, the Member-in-charge of Financial Affairs may, in special cases, permit receipt to be countersigned by an Officer subordinate to the Secretary. Similarly, receipts may be signed by a subordinate office to be authorized in this behalf by the Secretary when he is out to tour. In both cases, however, the receipt shall be signed by such authorized officer for the Secretary who shall be responsible for checking the counterfoils of receipts with the entries in the Cash Book and in the subsidiary Registers thereto, if any.

(4) Where money is realized not in cash but by recovery from a bill payable by the District Council, full particulars of the deduction shall be set forth in the bill and a receipt may be granted only if specially desired by the payer, the fact of recovery having been made by deduction from the bill being clearly recorded on the receipt.

(5) All receipts must be written in figures and in words.

29. (1) The form of receipt shall be such as prescribed in Appendix III. No receipt except those issued in the prescribed form shall be valid.

(2) The receipt forms shall be bound in books of suitable sizes-pages of each such book shall be consecutively machine numbered. The book shall also be serially numbered by the machine. Each receipt shall be in duplicate for use with carbon paper. The carbon copy shall be retained in the issuing office and the original issued.

(3) A Register of Receipt Book shall be maintained by the cashier in form in Appendix IV. Immediately after receipt of blank receipt books, each such book shall be carefully counted and examined to ensure that the forms contained in each are in order and complete in all respects and the

result recorded in a conspicuous place in the book over the signature of the Secretary. Any discrepancy noticed shall be recorded at once in the Register of receipt Book in the remark column.

(4) The receipts Books shall be kept in the personal custody of the secretary or a responsible officer authorized by him in writing. There shall be one receipt Book only in use at a time and no receipt Book shall be issued unless the counterfoils of the previous book are returned from record. This may however be relaxed at the discretion and on the responsibility of the Secretary, e.g. In case where it may be found convenient to issue more than one book at a time, for facility of the receiving officer it may be necessary to issue a receipt book in advance before the counterfoils of the previous one are received. Each issue of a Receipt Book shall be recorded in the Register of Receipt Books and supported by the dated signature of the person (with designation) to whom the Book is issued.

(5) Used up Receipt Book shall always be kept in the personal custody of the Secretary.

(6) The stock of un-used Receipt Book shall be verified physically at the end of the year by the Secretary and a certificate indicating the results of the physical verification recorded in the Register of Receipt Book.

30. No Officer may issue duplicate or copies of Receipt granted for money on the ground that the original have been lost. If any necessity arise for such document, a certificate may be given that on a specified day, a certain sum, on a certain accounts was received from a certain person. This provision extends only to the issue of duplicates on the ground that the original have been lost and does not apply to cases authorized by the rules or by special orders of the Council in which duplicates have to be prepared and tendered with originals.

31.(a) The Council shall maintain an 'Assessment Demand' and 'Bill Collection and Remission Register' in forms in Appendix V and VI, respectively containing a list of all persons liable

to pay rate, tax, cess or fee, and the amount to be paid by them in respect of each such rate, tax, cess or fee, subject to the provisions of these rules, the detailed procedure to be adopted with regard to the money realized may be Prescribe by the member-in-Charge in consultation with the Accountant general (Accounts & Entitlement) and with the approval of the Governor.

(b) The procedure so prescribed shall inter-alia provide for definite responsibilities of officers concerned to ensure that -

(i) demands are made as revenue falls due.

(ii) steps are taken with a view to effecting prompt realization of all revenue, regular or occasional and

(iii) proper records are kept to show, in respect of all items of revenue recurring or non-recurring the assessment made, the progress of recovery and the out-standing debts due to the Council.

## PART - III
## WITHDRAWAL OF MONEY FROM THE DISTRICT FUND

### CHAPTER - I
### PROCEDURE FOR WITHDRAWAL

32. Save as other wise provided in these Rules, no money shall be withdrawn from the District Fund except by cheque on the Treasury signed by the Secretary.

33. No money should be withdrawn from the Fund unless it is required for immediate disbursement. It is not permissible to draw advance from the Fund either for the execution of works, the completion of which is likely to take considerable time or to prevent the laps of budget allotments.

34. Claims against the District Council shall ordinarily be discharged by cheques drawn upon the Treasury.

35. (1) When any person not in the employment of the Council claims payment for work done, service rendered or articles supplied, such claims shall, unless there are expressed order of the

Council to the contrary, be submitted to the Secretary through the Financial and Accounts Officer or any officer under whose immediate order the service was done or the equivalent was given for which the payment is demanded.

(2) Every Bill or claim for payment of which has been presented in the first instance to the Secretary of the Council or any duly authorized officer shall be submitted to the Accountant who shall check and examine it, and it be found correct and in order, initial it in token of correctness and submit it for order through the Finance and Accounts Officer to the Secretary or such duly authorized officer. If payment of the bill so presented is to be made, a payment order shall be endorsed on the body of the bill or claim document. The payment order shall, except as otherwise provided, run as follows : "Pay Rs. _ _ _

shall then make it over to the Cashier for payment. If the Bill is to be paid by cheque it shall be made over to the cashier, and shall be stamped "Paid by cheque" No..... in a conspicuous type. In the later case amount shall be entered as soon as the cheque is signed, in the appropriate column of the Cash Book of the Council.

(3) Every payment made, either in cash or by cheque shall be covered by or receipt stamped, if necessary, duly signed by the person to whom the money is due and to whom it has actually been paid. Such a receipt signed by another person or by a Council employee is invalid.

(4) All claims which are preffered and accepted should be paid at the earliest possible date. If the bill is presented and payment is not made within a month of its presentation or if the claims is contested, it shall be entered in the "register of the outstanding claims" as per Proforma given below :

| Sl. No | Date | Particulars | Amount Bill | Reasons for with holding payment | Payment<br>Date Amt | Balance outstan-ding as on 31st March. | Remark |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

(5) This Register is required for ascertaining the unpaid demands for which provisions has to be made in the next year's budget and at the close of the year unpaid accounts shall be shown in the column 'balance' and be carried forward to the Register of the next year. To ensure a complete record of the liabilities in ceases where bills may not have been presented, all orders for supplies or works other than those for which formal agreement have been made and particulars of which are entered in the Register of work, shall be entered in an Order Book, to be maintained in form in ANNEXTURE -C.

(6) In cases where cash or cheque for payment to third parties is made/obtained by a drawing Officer by presentation of bills

in the Treasury and when it is again remitted to treasury/Bank for obtaining demand draft in favour of the third parties, the entries in the Cash Book should relate to the cash or cheque received by the Drawing Officer on presentation of the bill at the treasury (on the receipt side of the Cash Book). The demand Draft when received, should be entered in a "register of Valuables" and its disposal watched through the Register. The receipt of the Demand Draft and the payment of the third party through the Demand Draft need not be entered in the cash Book as the transactions would already appear in the Cash Book in the manner indicated above.

38. The salary, establishment and travelling allowances charges shall be drawn by cheque which shall be charged in the Cash Book without further-details.

NOTE :-

Payments due to contractor may, if so desired by them be made to their banks instead of direct to the contractors provided that the Secretary obtains,-

(i) an authorization from the contractor in the form of a legally valid document, such as power of attorney of transfer dead, conferring authority on the bank to receive payment.

(ii) the contractor's own acceptance of the correctness of the account made out as being due to him by the Council or his signature on the bill or other claims preferred against the Council before settlement of the account or claim by payment to the said Bank. While the receipt given by Bank will constitute a full and sufficient discharge for the payments, contractors would wherever possible be induced to present their bills duly receipted and discharged through their bankers. Nothing herein contained should operate to create in favour of the Bank and right to equities vis-a-vis the Council.

39. The Secretary shall, at the time of making payment to non officials, communicated the fact with the address of the

payees to the income-tax Officer concerned, if the payee is an income-tax payer and, if the amount of each payment is not less than 250/-

40. (a) Arrears claims :- Save as provided in rule 136 of the Treasury Rules/Rule 32 of the Central Government Account (Receipt and Payments) Rules 1983, any claims of a Government servant which is preferred within two years of its becoming due shall be settled by the Drawing and Disbursing Officer/Accounts Officer as the case may be after usual checks-as per provision of rule 82 of General Fund Rules.

(b) No claims against the Government, other than those by one Department against another or by a State Government, not preferred within a year of their becoming due can be presented without any authority from the District Council, provided that such claims not exceeding Rs.500/- if presented within three years of their becoming due may be paid without pre-check by the Accountant General (Account & Entitlement), provided further that this rule shall not apply to the following categories of such claims :

(a) Claims on account of pension, the payment of which is regulated by rule 369 :

(b) Claims on account of pay and allowances of such non-Gazetted Government servant those names are not required to be shown in the pay bills under rule 220 (s) :

(c) Claims on account of interest on Government securities : and

(d) Any other class of payments which are governed by special rules or orders of the Government (as per provision of rule 135 of Central Treasury Rules).

41. The following instructions with regard to the presentation and form of bills shall be observed :-

(a) Printed forms of bills in English shall be adopted as far as possible, but when, for any circumstances a bill in a local

language is unavoidable necessary, a bilingual form shall be used.

(b) If, in any case, the use of a bill purely in a local language becomes unavoidable, a brief abstract shall be kept in English under the signature of the Secretary stating the amount, the name of the payee and the nature of the payment.

(c) All bills shall be filled in and signed in ink, entries and signature may also be made with ballpoint pens when clear and legible. The amount of each bill shall be expressed in whole rupees and written in words as well as in figures.

(d) While passing the bill, the Drawing Officer should also write in red ink across the bill in words at right angles to the type a little sum in excess of that for which it is passed, thus, under 'rupees thirty only will mean that the bill is for a sum not less than Rs.20/- but less than 30/- and similarly, "under rupees eight hundred only" will mean that it is for less than Rs.800/- but not less than Rs.700/-

(e) All corrections and alterations in the total of a bill shall be attested with full and dated signature by the Secretary as many times as such corrections and alterations are made.

(f) Erasures and overwriting in any bill are absolutely forbidden and must be avoided. If any correction be necessary, the incorrect entry shall be cancelled neatly in red ink and the correct entry inserted. Each such correction or any interpolation deemed necessary shall be authorized by the Secretary setting his initial with date against each.

(g) The full accounts classifications shall be recorded on each bill by the Secretary, the classification in the budget being taken as a guide.

(h) When bills are presented on account of charges incurred under any special orders, the orders sanctioning the charge shall be quoted on the bill and copy of the order attached to the bill.

(i) Dates of payment shall, when possible, be noted by the payees in their acknowledgements in sub vouchers, acquittance rolls etc. if, for any reason, such as illiteracy or the presentation of receipts in anticipation of payment to be noted by the payee, the dates of actual payment, shall be noted by the Secretary on the document under his full signature with date, either separately for each payment or by groups, as may be found convenient.

42. No person except the Secretary is authorized to draw the Council fund without special orders of the Council.

43. (1) The Drawing Officer shall send a specimen signature to the Treasury Officer and the Bank through the Deputy Commissioner/Sub-divisional Officer duly attested by the later. When the Drawing Officer makes over charges of his Office to another, he shall likewise send specimen signature of the relieving Officer to the Treasury Officer/Bank concerned.

(2) Specimen signature, when forwarded on a sheet of paper other than the forwarding letter itself must be duly attested by the Officer signing the forwarding letter.

44. Cheques shall be drawn on forms in cheque book supplied by the Treasury Officer.

45. The Treasury officer shall supply a cheque book only on the receipt of the printed requisition form which is inserted in each book toward the end and even more than one cheque book shall be issued on a single requisition. The requisition must be signed by the Secretary.

46. The Secretary shall notify to the Treasury upon which he draws the number of each cheque book, which from time, he brings into the use and the number of cheques it contains.

47. A Register of cheque book shall be maintained by the Secretary in form in Appendix IV. Cheque Books shall on receipt be carefully examined by the Secretary who shall count the number of form contained in each and record a certificate of count on the fly-leaf.

48. Each cheque book must be kept under lock and key in the personal custody of the Secretary. The Cheque Book in use be made over to the Cashier wherever required but it shall be returned before the office is closed for the day. The Officer in whose custody it is to remain shall satisfy himself periodically that all unused cheques are in the book and that none have been surreptitiously extracted. The Officer when relieved shall take a receipt for the exact number of cheque books and blank cheque leaves made over to the relieving Officer.

49. The loss of cheque book or a blank cheque form shall be notify promptly to the Treasury Officer.

50. All cheques shall have written a cross them in words at right angles in red ink to the type of sum little in excess of that for which they are granted, thus "under Rupees thirty" only will mean that the cheque is for a sum of not less than Rs. 20/- but less than Rs.30/- and similarly "under Rupees eight hundred only" will mean that it is for less than Rs.800/- but not less than Rs.700/-. The amount of each cheque should as far as possible, be expressed in whole Rupees and shall be written in words as well as it figure. The fractions of a Rupee when unavoidable, may be written in figure after the words stating the number of whole Rupees : but in the even of their being no fraction of Rupee, the word "only" would be inserted after the number of whole Rupee and care should be taken to leave no space for interpolation as in the following example :-

"Rupees twenty six only", "Rupees twenty five and thirty paise", no abbreviation such as "eleven hundred" for " one thousand hundred" is permissible.

NOTE :-

1. In drawing or cashing a cheque it should be remembered that a common form of fraud consists in altering the word "one" into "four" by prefixing and "f" changing the "e" into "r" the figure being easily altered to correspond. The word "twenty" written carelessly can also easily be changed into

"seventy". The drawer of a cheque in which these words occur should, therefore, so write them to make the fraud impossible and the Treasury Officer should examine the words and corresponding figures with special case.

NOTE :-

2. All cheque should be written and signed in good ink only.

51. (1) Cheques drawn in favour of Council employees and Department in settlement of Council dues shall always be crossed "Account Pay only- not negotiable".

(2) In absence of a specific request to the contrary from the payee, cheques drawn in favour of corporate bodies, firms or private persons shall also be crossed. Subject to any instruction received from payee, a cheque shall be crossed "…….& Co." with the addition of the words "Not negotiable" between the crossing. Where the payee is believed to have a Banking account, further precaution shall be adopted where possible by crossing specially (instead of the general crossing……. & Co.) by quoting the name of the bank through which the payee will receive payment and by addition the words "Account the payee only - Not negotiable". This rules shall apply to all cases where the use of crossed cheque is prescribed.

52. Every cheque, made in favour of person who is not in service of the Council, may at his request be made "payable to bearer".

53. As a general rule, cheque shall not be issued for sums less than Rs.10/-

54. All correction and alterations in cheques shall be attested by the Drawing Officer with his full signature with date.

55. (1) Cheque shall be payable at any time within three month after the month of issued. Thus cheque bearing a date anytime in January is payable at anytime upon 30th April.

(2) After the expirations the above period. Payment shall be refused at the Treasury and the person in whose favour the cheque was drawn shall, therefore, have to bring it back to

be redated. No fresh cheque shall be issued ; the lapsed cheque shall simply be redated and the alterations dated initially by the Secretary or such other authorized officer whose duly would be to sign the cheque. A note of the fact of redating shall be entered in the cash book against the original transaction and upon the counterfoil of the cheque itself. The alteration shall in no way effect the accounts, and no further entries shall be made the Cash Book.

56. When it is necessary to cancel a cheque, the consolation must be recorded on the counterfoil. If the cheque is the drawer's the possession, the Treasury Officer should be promptly requested to the stop payment of the cheque and on ascertaining that the payment has been stopped, shall make the necessary entry in his account.

57. (1) If the Secretary is informed that a cheque drawn by him has been lost, he shall addressed the Treasury Officer drawn on, forwarding for signature a certificate in the following form :

"Certified that cheque No……date…….. for Rs……reported by……..(the Drawing Officer) to have been drawn by him on this Treasury in favour of ……..has not been paid, and will not be paid if presented hereafter".

(2) The Secretary, on receipt of the certificate duly signed by the Treasury Officer shall treat the original cheque as cancelled and issue another in lieu of the lost cheque.

58. If a cheque is issued by the Council in payment of any sum due by the Council and that cheque is honored on presentation to the Council's bankers, payment shall be deemed to have been made.

(i) If the Cheque is handed over to the payee or his authorized messenger, on the date it is so handed over or

(ii) If it is posted to the payee in pursuance of a request for payment by post, in the date on which the cover containing it is put into the post.

NOTE -

1. The provision of clause (ii) above apply mutatis to the payment made by the Council by Postal Money Order or by any other recognized made of remitting money by post.

NOTE -

2. Cheques marked as not payable before a particular date shall not be charged to the accounts until the date on which they become payable.

59. The Secretary shall record on the reverse of the Counterfoil of each cheque the amount of the next cheque drawn and of the total of drawings during the month, and carry forward their total to the next counterfoil. This will enable him from time to time to exercise an independent check on the postings of his Cash Book.

## CHAPTER -II
## PROCEDURE FOR PAYMENT OF CLAIMS

60. Subject as hereinafter provided in this rule, a council employee entrusted with the payment of money shall obtain for every payment, he makes, including repayment of sums previously lodged with the Council, a voucher setting forth full and clear particular of the claims and all information necessary for its proper classification and identification in the accounts. As far as possible, the particular form of voucher applicable to the case shall be used, supplier of stores and other private persons should be encouraged to submit their bills and claims in the prescribed forms. Every voucher shall bear or have attached to it an acknowledgement of the payment, signed by the person by whom or in whose behalf the claim is put forward. This acknowledgement shall be taken at the time of payment. A note of the date and mode of payment whether by cash, cheque or by remittance, by Postal Money Order shall be recorded on the voucher.

Note -

1. Voucher includes a bill paid.Note -

2 Bill is a statement of claim against the Council containing specification of the nature and the amount of claim.

Note -

3. In the case of articles received by value Payable Post, the cot of the value payable cover together with the invoice or bill showing the details of the items paid for, may be accepted as voucher. The Secretary should endorse a note on the cover to the effect that the payment was made through the post Office and this also covers charges for money order commission.

Note -

4. In the case of receipt furnished by individuals on behalf of firms, the Secretary shall be responsible for making sure that the person signing the receipt has authority to bind the firm.

61. Except as other-wise provided, every voucher shall bear a pay order signed and dated by the Secretary, specifying the amount payable both in words and figures. This order must be signed by hand and in ink.

62. All paid voucher must be 'paid' or so cancelled that they cannot be used a second time. Stamps, if any, affixed to sub-Vouchers must also be cancelled so that they may not be used again.

63. Office copies of vouchers and a quittances shall be filled and retained carefully in the office concerned.

64. (1) All sub-Vouchers to bills must be cancelled in such a manner that they cannot be subsequently used for presenting fraudulent claims or other fraudulent purposes.

(2) The provisions of rule 87 with regard to cancellation and destruction of sub-vouchers relating to contingent expenditure shall apply generally to sub-vouchers in respect of other classes of payment unless it is otherwise decided by the District Council.

65. (1) Subject to such special orders as the Council may issue in any individual case, the responsibility for an overcharge shall rest primarily with the Secretary and it is only in the event of culpable negligence on the part of the Secretary that the question to recovery from him may be considered.

(2) The responsibility for the effective check and control of the accounts of the District Council, both in respect of revenue and expenditure, rests on the Secretary of the Committee.

(3) The Secretary shall be responsible not only for the financial regularity of the transaction of the District Council but also for the maintenance accounts of the transaction correctly and in accordance with the rules in force.

66. The secretary may entrust the immediate executive control of the accounts of the District Council and the District Fund to the Finance and Accounts Officer but may not be divested himself of their administrative control. The Finance and Account Officer shall be responsible for the proper observance of the procedure prescribed by or under these rules and for the punctual submission of all accounts and returns required by the Government and the Accountant general. The items of work to be handled by the Finance and Accounts Officer are shown in Annexure 'B'.

67. (1) Bills for monthly pay and fixed allowances of Council employees may be passed at any time from 5 (five) a days ahead of the last working day of the month and shall be due for payment on the last working day of the month by the labour of which such pay and allowances are earned.

(2) The form on which claims for pay, allowances, etc. are to be prepared and the detailed procedure to be observed in the preparation and passing of such claims shall be regulated by the provisions in Rules 74 to 79.

68. (1) The duty for making proper deductions to be made from pay bills on account of Provident and other Funds, if any, shall devolve on the Secretary.

(2) The procedure to be followed in making such deduction and the detailed rules prescribing the nature of provident and other Funds applicable to the Council employees and other cognate matters including the records to be maintained therefore are to be laid down by the District Council in consultation with the Accountant General (Accounts & Entitlement) and with the approval of the Governor.

69. (a) When the pay of the Council employees is attached by any order of a Court of Law, it is the duty of the Secretary to see that the proper deduction is made in satisfaction of such order from the pay bill of the Council employee concerned.

(b) The cost, if any, of remittance to a Court, of money realized under its attachment order shall be deducted from the amount realized and net account remitted to the Court.

(c) The recovery should be made in cash while making the disbursement of pay and recorded in the Attachment Register maintained by the Drawing Officer.

70. The last payment of pay or allowances shall not be made to, or in respect of a Council employee finally quitting the service of the Council by retirement, resignation, dismissal, death or otherwise, or placed under suspension, until the Secretary has satisfied himself by reference to the relevant records, that there is no demand outstanding against him.

71. Pay and allowance can be drawn for the day of the employee's death, the hour at which death takes place has no effect on the claim.

NOTE :-

"Date" for the purpose of this rule should mean a Calendar day beginning and ending at midnight.

72. (1) Pay and other allowances claimed on behalf of a deceased Council employee may be paid without the production of the usual legal authority :-

(a) to the extent of Rs.100/- under orders of the Secretary after such enquiry into the right and title of the claimant as may be deemed sufficient.

(b) for the excess over Rs.100/- under the orders of the district Council on execution of an indemnity bond with such sureties as it may require, if it is satisfied of the right and title of the claimant and considers that undue delay and hardship would be caused by insisting on the production of letters of administration.

(2) In any case of doubt, payment shall be made only to the person producing the legal authority.

NOTE :-

1. The form of indemnity bond mentioned in this rule shall be prescribed by the District Council in consultation with the Accountant General (Account & Entitlement) and with the approval of the Governor. The sureties accepted for joining in such bond must be of prove financial ability to meet the obligations undertaking.

NOTE :-

2. The provisions of rule 80 apply in this case too.

73. Save as hereinafter provided, pay and allowances may be paid only upon the personal receipt and not otherwise, except under the special authority in each case, of the Executive Committee. The Council employee may be allowed to received payment through a messenger duly authorized by him to receive the money on his account and in such case the Council accept no responsibility, in respect of money, cheque or draft that may be handed over to the messenger. The actual payee should give a proper receipt signed by himself in addition to the authorization in writing under his separate signature.

74. (1) Bills for pay, fixed allowances and leave salaries shall be prepared separately for permanent and temporary establishment. The instructions printed on the form being

carefully observed, the name of every substantive and officiating or temporary incumbent shall be shown against each post, and against each temporary post shall be noted the sanction thereto. If the pay is drawn for portion of a month only, the rate of pay and the number of days for which it is claimed shall be indicated against the name of the Council employee in the body of the bill.

(2) The form of pay bill of establishment shall be such as in Appendix VII and that of Member/employee whose appointment, promotion, leave, transfer etc. are notified in the State Gazette shall be such as in Appendix VII.

(3) The various sections comprising the establishment shall be shown separately, the description of each section as well as the number of sanctioned posts included therein being prominently written in red ink at the top.

NOTE :

All fixed allowances, if any should be drawn in the same pay bill.

75. The entries in all the money columns of the bill shall be totaled separately under each section and the total written in red ink. The totals must be checked by the Secretary himself.

76. If any employee/employees was/were absent during the month either on special duty or suspension or with or without leave other than casual leave, or when a post is left vacant, whether any officiating arrangements have or have not been made, the bill for the month shall be supported by an absentee statement showing the complete chain of the arrangement, if any:

NOTE :-

The form of the Absentee statement shall be such as prescribed in Appendix IX.

77. (1) Arrears of pay, fixed allowances or leave salary shall be drawn not in the ordinary monthly bill, but in a separate

bill, the amount claimed for each month being entered separately, with quotation of the bill from which the charge was omitted or withheld or on which it was refunded by deduction, or any special order granting a new allowances or an increase in pay. A note of the arrear bill shall invariable be made in the original bill for the period, to which the claim pertains , over the dated initials of the Secretary in order to avoid the risk of the arrears being claimed over again.

(2) Subject to the condition laid down in rule 41, arrear bills can be paid at any time and may include as many items as are necessary.

78. Bills for travelling allowances, other than permanent or fixed allowances, if any, shall be prepared and presented to the Secretary in accordance with the following rules :-

(1) The bill shall be prepared in the form prescribed in Appendix X or XI as the case may be, the instructions in the form being strictly observed. When a circuitous route as taken, the reason for doing so must invariable be state in the bill.

(2) When actual expenses are drawn full details should be furnished in the travelling allowances bill. For the purpose of drawing the allowances on account of a family or the higher mileage allowances (now in terms of Kilograms) a certificate must be furnished by the Council employee of the number and relationship of the members of hi family for whom the allowances are claimed. No other details in these or other cases need be furnished, but every claim for the cost of carriage of personal effects, horses and conveyance should be supported by certificate to the effect that the expense incurred was no less than the sum claimed.

(3) All travelling allowance bills must bear a certificate of the Secretary in the following form :-

"Certified that I have satisfied myself that the amounts included in the bill drawn one month/two months/three

months previous to his date, with the exception of these detailed below (of which the total amount has been refunded by deduction from this and their receipt taken in the original bill or in a separate quittance roll".

79. (1) The secretary is personally responsible for the amount drawn by cheque on account of a bill passed by him until he has paid it to the persons entitled to receive it, and obtained a legally valid aquittance.

(2) If for any reason, payment cannot be made within the course of the month, the amount drawn for the payee shall be refunded to the Treasury and his pay or allowances may be drawn a new when the occasion for making the payment arises :

Provided that if in the opinion of the Secretary this restriction is likely to operate inconveniently the amount of undisbursed pay or allowances may. At his option, be retained for any period not exceeding three months, but this concession shall not be availed of unless the Secretary is satisfied that proper arrangement can be made for the safe custody of the sums retained. Prepared in the form Appendix XII

NOTE :-

Acquittance Rolls should invariably be signed stamped "paid" and preserved carefully for the periods prescribed and produced for inspection wherever demanded by the Accountant General (Audit), or the Examiner of Local Accounts.

## CHAPTER - III
## CONTINGENT CHARGES

80. (1) The term :Contingent Charges" or "Contingencies" used in this chapter means and includes all incidental and other expenses which are incurred for the management of an office as an office or for the technical working of a

department, other than those which under prescribed rules of classification of expenditure fall under some other head of expenditure, e.g "works", "tools" and "plant", etc.

(2) The Rules of procedure prescribed in this Chapter shall apply primarily to contingencies, but miscellaneous expenditure which is not classed as contingencies, is also subject to these rules, except in so far as it may be governed by any special rules of procedure prescribed in other chapters of this part or by any departmental regulations.

81. The Secretary shall exercise the same vigilance in respect of contingent expenditure as a person of ordinary prudence may be expected to exercise in spending his own money. He shall be responsible for seeing that the items of expenditure are of obvious necessity and are at fair and reasonable rates. The Secretary is further responsible for seeing that the rules regarding the preparation of bills are observed, that the money is either required for immediate disbursement or has already been paid from the Permanent Advance, that the expenditure is within the available appropriation and that all steps have been taken with a view to obtaining an additional appropriation if the original appropriation has either been exceeding or is likely to be exceeded.

82. (1) All charges actually incurred must be paid and drawn at once, and under no circumstances may they be allowed to stand over to be paid from the grant of another year.

(2) No money shall be drawn from the Treasury unless it is required for immediate disbursement. It is not permissible to draw money from the Treasury in anticipation of demands or to prevent the lapse of budget grant.

83. No pay of any kind and no addition to pay shall be charged as contingent expenditure except in cases of the following ;-

(i) Labourers engaged on manual labour and paid daily or monthly wages.

(ii) Sweepers, and grass cutter.

84. Contingent charges incurred on account of the wages of Labourers engaged on manual labour and paid at daily or monthly rates shall be supported by a certificate signed by the Secretary to the effect that Labourers were actually entertained and paid.

85. In the case of all others whose pay is drawn on contingent bill a certificate in the following form shall be furnished by the disbursing Officer.

"Certified that all the employees whose pay has been charged in this bill were actually entertained in Council Services during the period concerned".

86. The following rules for the prevention of the fraudulent use of sub-voucher or other papers connected with the accounts shall be observed by the Secretary in the matter of cancellation and destruction of sub-voucher and the other connected papers.

(a) Unless in any case it is distinctly provided otherwise by any rule or order, no sub-voucher or other connected with the accounts may be destroyed until after a lapse of three years but in any case no sub-voucher should be destroyed before audit by settlement of objections raided by the Accountant General (Audit) or the Examiner of Local Accounts.

(b) All sub-voucher should be kept in the safe custody of the District Council Office.

87. The Secretary shall draw money from the Treasury by means of cheque for Contingent Charges within the amount allotted in the budget after obtaining sanction of the competent authority as named in rules 129 and 130 provided that a bill for any amount over Rupees five hundred shall be countersigned by the Member-in-charge of Financial; Affairs.

The bill shall be prepared in the form Appendix XII.

88. A register of contingent expenditure shall be kept by the Secretary whose full signature with date shall be entered against the date of payment of each item.

89. The standard form of the Contingent Register will be prescribed by the member-in-charge of Financial Affairs in consultation with the Director of Accounts and Treasuries, Government of Mizoram. The actual details such as the number of column to be opened, the sub-heads and detailed heads, etc. as may be required for the purpose of control (generally and budget heads should be followed) may be settled by the Council to suit the conditions of the District Council Office.

90. As each payment is made, entries must be made in the Contingent Register of the date of Payment, the name of payee and the number of sub-voucher in the three columns to the left and amount in the proper column.

91. To enable the Secretary to watch the progress of the expenditure under each detailed head as compared with the appropriation for it, a progressive total of all the columns must be made monthly immediately after the monthly total, so as to include all payments under each head, as also any charges adjusted by book transfer from the commencement upto the end of the last month of the financial year concerned.

92. (1) When it is necessary to draw money for contingent expenses as for example, when the Permanent Advance begins to run short, or when a transfer of charge takes place, and in any case at the end of each month, a red ink line shall be ruled across the pages of the register, or registers, the several columns added up and several totals posted in the bill. The Secretary shall carefully scrutinize the entries in the register or registers with the sub-vouchers, initial them, if this has not already been done, and sign the bill which will then be dated and numbered and passed for payment by drawing the amount by cheque for the Treasury.

(2) The head of contingent expenditure may be entered in manuscript in the bill and the totals posted against them, provided that full details of the charges must be entered in the bill, except when they are given in the sub-voucher.

## CHAPTER - IV
## PERMANENT ADVANCE

93. (a) Permanent Advances may be granted to the Secretary for the purpose of meeting certain class or classes of expenditure the amount of advances being fixed by the District Council according to his requirements.

(b) As these advances involve the permanent retention of money outside the Fund they must not be larger than is absolutely essential.

(c) The Secretary is responsible for the safe custody of the money placed in his hands and he must at all times, be ready to produce the total amount of the money in vouchers or/and in cash whenever demanded by the Member-in-charge of Financial Affairs or by the Accountant General (Audit) of the Examiner of Local Accounts.

94. (a) The permanent advances is intended to provide, on the responsibility of the Secretary, for emergent petty advances of all kinds.

(b) The Secretary is responsible for the proper accounting of all payments initially meet out of Permanent Advance, strictly in the order of occurrence and as soon as they take place, through the medium of the permanent Advance Account Register and the Cash Book. He is further responsible for the timely recoupment of all sums spent out of Permanent Advance; see also Rule 91.

(c) The permanent Advance may be recouped whenever necessary, and it must always be recouped on the last working day of the month by drawing money for the expenditure already incurred from the Fund in Accordance with the rules regulating contingent charges.

## CHAPTER - V
## CONTRACT

95. Except in cases of piece work or petty purchase, the recognized system of carrying out work and purchasing or carrying materials otherwise than by the employment of

daily labour is contract work. All such works shall be done after inviting tender in most open and public manner and executing agreements in writing which should be previously and definitely expressed, and also should state the quantity and quality of the work to be done, the specifications to be compiled, the conditions to be observed, the security to be lodged the terms upto which the payment will be made and the penalties exacted with any provisions necessary for safeguarding the property entrusted to the contractor.

NOTE :-

1. Piece work is that for which a rate only is agreed upon without reference to the total quantity or the quality to be done within a given period.

NOTE :-

2. The monetary limit upto which the purchase may be treated as 'petty' shall be fixed by the Council.

96. (1) The Chief Executive Member shall execute agreement/ instruments on behalf of the District Council relating to any matter with the Affairs of the District Council.

(2) The term on which the agreement/ instrument will be executed shall be prescribed by the District Council in consultation with the Accountant General (Audit) and with the approval of the Governor.

## CHAPTER - VI
## PAYMENT FOR PURCHASE OF STORES

NOTE :-

In this Chapter the term 'Store' is used to indicate all articles and materials required for the council and coming into a Council Officer's possession, for various purposes, and includes stationary, furniture, machinery, tools and plants.

97. Subject to such general or special rules on subsidiary instructions as may be issued by the District council and

without prejudice to the generally of the provisions contained in Part - VII, the provisions of Chapter III and IV and shall apply generally to payments for stores purchased by the District Council in accordance with departmental regulations.

98. As a general rule, payment for supply is not permissible unless the stores have been received and surveyed.

99. (1) Bills in support of payment for purchases of stores shall be accompanied by a certificate that the articles detailed in the voucher have been actually received and entered in the Stock Register, that their quantities are correct and their quality good, that their rates paid are not in excess of accepted or market rates and that suitable notes of payment have been made in the indents and invoices concerned to prevent double payment.

(2) The authority, unless it is a general one, under which the purchase is made, shall also be quoted.

NOTE :-

The certificate prescribed in this rule, usually styled as the store certificate is a very important one and must be signed by the Secretary.

## CHAPTER - VII
## WORKS EXPENDITURE

100. The rules in this chapter shall apply to expenditure on special services connected with the construction, repair and maintenance of Buildings, road and other works undertaken or owned by the Council.

101. For every work there should be a duly sanctioned detailed estimate.

102. A detailed record of the expenditure relating to each sanctioned work should be kept in a Register in form Appendix XIII.

103.(1) As a general rule, subject to such exceptions as may be authorized by the District Council where the work is done departmentally, the wages of labourers engaged shall be drawn on Muster roll showing the names of labourers. The daily attendance and absence of Labourers an fines, if any inflicted on them must be so recorded as to prevent any tempering with or an authorized additions to the entries once made.

(2) Subject as provided above, the Muster Rolls may be kept in such form and in accordance with such methods as may be prescribed by the Member-in-charge of Financial Affairs in consultation with the Accountant General (Accounts & Entitlement).

104. The payment made on Muster Rolls must be made by the Secretary, or any other officer authorized for the purpose who would certify to the payment individually or by groups. The amount paid on each data shall be noted words as well as in figures at the foot of the Muster roll.

105.(1) Unless in any case the District council direct otherwise, payments for all works done otherwise than by daily labour and for all supplies shall be made on the basis of measurements recorded in the Measurement Book kept for the purpose. Claims for such payment shall be prepared as far as possible by the claimants themselves in authorized forms of bills and vouchers and no payment other than an advance payment be authorized unless the correctness of the claim in respect of quantities and rates as well as the quality of the work done or supplies made have been accepted and all calculations carefully checked by the Secretary with the approval of the Executive Committees. In case of work done departmentally through daily Labourers, the measurement of work done should also be recorded in the Measurement Book when the item of work are susceptible of measurement.

(2) Subject to such general or special instruction as may be issued by the District Council, Measurement Book shall

be kept in such form and according to such methods as may be prescribed by the Member-in-charge of Financial Affairs in consultation with the Accountant General (Account & Entitlement).

106. A stock Register of Measurement Books shall be maintained in form Appendix XIV.

107.(1) As a general rule and subject to such exception as may be authorized by the District Council no payment can be made to a contractor, except for the work actually done or supplies actually received. Subject to such general or special order as may be issued by the District Council in this behalf, advances, if any, made to contractors during the execution of work shall invariable be recovered from their bills for the value of work done or supplies made before final payment is made, which must in no case be permitted without detailed measurement.

(2) The detailed rules prescribing the terms and conditions under which advances payments may be made in exceptional cases shall be laid down by the Council in consultation with the Accountant General (Account & Entitlement) and with the approval of the Governor.

108. A contractors' Ledger in form Appendix XV shall be maintained, if any advance is paid or if any material is issued to contractors for exeution of works.

109. Separate Contingent Bill shall be prepared for expenditure relating to "works" duly supported by sub-voucher. The name of work as given on the sanctioned estimate should be noted conspicuously on each sub-voucher as well as in the bill itself.

110. Without prejudice to the generality of the rules in this Chapter, the detailed procedure to be observed by the Secretary in making payments for works expenditure and the form of bills and voucher on which such payments are to be made may be prescribed by the Member-in-charge of Financial Affairs in consultation with the Accountant General (Accounts & Entitlement) and with the approval of the Governor.

## CHAPTER - VIII
## REFUNDS OF REVENUE

111. Refund of revenue can be drawn only on the demand and on the receipt of the person entitled to receive them after production of proper authority.

112. Every refund shall be noted against the original credit in the office accounts or other documents in which the moneys received are entered, in detail and a certificate of such a note having made must be given in all voucher of refunds.

NOTE :

The notes against the original demand or realization is essential to make the entertainment of a double or erroneous claim impossible.

113.(1) Bills for payment of money from the Council Fund on account of refunds of revenue shall be prepared in the form as in Appendix XVI. The secretary shall fill up the requisite columns of the form and sign the certificate at the foot and shall also verify the credit by means of the particulars furnished in the appropriate columns and affix his signature in the relevant column in token of his having done so.

(2) refunds may in all cases be sanctioned by the member of the Executive Committee-in-charge of the department concerned.

# PART - IV
# DEPOSITS

## CHAPTER - I
## GENERAL

114. Earnest money received from contractors and any deposit should be accounted for as deposits and recorded in a separate Register styled as 'Register of deposit' in form Appendix XVII.

115.(a) At the end of every quarter a certificate must be recorded in the Register of Deposits by the Secretary, that he has personally examined the register carefully and that the entries are made with the utmost care and regularity.

(b) In cases where the earnest money is tendered in the shape of Interest Bearing securities a separate register styled as 'Register of Deposits Interest Bearing Securities' shall be maintained in form Appendix XVIII.

## CHAPTER - II

## REPAYMENTS OF DEPOSITS

116.(a) Refunds of deposits can be made under the orders of the Secretary.

(b) A person claiming refund of a deposit must produce the receipt given to him at the time the original deposit was made. The Secretary shall compare the receipt with the entry on the receipt side of the register of deposit and, if found correct, he will take the payees' receipt, pass payment order and record it at once under his initials, (on the repayment side of the Register against the particular receipt)

(c) Release of Interest Bearing securities shall be made after recording a release order in the Register of Interest Bearing securities under the signature of the Secretary and after obtaining the full signature of the depositor against the entry in the Register.

117.(1) The payment order should be given by the Secretary on the original receipt which should be used as voucher.

(2) As a safeguard against fraud, the Secretary shall enter the name of the payee after the words "passed for payment" thus "passed for payment to……."

## CHAPTER - III

## LAPSED AND CONFISCATED DEPOSITS

118. (1) In the accounts of march each year, the following classes of items of the Council deposit accounts received by way of Security Deposit from the Contractor or others and

the sums that are received which are not property of the District Council and have been placed with the Council authorities for a temporary purpose only, shall be credited to the head "Deposit Received" of the Council in the Abstract Register of Receipts and shall be entered on the debit side of the Deposit Ledger/Register as Lapsed Deposit :-

(a) Original deposits not exceeding three rupees remaining outstanding the whole account year.

(b) Balance not exceeding three rupees of item partly cleared during the year then closing ; and

(c) Balances unclaimed for more than three complete years.

(2) For the purpose of sub-rule (1) above the age of a repayable item or balance of it, is to be reckoned as dating from the time when the balance become first payable.

119. Deposits credited to a District council Fund under Rule - 118 or confiscated under the provisions of an agreement or bond, may be repaid by the Secretary on ascertaining that

(a) the items was really received ;

(b) it was credited to the District Council Fund as lapsed or confiscated, and

(c) the claimants' identity and title to the money are certified by the Secretary or any other authorized Officer.

## PART - V

## BUDGET AND FIANANCIAL CONTROL

### CHAPTER - I

### PREPARATION OF BUDGET ESTIMATES ETC.

120. The responsibility for the preparation of the statement of estimate revenue and expenditure as well as any

supplementary estimate or demands for excess grant, lies with the Member-in-charge of Financial Affairs.

121.(a) The Annual Budget for the coming year and the supplementary Demand for the current year will be prepared by the Member-in-charge of financial Affairs and shall be placed before the District council on the date fixed by the Council within 31st March of a year. The Budget should conform to the system of classification generally followed by Government, or as may be advised by the Accountant General (Accounts & Entitlement and Audit) from time to time. No expenditure should however, be incurred before the budget is passed by the Council. the budget as passed by the Council must be adhered to subject to the provisions of these rules. Soon after these are passed, five copies each of budget Estimates, Supplementary Demands passed by the Council shall be supplied to the Accountant General and the Examiner of Local Accounts by the Secretary, free of cost.

(b) Expenditure on a new item for which no specific provision has been made in the budget shall not be incurred without the previous sanction of the Executive Committee of the Council. approval of the Council to such expenditure shall be obtained through supplementary Demand in due course.

(c) In preparing the Budget, care should be taken to see that the grants/contributions received from Government are utilized only for the purposes for which these were given by Government. Any deviation considered necessary would require prior approval of the Government. Any unspent balance not utilized within the financial year of its sanction, the Grant by the Government must be surrendered.

NOTE :-

Budget provision is no authority for incurring any expenditure which requires the sanction either of the

Secretary or the Member-in-charge of the Financial Affairs or of the Executive Committee of the Council. The fact of a charge which requires special sanction having been included and passed in the Budget is no authority for it.

122. The Member-in-charge of Financial Affairs has got the full power to sanction re-appropriation from one head to another within the same grant in the sanctioned Budget.

123.(1) Annual Financial Accounts and Appropriation Accounts shall be prepared by the Member-in-charge of the Financial Affairs of the Council in such form as may be prescribed by the Comptroller and Auditor General of India and forwarded to the Accountant General (Audit), Meghalaya by the 30th June, each year. These accounts duly test checked locally by the Accountant General (Audit) together with connected audit report shall be submitted to the Governor who shall cause them to be laid before the District council.

(2) After the Reports of the Comptroller and Auditor General of India are laid before the Councils as provided in paragraph 7 (4) of the Sixth Schedule to the Constitution of India. Action taken notes on the said Reports shall be submitted by the District Councils to the Governor of the State. The Governor shall give such directions as considered necessary in Public interest to the District Councils.

124. If any money has been spent on any service during the financial year in excess of the amount granted for that service and for that year the Member-in-charge Financial Affairs shall present to the Council a demand for such excess. A copy of the excess grant when passed shall be submitted to the Accountant General (Audit) and to the Examiner of Local Accounts by the Secretary.

## CHAPTER - II
## LOANS AND INVESTMENTS

125. If the District Council decides, on the recommendations of the Member-in-charge of Financial Affairs to raise a loan in furtherance of a scheme initiated by the Council the resolution shall require the concurrence of at least two-thirds members of the Council. The prior advice and the approval of the Governor shall be obtained in all such cases. The responsibilities for repayment according to the stipulated terms and conditions shall in all cases devolve on the Department for Financial Affairs, which shall maintain a 'Register of loans' in the form prescribed for the purpose by the Member-in-charge of Financial Affairs in consultation with the Accountant General.

126.(1) The District Council may, on the recommendations of the Executive Committee and with the approval of the Governor authorize investment of surplus funds of the District Council in the manner profitable to the District Council and consistent with the safety of the money invested. Usually the investment should be made in the recognized forms of Government securities.

(2) The responsibilities for maintaining the investment Register (in the form prescribed by the Member-in-charge of Financial Affairs in consultation with the Accountant General) and for ensuring timely recovery of the interest accrued in each case shall rest with the Department for Financial Affairs.

127. LOANS AND ADVANCES TO COUNCIL EMPLOYEES

The District Council shall, with the approval of the Governor, frame rules regulating the grants of loans and advances are granted to the employees in accordance with the rules framed as above, detailed records to watch recovery of such loans and advances shall be maintained by the Council in such forms as may be prescribed in consultation with the Accountant General.

## PART - VI

## CHAPTER- I
## FINANCIAL POWER

128. Subject to the provisions of the District Council Administration Rules, if any, all financial powers in respect of expenditure shall be exercised by the executive Committee of the District Council.

129. (1) Subject to the provisions of the District Council Administration Rules, if any, the Chief Executive Member shall have the following powers in regard to all the Department ;-

(a) Provided that there is no infringement of any statutory rules or rules having the force of law, the power to appoint promote, suspend, reduce, dismiss, transfer and to grant leave and pension to Council employees.

(b) The power to fine employees for gross misconduct, insubordination, inefficiency and other like causes and also the power to remit fines imposed by himself/his subordinates. The power of revision may be exercised also in cases of fines imposed under law on private parties for breach of conduct and other causes.

(c) The power of a Chief Executive Member to sanction leases and contracts is upto Rs.50,000/-

(d) The power of Chief Executive Member to sanction any item of expenditure within sanction budget is upto Rs.50,000/-

(e) The power of Chief Executive Member to sanction estimate of public works including additions, alterations and repairs is upto Rs.1,00,000/-

(f) The power to sanction excess over estimates of Public Works, if the excess does not exceed 10% (ten percent) of the original estimate.

(g) The power to write off/any debt or dues owing to the Council upto a maximum of Rs.1000/- (Rupees one thousand) only.

(h) The power to write off/the value of store or other articles borne on the Stock Register upto the value of Rs.1000/- (Rupees one thousand) only.

(i) The power to confirm the sale and settlement of land, to suspend land revenue on account of failure of crops or other calamity according to rules and to write off/the purchase price of land, the proceeds of which have not been realised.

(2) The District Council shall prescribed the cases, if any, where the powers delegated to the Chief Executive Member shall be exercised with the concurrence of the Department of Financial Affairs.

## CHAPTER - II
## LAPSED OF SANCTION

130. A sanction for any fresh charge shall, unless it is specifically renewed, lapses if no payment in whole or part has been made during a period of twelve months from the date of issue of sanction.

Provided that :-

(a) When the period of currency of the sanction is specified in the sanction itself, it shall lapse on the expiry of such periods.

(b) When there is a specific provision in a sanction that the expenditure would be met from the budget provision of a specified financial year, it shall lapse at the close of that financial year.

(c) In the case of purchase of stores a sanction shall not lapse if tenders have been accepted or orders have been placed within the period of one year of the date of issue of that sanction, even if the actual payment in who or has not been made during the said period.

(d) A sanction is respect of an allowance sanctioned for a post or for a class of Council employees, but not drawn by the officer of officers concerned shall not lapse.

## CHAPTER - III
## RESIDUARY PROVISIONS

131. Case may arise for which no provisions have been made in these rule. In such case the provisions of General Financial Rules, Central Treasury Rules and Subsidiary Orders made there under as amended from time to time or the orders issued by Government as the case may be, will apply mutatis mutandis.

# PART - VII

## STORES
## GENERAL

132. Some Departments of the Council e.g the Council Public Works, Forest, Agriculture, etc. may obtain large quantity of stores for consumption, manufacture or other purposes. The Departmental Officers entrusted with the case, use or consumption of these stores shall be responsible for maintaining correct records and preparing correct returns in respect of these stores entrusted to them.

133. All materials received should be examined, counted, measured or weighed as the case may be, when delivery is taken and they should be kept in-charge of a Council employee who should be required to give a certificate that he actually received the materials and recorded them in his appropriate stock Register (and also measurement Books where these are maintained)

134. When materials are issued from Stock for Departmental use, manufacture of sale, etc. the Council employees-in-charge of the store should see that requisition or indent in proper form has been made by a properly authorized person, examine it carefully with reference to any orders or rules for the issue of stores and sign it after making suitable alternations under his dated initials, in the

description and quantity of materials if he is unable to comply with the requisition in full. The requisition or indent should be returned at once to the requisitioning Officer for signature. When materials are issued, a written acknowledgement should be obtained from the person to whom they are delivered or dispatched, from a duly authorized agent.

## CHAPTER - I

## STOCK ACCOUNTS

135.(1) All quantities of stores including tools plants received in or issued from Stock should be entered in the Stock Account under the respective heads on the dates the transaction takes place, and balance struck every month which should correspond with the quantities in stock at the close of each month.

(2) The detailed rules for the maintenance of Stock Account of different classes of materials shall be prescribed by the Executive Committee in consultation with the Accountant General (Audit).

136. The balance in stock should be half yearly verified Physically to see whether the balance in hand represents the quantities, any discrepancy, and the book balance set right under orders of the competent authority.

# PART - VIII

# CONDITIONS OF SERVICE AND OTHER COGNATE MATTERS

## CHAPTER - I

137. All questions regarding pay and allowances (including Travelling Allowances) leave, joining time and additions to pay of Council employees, as also their conditions of

service and other cognate matters will be regulated by such rules as may be laid down by the District Council with the previous approval of the Governor, provided that until the promulgation of a new set of rules for the purpose set forth above, the provisions of the rules in the Fundamental Rules and supplementary Rules as adopted by the Government of Mizoram and amended from time to time together with the Government decisions thereon shall mutatis mutandis apply in the case of all employees of the Council, provided further that the District Council may with the previous approval of the Governor, make such modifications of the rules in the Fundamental/Supplementary Rules and Government decisions as it deems proper in the matter of their application to the cases of Council Employees copies of the order of the District Council authorizing all such modifications shall be submitted to Accountant General (Audit) in duplicate.

138. The provisions of rule 137 do not apply to these Council Employees who may be appointed either under special agreements laying down their conditions of service or on deputation from the service of the Government of India or Government of Mizoram.

139. The District Council shall exercise the powers of State Government under the Fundamental Rules and Supplementary Rules.

140. The District Council shall with the approval of the Governor, frame rules regulating the retirement benefits admissible, if any, to the Council employees.

"Provided that until such rules are made by the District Councils under this Rules, retirement benefits and ancillary matters relating to Council employees shall be regulated by the relevant Rules applicable to Officers and staff under the Government of Mizoram presently applied".

141.(1) Early in March each year, a detailed statement of the permanent establishment existing on the 1st March shall be prepared in such form and in such manner as prescribed in Appendix XIX and kept on record in the Council Office.

(2) A Register of Service Book shall be maintained in such forms and in such manner as prescribed in Appendix XX and kept on record in the District Council Office.

142.(1) The Service Books should be taken-up annually say, in April or May for verification by the head of the Office who after satisfying himself that the service of the Council employees concerned are correctly recorded in each Service Book, should record in the Service Book the Certificate in the following form over his signature :-

"Service verified upto……..(date) from (the record from which the verification is made).

(2) The head of the Office in recording the annual certificate of verification should in the case of any portion of service that cannot be verified from office records, distinctly state that for the excepted periods (naming them) a statement in writing by the Council employee as well as a record of the evidence of his contemporaries, is attached to the Book.

(3) The head of the office should also invariable record necessary particulars in regard to temporary and officiating.

(4) When an officer is transferred from one office to another, the head of the office under whom he was originally employed shall record in the Service Book under his signature the result of the verification of service with reference to pay bills and acquaintance rolls, in respect of the whole period during which the officer was employed under him before forwarding the Service Book to the office where his services are transferred.

(5) The term 'Service Book' includes 'Service Roll'.

(6) The forms of Service Book and Services Roll shall be prescribed by the Member-in-charge of Financial Affairs with reference to the forms in the State Government office.

(7) Service Books must be kept in the Custody of the Officer in which the Council employees are serving and transferred

with them from office to office. The Service Books should not be returned to the employees on retirement, resignation and discharge from service even in cases where he might be paid for it already.

(8) Every Council employees shall be required to subscribe his signature against the entries made in his service book once in a year and it is duty to see that his Service Book is properly kept up and the entries made therein are correct.

(9) Personal certificates of character shall not, unless the Council so directs, be entered in the Service Book, but if the Council employees is reduced to a lower substantive appointment the case of the reduction should always be briefly stated, e.g Reduced for inefficiency 'Reduced owing to revision of establishment', etc.

(10) Every period of suspension from employment and every other interruption in service shall be noted, with full details of its duration by an entry written across the page and attested by the Head of the Office or other attesting Officer. Head of the office should take efficient measure to see that entries are made with regularity.

(11) When a Council Employee is transferred, whether permanently or temporarily, from one office to another, the necessary entry of the nature of the transfer shall be made in the Service Book which after being duly verified to date and attested by the Head of office shall be transmitted to the Head of Office to which the Council employee has been transferred, who will thence forward the book maintained in his office.

143. A register of Lands, Buildings and other properties belonging to the Council shall be maintained by the Secretary in Form Appendix XXI.

144. INTERNAL AUDIT.

The Council may, with the approval of the Governor and in consultation with the Accountant General (Audit), prescribe a suitable system of internal audit.

145. EXPENDITURE INCURRED ON SCHEMES

The Council shall maintain a separate set of records to show the Schemed sanctioned and undertaken, the expenditure incurred thereon and the result achieved.

146. AUDIT OF THE ACCOUNTS OF THE DISTRICT COUNCIL

The Account of the District Council will be subject to audit by the Accountant General (Audit) on behalf of comptroller and Auditor General of India and by the Examiner of Local Accounts.

147. Audit objections and Inspection Reports issued by the Accountant General (Audit) or the Examiner of Local Accounts shall be replied to and settle expeditiously.

## CHAPTER -II

## CONSOLIDATION AND SUBMISSION OF ACCOUNTS

148.(1) The accounts under different heads shall be maintained separately under each budget head in a 'general Ledger' in Form Appendix XXII This Ledger shall be kept in two volumes - one for receipt transactions and the other Expenditure. Accounts in respect of different Departments shall be recorded separate pages in the Ledger.

(2) In addition to the General Ledger, a control ledger shall also be maintained in form Appendix XXII to record total transactions under all budget head in a month as recorded in the General Ledger.

149. The Accounts of the Council shall be maintained and submitted to Accountant general (Audit), Meghalaya, Mizoram & Arunachal Pradesh in form conforming the heads of Accounts prescribed in the 'List of Major and Minor Head of Accounts.'

The monthly accounts relating to expenditure on entrusted functions, if any, shall be compiled by the Council and

submitted to the Accountant General (Account and Entitlement), Meghalaya, Mizoram and Arunachal Pradesh within 10th of the following month.

## CHAPTER - III

## AGENCY FUNCTIONS

150. Where the execution of any function is entrusted by the Government under sub- paragraph (2) of Paragraph 6 of the Sixth Schedule to the Constitution of India to any District Council, the concerned Council will frame to maintain and submit to the Accountant General (Account & Entitlement) such accounts in various forms as may be prescribed by the Accountant General (Accounts & Entitlement).

**APPENDIX - I**

(See Rule 18(a)

Cash Book of District Council

For the month of_____19_____

| Receipt | | | | | | | | | Expenditure | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Date | Parti-culars (Full Details with reference to receipt no. etc. | AMOUNT | | | | Total Rs. | Clas sifica tion | Ledger | Date | Parti cular (full details of pay-ments). | AMOUNT | | | Total | Clas sifica tion | Led-ger |
| | | Cash (Rs.) | Try (Rs) | Imprest (Rs). | | | | | | | Cash | Imprest | Try | | | |
| 1 | 2 | 3 | 4 | 5 | | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |

**APPENDIX - II**

Bill Register of the office of the……..

(See clause (j) of Rule 18)

AMOUNT OF THE BILLS (DETAIL HEAD OF ACCOUNTS ETC.)

| Bill No.& Date | Particulars of bil | Pay of establishment | Dearness allowances | House rent and other allowances | Contingencies | Gross Amount | Deduction | Net Amount | Date initial of the Officer signing the bill | No.& Date Cheque drawn at the Treasury | Amount receive from the Treasury | Date of igning acknowledgement with initial of the fficer signing the bill | Date of receipt Treasury | Date of entry from Cash Book |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |

| Initials of the officer In-charge of the Cash | Amount disbursed in_____ | | Balance | Remarks |
|---|---|---|---|---|
| | Month of Drawal | 2nd month | 3rd month | |
| 10 | 11 | | 12 | 13 |

APPENDIX-III

(See rule - 19 and 29 (I)

RECEIPT

BookNo.....Receipt.....Date.....
Received
from.....Rupees.
(Rupees.....) in Cash on Account
of.....
Reference to Cash Book entry Page
No.....

Signature and designation of
issuing officer

Countersigned
Secretary,
.....District Council.

**APPENDIX - IV**

(See Rule 29 (3) and 47)

Register of Receipt Book

Cheque

| Serial no Of entry | Date | Serial no of each receipt cheque book received in stock (give cash book) | Serial no of each receipt cheque in the books | Signature of Secretary | Date of Issued | To whom issued | Signature of the person to whom | Dateof receipt counterfoil of cheque book used | Balance quantity of receipt books in stock new used | Signature of Secretary |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | New | Used | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

**APPENDIX - V**

(See - Rule - 31 (a)

Assessment Register for the year, 19……..)

| Serial No. | Name Of the Tax payer | House No. Of the Tax payer | Annual value of holding/ Total Taxes Income etc. | Assessment nature of | Assessment according to the | | Additional colunm | | Total | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Tax | Amount | Tax | Amount | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

**APPENDIX - VI**

(See Rule - 31 (a)

Demand and Collection Register for the year, 19.....

| Serial No. | Name of Tax payer | Reference to SL No The Register of Assessment | Arrear Demand | Current Demand | Remission/ Suspension | | Total Amount collect with No. & Date | | Demand Bill | Balance at the end of theyear | | | | Total | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Arrear Demand | Arrear Demand | Arrear Demand | Arrear Demand | | Arrear Demand | Arrear Demand | Arrear Demand | Arrear Demand | | |
| 1 | 2 | 3 | 4 | 5 | 6(a) | 6(b) | 7(a) | 7(b) | 8 | 9(a) | 9(B) | 10(a) | 10(B) | 10(c) | 11 |

**APPENDIX - VII**

PAY BILL FORM (SEE RULE - 74 (2)

Detailed pay bill of permanent/Temporary. Establishment of the……District Council

For the month of……19…… for use by Audit Authorities.

| 1 | 2 | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Head chargeable Serial No. of the post | Section of the Establish-ment name of the post. Scale of pay and name of incumbents | | | | Deduct | | G.P.F. | P.L.I. | H.B.. Advance |
| | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| | Substantive pay (personal pay, if any should be shown in this column as separate entry below substantive pay) | Leave salary | Officiating pay | Compensa-tory allow- | Total | For use by audit officers | General Provident | Postal premia & other fund and miscellaneous recov-eries (Fines, advances | |

| | Rs. | Rs. | Rs. | Rs | Rs. | Rs. | Rs. | Rs. |
|---|---|---|---|---|---|---|---|---|
| | Total Deduction | | | | | | | |
| 11 | 12 | 13 | 14 | | | | | |
| | Income Tax | House Rent | Net Amount payable. | | | | | |
| Rs. | Rs. | Rs. | Rs. | | | | | |

To be entered by Drawing Officers and checked by Audit Officers. For use by Audit Authorities.

Admitted Rs.

Objected to Rs. Auditor.

| Sl. | Section of Establish-ment, name of post scale of pay and name of incumbencts | substan tive pay (personal pay if any,other should also be shown in this column as a separate entry below subs tantive pay) | Leave salary | Offia ciating pay | Compen satory allow ance | Total | For use of Audit Officer | For Ge - n e r a l Provident fund | Postalpre - mia and other fund deductions (specifyfund) and miscel laooeus re coveries (Fines, Advance etc.) | Net after deduc ting fund sub scrip tions etc. | Income Tax | House Rent | Net Amount payable | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rs. 1 | Rs. 2 | Rs. 3 | Rs. 4 | Rs. 5 | Rs. 6 | Rs. 7 | Rs. 8 | | Rs. 9 | Rs. 10 | Rs. 11 | Rs. 12 | Rs. 13 | Rs. 14 |

N.B.:

1. Heldover amount should be entered in the appropriate Columns 3,4,5 or 6 as the case may be in Red Ink and ignored in totaling.
2. In the remarks column should be recorded all unusual permanents event such as death, retirement, transfer, first appointment which find no place in the Increment Certificate.
3. the total pay of an officer officiating in a certain scale should be drawn for the period only that he officiates in that section. An Officer during transit should drawn his pay in their scale according to which he draws pay for the periods.
4. Each scale should be divided off by a Red Line draw right across the sheet and a total of columns 3,4,5 and 6 for the scale should be put in column 7 in red.

5. The names of the man holding permanent posts should be entered in order to seniority as measured by substantive pay drawn and below will be shown the posts left vacant and the man officiating in the permanent vacancies.

**PERIODICAL INCREMENT CERTIFICATE**

Certified that the Officers named below have earned the prescribed periodical increments from the date cited in col.6 having been the incumbents of the appointments specified for not less than.....years from the date in col.5 after deducting periods in suspension for misconduct and of absence on leave without pay and in case of those holding the post in officiating capacity, all other kinds of leave.

| Name of incumbents | Whether substan tive or officiating | Scale of pay of post | Present Pay | Date of last in crement or ap-pointment | Date of present in crement | Pay after present in crement | Suspend for leave withput pay | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | misconduct<br>.....<br>From to | and in the case of those holding the posts in officiating capacity all other kind of leave<br>.....<br>From To |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 10 |

Note :- When the increment claimed is the first to carry and officer over the efficiency bar,column 3 and 7 should be filled in red.

Head of Office

**APPENDIX VIII**
**(See rule 74(1)**

District Council.....

Pay bill of officer.....

Name of office.....

| Council of..... | Head of:- Service | Voucher No. of List for 19 |
|---|---|---|

| | Monthly Rate | Amount | |
|---|---|---|---|
| | . Rs P | . Rs | P |
| Received for the month Of 19 pay as | | | |
| Allowances as | | | |
| Allowances as | | | |
| Allowances as | | | |
| Total claim | | | |
| Less fund and other Reduction as detailed on Reverse | | | |
| . Rs P | | | |
| Income tax in Rs | | | |
| paid for insurance (attested copy premium receipt (attached, | | | |
| Net amount payable (in words) Rupees..... | | | |

STATION

The_____19___

COUNTERSIGNED

Signature of Controlling Officer

Twenty paise receipt Stamps for sum. exceeding Rs. 20

(Signature and Official Designation)

| Passed for Rupees ( ) | FOR USE IN ACCOUNTANT GENERAL'S \| OFFICE<br>Admitted.....<br>Objected.....<br>Auditor |
|---|---|

Supdt
Accountant General
The.....19..... Secretary
Executive
Committee,
District Council

DEDUCTION
Unconvenate :-

Service Family Pension Fund
Do Bengal and Madras
Postal insurance
Bengal Christian Family Pension Fund
Hindu family Annuity Fund
General Family Pension Fund
Installment of Loan or Advance
Income Tax at on Rs.....
Retrenchment notified by Accountant

| Rs. | P. |
|---|---|
| | |

Signature of Officer

Note :- The period for which the Fund subscription was due should be specific when it differs from the period for which pay is drawn.

Note :- The Government of India exercise no supervision over the management of the Hindu Family Annuity and Bengal Christian Family Pension Funds, and is in no way responsible for their solvency.

Note:- When the salary is drawn for the first time in any district either on transfer or return from leave, a certificate should be appended giving the date and hour of making over and receiving charge. A last pay certificate should also be annexed, in respect of newly appointed officers, the Medical Certificate prescribe in Fundamental Rule 10 should be appended. An increase or charged rate of salary should not be drawn, unless the bill on which it is drawn in either preaudit or is accompanied by the Accountant General's authority for the increase rate.

**APPENDIX-IX**

**ABSENTEE STATEMENT FORM (SEE RULE-76)**

| Name of absentee | Actual rate payof | Designa tion & rate of pay | Nature absence | Rate of absence allowances per month | to be filled up by audit noffice | Officiating Officer | | (To be filled by audit officer) |
|---|---|---|---|---|---|---|---|---|
| | | | | | | Name | Substantive pay | Officiating pay |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

Note:

1. In column 4 should be stated full (half quarter) pay 'without pay' 'deputation' 'officiating'.....'in transit' 'transferred' to.....'suspended' etc. the date for each being specified as for as possible in column 6 and 7. In case of suspension it should be noted whether or note the period counts for pension.

2. The statement should be divided off into sections corresponding to sections in the bill, only those attachment effecting one section being shown together.

3. Then the leave salary noted in Column 8 differs from that based on the rare of pay noted in the last establishment return, particulars of the calculation should be given in manuscript attached to the first bill in which the leave salary is drawn. If the calculation involved pay drawn outside the officer's substantive section.

   Reference to the vouchers in which sums were drawn should also be given.

**APPENDIX -X**
**FORM OF TRAVELLING ALLOWANCES BILL**
**RULE - 78 (1)**

Travelling allowances Bills of

Voucher No.....
List of payment for 19

CERTIFICATES

Certified that I have satisfied myself that the amounts included in bill

* 1. Month previous to this date, with the exception of

2. months those detail below (which the total amount

3. months has been refunded by deduction from this bill)

have been disbursed to the officers therein named and their receipts in the Aquitance Roll.

Passed for Rs____ , (Head Office)

Dated.....19_____ Controlling Officer

Per Rupees (in words.....figures)

Accountant.

Secretary, Executive Committee, District Council.

* One line to be used and others scored out.

| | |
|---|---|
| For use by Audit Authorities<br>Admitted Rs.<br>Objected Rs.....<br><br><br>For reasons stated.....<br>Auditor. Supdt | Head of Service chargeable |

Travelling Allowances bill of the Establishment of..... for the month of.....19.....

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Name | Designation and headquarter | Actual pay | Date and hours where neecessary vide instruction on the back of the bill journey and halt | Route | Purpose of journey | Kind of journey, i.e. by road, Boat, Steamer, or Rail (mail or ordinary) | No, of kilometres | Mileage by road or Board or actual expenses | All allowances of claimed Daily allowances | Railway and steamer fares class/ amount singles or one and half or one and three fourth | Tota eachline | Remark |

STRUCTION FOR PREPARING THE TRAVELLING ALLOWANCE BILLS

1. Journeys of different kinds, and journeys and halts should not be entered on the same line. Only one kind of allowance should, there ore, be filled in on the same line and its amount carried out separately into last money column.

2. Hours of journey should be mentioned only-

   (1). When for an absence from Headquarters of not more than two consecutive

   days, daily allowances is claimed for two days.

   (2). When mileage of actual expenses in lieu thereof are claimed.

   (3). When both railways or steamer fare and daily allowance are claimed in respect of journey by rail or steamer immediately proceeded or followed by a journey by road or by halt.

3. Number of kilometers travelled should be entered in all cases of journeys by road or boat.

4. Permanent travelling conveyance and horse allowances should be drawn along with the pay of the Officer and not on Travelling Allowance Bill.

5. Fraction of a Kilometer in the total of a bill for any one journey for each person should not be charged for.

6. When the first item of travelling allowance to any Officer is a half the date of commencement of that halt should be stated in the Remark Column.

Details of actual expenses.

District Council Schools
In lieu of Assam Schedule III (Section-I) Form No. 5
Travelling Allowance Bill of Officer.

**APPENDIX-XI**
**(SEE RULE-78(1))**

District.....  Travelling allowance bill of
Shri.....
Office.....
Salary.....

Headquarters.....Head of service chargeable.....

Voucher No of.....list of
Payment for.....19.....

| Route | | | | Railway fare steamer | | | | | Distance travelled by road/ boat of Trolley | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| From_____to_____ | | | | single class (specific class) | 1/2 class (specific class) | Actual expences | Day halt | At the rates... ofper Ki-lomtre | At the rates... ofper Ki lomtre | At the rates... ofper Ki lomtre | At the rates... of per Ki lomtre |
| Station | Hour of Departure | Station | Hour of departure class) | | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |

For which daily allowance is

| At full rate | At halfrates 163 (a) supplementary Rules | date of last visit (when required by the Controling Officer) | Purpose of each visit | Remarks |
|---|---|---|---|---|
| 13 | 14 | 15 | 16 | 17 |

CERTIFICATE

Certificate that no travelling allowances have been charged in this bill for journeys performed by any means of locomotion belonging to Government or local fund or on state (63 service Rules) and that no tents carried at the expenses of Government have been used for private purposed during the period for which the above allowances are drawn.

Received Contents

Please pay to .....
Signature of the Officer who travelled.

To avoid correspondence it is requested that such of the appended certificates are necessary may be signed separately in the appropriate case.

A. For Officers supplied with ELEPHANT:
Certified that I had ..... for which hire is deducted from the bill (Appendix XIII) to fundamental Rules and Supplementary Rules.

Signature .....

B. For Officers attending departmental Examination : Certified that this is the 1st , 2nd and 3rd time that travelling allowances has been charged for appearing in the same standard of this departmental examination was obligatory (120 Supplementary Rules).

Signature.....

Note :- The fact that a particular subject is not taken up during the officer's first appearance does not entitle him to charge travelling allowance on his third appearance on the ground that the subject is nes one

Signature of the
Officer who travelled

C. Court Certified : Certified that I Received nothing from the court etc.

N.B.:- Certificate of the Court should be attached (142 supplementary Rules).

SIGNATURE

# INSTRUCTION FOR PREPARING TRAVELLING ALLOWANCE BILL

1. Journey of different kinds and journey and halts should not be entered on the same line
2. Number of Kilometers travelled should be entered in all cases of journeys by road or boat.
3. Permanent travelling, conveyance and horse allowances should be drawn along with the pay of officers and not in travelling allowances bills.
4. Fraction of kilometers in the total of a bill for any one journey should not be charged for.
5. When the first Item of travelling allowances to any officer is a halt, the date of commencement of that halt should be stated in 'Remark' column.
6. Totals of column 13 & 14 will not be of the kilometers travelled but of the days concerned.
7. A travelling allowance bill may, if desired be enfaced for payment to a banker of Agent and submitted for collection through such banker or Agent, this will obviate the necessity of the officer's attendance in person or by messenger as payment may then be made direct to the banker or Agent.

| | | | | |
|---|---|---|---|---|
| Railway steamermfares (column 6&7) Kilometers by Road at ……..paise per kilometer (Column 10) | Rs. P. | Memo allotment | Rs. P. | Passed (date) |
| Kilometers by road at…..... Paise per kilometer (Column 11) | | | | |
| Kilometers by road at..... paise Per kilometer (Column - 13) | | Expendi-ture inclu-ding this bill | | District Offiicer |
| Expenditure in District officer ……../ days for which daily cluding this bill Allowances is claimed (Column 9,14 & 15) at…… | | | | |
| Actual Expenses (Column 8)<br>Total……<br>Single……<br>Deduct…….. Permanent travel Ling allowance……..Double. | | | | |

Days [72 SR] Deduct rent due
to Govt. [Under 164 S.R] for
days at ..... Net claims Balance
Rupees.....
Dated..... Controlling Officer

Pay Rupees..... Secretary
Dated ..... Executive Committee
.....District Council

FOR USE IN CONTROLER'S OFFICE

Distance accepted , rates and calculation checked and found correct, Entered in the Audit Register.

Admitted Rs.....
Auditor Auditor

Objection to Auditor.....
for reason stated.
Superintendent.....

**APPENDIX-XII**

Form of bill for contingent charges

(see rule 87)

| | | | |
|---|---|---|---|
| District Counncil | Bill for contingent the.....for the month of | charges | voucher no. of list of payment for 10..... |

HEAD OF SERVICE

| Serial No. Sub. Voucher | Detailed head of charges with description where necessary and quotation of authority for charge requiring special sanction | Amount | Details of expenditure |
|---|---|---|---|
| Police Rewards (To outsiders) | | | |
| Rewards to outsiders and Jutots (Administration of justice) | | | |
| Diet and conveyance of under trial prisoners (Lock - ups) | | | |
| Diet of patients (Medical and public Health) | | | |
| Rewards for the destruction of wild animals (Miscellaneous) | | | |
| Hospital expenses of wounded per-sons (Administration of Justice) | | | |
| Process serving charges ( General Administration of justice) | | | |
| Medical stores. | | | |
| Job (Contract) works Carried over. | | | |

| Serial No. of Sub- voucher | Detailed head of charge (with description where necessary) and quotation Of authority or charges requiring special Sanction. | Amount | Detailed of expenditure |
|---|---|---|---|
| | Brought forward`<br>Allowance to District and Village Officers (Central Administration). Charges for enforcement to Town and Village (petty establishment)<br><br>Demarcation of boundaries and jungle clearing (Land Revenue)<br><br>Rates and Taxes (non-voted) Election charges (Local bodies) pay and contingency monials works Repairs - repairs works Repair - Rates and Taxes.<br><br>Other miscellaneous contingencies Leveries and Warm clothing partition charges (Land Revenue) Records Room charges.<br><br>Rewards under the grazing rules (Outsiders ) Seeds, Plants, Manure Petty Estt.) Food of impounded cattle (Cattle pound) Total other miscellaneous contingencies. | Rs. P<br><br>Rs. P | Rs. P<br><br>Rs. P |
| | | Total Rupees (In words) | |

Detailed should be furnished in the space provided below each head and when this space is not sufficient, the details may be furnished in a separate sheet of paper which should be attached to the bill.

1. Certify that the expenditure charged in this bill could not, with due regard to the interests of the public service, I certified that to the best of my knowledge and behalf the payments entered in this bill have been duly mace to the parties entitled to receive them, with the exception noted below which exceed the allowance of the payment advance and will be paid on receipt of the money drawn on this. Vouchers for all works bills, are attached to this bill save these noted below which will be forwarded as soon as the amounts have been paid. I have, as far as possible, obtained vouchers for other sums and I responsible that they can not be used again.
2. Certified that all the articles detailed in the vouchers attached to the bill and in these retained in my Office have been accounted for in the Stock Register.
3. Certified that the purchases billed for have been received in good orders, that their quantities are correct and their quality good, that the rates paid are not in excess of the accepted and the market rates and that suitable notes of payment have been recorded against the indents and invoices concerned to prevent double payments.

Appropriation for the current year……_____
Expenditure included this bill……_____

Amount contents balance available……_____

Signature and Designation
Drawing Officer
Dated……..19……

This Certificate is required when proper store accounts of materials and stores purchased are required to be purchased are required to be maintained.

---

Pay Rs…… (In words) and figure……

Examined
Accounted

Secretary, Executive Committee,
District Council

For use by Audit Authorities

Noted on page……..of P/C Audit Register
Admitted Rs……
Objected to Rs……for reasons stated below :-

Auditor. Superintendent.

**APPENDIX-XIII**

**(see rule 102).....District Council**

Register of works

Name of work

No. and date of sanction

| Month | Particulars of expenditure | Charges of the month | Total charges uptodate | Signature of the Secretary |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |

**APPENDIX-XIV**
**(See Rule 106)**
**Stock Register of Measurement Book.**

| Serial No. | Date | Serial No. of each MB recovered in stock (give one line for each Book) | Signature of Secretary | Date of Issue | To whom issued | Signature of person to whom issued | Date of receipt ofused up Book | Balance quantityof MB'sin stock | | Signature of Secretary |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | New | Used | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

**APPENDIX-XV**
**(See Rule 108)**

Contractor's Ledger

| Sl. No. of Item | Memo of | Date | Particulars of advance paid, (including issue of Materials) | Amount of advance (including Value of Materials) | Reference to voucher/ Entry in Stock Register | Date of adjustment of the Advance | Acount of Advance Adjusted (including Value of Materials) | Reference to voucher/ recoveries has been affected | Balance |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

**APPENDIX-XVI**

**(See Rule 113) (1)**

Bill for Refund of Revenue

District | Refund of Revenue | Voucher No.

Head of servicechargeable: | Deduct refunds (Name of Revenue Head) | List of payment for 19

| In whose name Credited | on what account credited | Amount realised | Date of payment into the current account total (in words)Rupees | Amount in which in cluded and head on which credited | Secretary's Signaturein token of verification of Treasury | Name of payees | Amount to be refunded |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

(1) Certified that this order of refund has been registered and noted against the original receipt entry in the department amouni under my initials and previous order for refund of the same sum has not been issued.

(2) Passed for payment under section given in

Receipt payment.....

Receipt payment.....

Secretary, Executive Committee, for use in Accountant General's Office
District Council Refund not in final statement
Claimant signature
.....pay Rupees.....( ) Objected Supdt. Admitted.
Auditor

The 19 Cashier/Accountant, Secretary of the Executive Committee
District Council

Note : In the cases where refunds of fines are permitted to be made direct from Treasuries of Sub - Treasuries other than those at which they were credited, the entry in column 5 should include the name of the Treasury or Sub - Treasury in which the amount was credited and column 6 should be filled up by the Treasury Officer at the Headquarters (Not Sub-Treasury)

Chairman.....District Council.

**APPENDIX-XVII**
**(See Rule 114)**

Deposit ledger/Register
Name.....

Deposit refunded to the..... Deposit received from the.....
depositor or, lapsed to revenue depositor

| Name | Particulars | No.of | Amount | Total | Date | Particulars | No. of item in pass book if received in cash of No of voucher if by deduction from bills | Amount | Total | Amount remaining at depositor's credit after each transaction |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

**APPENDIX -XVIII**

**(See Rule 115) (b)**

Register of Interest Bearing Securities

| Sl.No | Name of Party | Date of deposit | Particulars of securities receipts | Dated signature of the Secretary | No. & Date of release order | Date signature of Secretary | Dated signature of the party | Remarks |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

**APPENDIX -XIX**
**(See Rule 141 (1))**
**ESTABLISHMENT RETURN FORM FORM 'A'**

| Orders of Competent authority creating the post | Date of ap-point-mentof present Incumbentto the post with indication of nature of appointmrnt (eg officiating, provisional or permanent) | Name of sanctioned post | Date of incumbent's birth by Christian era | Serial No. of post in each class | Name of post | Pay of post | Pay of present incumbent (Total of each sanc-tioned) | Date of last increment | Remarks (including note of efficiency bar where applicable) |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

Compared with Service Books and found correct.

Signature of the Head of Office

**APPENDIX-XX**
**(See Rule - 141) (2)**
**REGISTER OF SERVICE BOOK**

Office of the.....

Proforma.....

| Sl. No | Name of Employee | Designation | Date of Appointment | Date of birth | Date of superannuation | Initial of the Head of Office | Initial of the Inspecting Auditor |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

Note :- (i) Column 7 should be initialed by the Office in token of having done the verification.
(ii) ‘ Column 8 should be initialed by the Inspecting Auditor in token of having done the verification,
(iii) The register should contain sufficient pages (inner sheets) to cover a number of years, say 20 to 25.

**APPENDIX-XXI**
**(See Rule 143)**

Register of Land and Buildings and other properties

| Sl. No | Date of acquisition | Particular of property | Price paid | Where placed or situated | Date | Disposal | | Signature of Secretary | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Manner of disposal | Amount realised if sold | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

**APPENDIX-XXI**
**(See Rule 143)**

Register of Land and Buildings and other properties

| Sl. No | Date of acquisition | Particular of property | Price paid | Where placed or situated | Date | Disposal | | Signature of Secretary | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Manner of disposal | Amount realised if sold | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

**APPENDIX-XXII**
**[See Rule 148 (2)]**

**Receipt**
**Expenditure**

**According to the classification under budget head items-wide**

| Date | Brief Particulars | Amount | C.B. Folio | Progressive Total |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |

**APPENDIX-XXIII**
**[See Rule 148 (2)]**

**Receipt**
**Expenditure**

**Group of Items (as per budget**

| Month | Brief Particulars | Amount | Progressive Total |
|---|---|---|---|
| 1 | 2 | 3 | 4 |

ANNEXER - A
[See Rule 7 (1)]
HEAD OF ACCOUNTS FOR DISTRICT COUNCIL
PART I : DISTRICT FUND OF THE COUNCIL
A. RECEIPT HEAD (REVENUE ACCOUNT)

| Major Head | Minor Head | Detailled Head |
|---|---|---|
| 1 | 2 | 3 |
| 1. Taxes on income and expenditure | Taxes onProfession Trade calling and Employment | (1) Share received from the state Governmenton Taxes on profession. Trade, calling and employment. |
| | | (ii) Direct collection of taxes on profession, trade, calling and employment. |
| | | (iii) Collection of Professional Tax |
| | | (iv) Trade licence fee |
| | Income Tax Deducted at source | (i) income tax collection |
| | | (ii) Deduct amount pay to Income Tax Department. |
| II. Land and Revenue. | Land Revenue Tax | (i) Ordinary Revenue |
| | | (ii) House Tax |
| | | (iii) Conversion of annual land into periodic patta |
| | | (iv) Premium for settled land. |
| | | (v) Share from income from Elkas. |
| | Other receipt | (i) Income from cattle pounds and grazing fees. |
| | | (ii) Receipt from survey and Demarcation fees. |
| | | (iii) Other micellaneous receipts. |

| Major Head | Minor Head | Detailled Head |
|---|---|---|
| 1 | 2 | 3 |
| III. Stamps and Registration Fees | Court fees realised in stamps | Sale proceeds of Court fees stamps. |
| | Other Receipts. | Sale of other stamps. |
| IV. Taxeson Vehicles. | Share of Motor Vehicles Received from Govt | Share of Motor Vehicles Tax received from Government. |
| | Other Receipts. | Taxes on cards, cycles and boats. |
| V. Interest Receipt | Interest on Loans and Advances to District | Interest on Loans and Advance to District Council Employees. |
| VI. Stationery and Printing | Stationery Receipts | (i) Sale of Stationery. |
| | | (ii) Sale of Forms, Rules etc. |
| | Other Receipts | (i) Any other receipts. |
| VII. Public Works. | Rent | (i) Rents received from the employees for occupation of Council Buildings. |
| | Other Receipts | (ii) Recoveries from Central and State Government. |
| | | (iii) Rents for other residential and non residential buildings. |
| | | (i) Income from Motor Workshop, (ii) Receipts on account of lapsed deposit fines for bad works, (iii) Other items. |
| VIII.OtherAdminis trative Services. A. Administration of Justice | Service and Service fees. | (i) Certifying fees, (ii) Application fees. |
| | | (i) Fines and confiscations imposed realised by judicial Office of the District Council. |

| Major Head | Minor Head | Detailled Head |
|---|---|---|
| 1 | 2 | 3 |
| B. Other Services. | Other Receipts | (i) Income from Members' Hostel<br>(ii) Income from District Council lakes.<br>(iii) Other miscellaneous receipt. |
| IX. Education. | Tuition and other fees | (i) Tuition fees.<br>(ii) Examination fees. |
| | Other Receipts | Other Receipts. |
| X. Public Health, Sanitation and Water Supply. | Other Receipt | (i) Water tax and water connec-tion charge under Rural water Supply Schemes, (ii) Service fees, fines etc. |
| | Receipts from Rural Water Supply Schemes. | Other Receipts. |
| XI. Other General Economic Services. | Other Receipts. | (i) Receipts from District Council Markets.<br>(ii) Rent from Bazar Stalls.<br>(iii) Share from other Markets.<br>(iv) Taxes/Tolls on entry of goods into markets.<br>(v) Other receipts. |
| | Grants-in-aid from non-Govt. bodies | |
| XII. Fisheries | Rents | Receipts from auction of Fishing Receipts from licence fees, fines etc. Receipts from sale offish, fish seeds etc. Other receipts. |
| | Licence fees, fines etc, , | |
| | Sale of Fish, fish seeds etc. | |
| | Other Receipts | |
| XIII. Forest | Sale of timber and other Forest produce | (i) Royalty on timber and other forest produce.<br>(ii) Sale proceeds of timber, fire woods, bamboo, cane, thatch, patinds bark etc.<br>(iii) Receipts from sale of coups, |

| Major Head | Minor Head | Detailled Head |
|---|---|---|
| 1 | 2 | 3 |
| | | (iv) Receipts from drift and waif wood, confiscated forest produce. |
| | Other Receipts. | (i) Share of elephants mahal, fees for elephant hunting operation, receipt from elephant grazing permit<br>(ii) Rent of District Council elephant.<br>(iii) Receipts from minor mineral of the Forest Department<br>(iv) Receipt on account of Forest offence.<br>(v) Share from private forest<br>(vi) Hammer registration and renewal.<br>(vii) Misc. forest receipts. |
| XIV. Mines and Minerals | Mineral concession fee, Rents and Royalties | (i) Royalty on Major mineral (ii) Royalty on Minor Minerals, (iii) Share from Government on mineral receipt. |
| XV. Roads and Bridges. | Tolls on Roads | (i) Ferry receipts and sale proceeds of Ferry Ghats.<br>(ii) Tolls and passengers and goods<br>Receipts that partake the scope of the above two items. |
| | Other receipts. | (i) Income from Road Transport |
| XVI. Roads and Transport Services | Roads Transport service | (ii) Share from Govt. Road Transport. |
| XVII. Grants-in-aid from State Government. | 1. Land Survey | Grants for land survey under Hills plan. |
| | 2. Forest | Grants for Hill development Scheme (Forest) |

| Major Head | Minor Head | Detailled Head |
|---|---|---|
| 1 | 2 | 3 |
| | 3. Social Security and Welfare | (i) Grants for construction of Cultural Club, children Park, Play grounds etc. (ii) Grants for self-help Schemes, model Village Schemes, Beautification Schemes, etc. |
| | 4. Roads and Bridges | (i) Grants for construction, repairs, maintenance of major and minor bridges, roads etc. (ii) Grants for Rural Communication. |
| | 5. Public Health, Sanitation and Water Supply | Grants for construction of water Supply Schemes, Sanitation, drainage |
| | 6. Education. | (i) Grants for Primary Education, (ii) Grants for Middle Education. |
| | 7. Agriculture | Grants for land reclamation and other Agricultural Schemes. |
| | 8. Minor Irrigation. Other grants. | Grants for minor irrigation schemes. Grants for meeting the normal expenditure of the District Council. |

## B. REVENUE - EXPENDITURE HEADS

| Major Head | Minor Head | Detailled Head |
|---|---|---|
| 1 | 2 | 3 |
| 1. District Council. | District Council | Pay and allowances of the Chairman, Dy. Chairman and Members of the District Council. |
| | Secretariat | Pay and allowances "Other Expenditure" |
| | Election | Expenditure on election to District Council. |
| 2. Executive Members | Salary of Executive Members | Pay and allowances of the Chief Executive Member and Members of the Executive Committee. |
| 3. Administration of Justice | Discretionary grants by Executive Members | Discretionary grants by Chief Executive Member and other Executive Members. |
| 4. Land Revenue | Judicial Courts | (i) Pay and allowances of the Judicial Officers andestablish ment of the Judicial Department, (ii) Other Charges. |
| | Direction and Administration | (i) Pay and allowances (ii) Other Charges. |
| | Survey & Settlement operat | (i) pay and allowances (ii) Other Charges |
| | Land Records. | (i) Pay and allowances (ii) Other Charges, |
| 5. Stamps & Registration | Other Expenditures | (i) Feedings charges of impounded Catties. (ii) Expenditure on eviction charges. |
| 6. Interest payment | Cost of stamps. | (i) Value of Stamps urchased from Government (ii) Discount to vendors. |
| 7. Secretariat General Services. | Interest on State Govt. Loan | (i) Interest on Loans from Government. (ii) Interest on contributory provident Fund. |
| 8. Stationery & Printing | Secretariat Council Press | (i) Pay and allowances (ii) Other charges. (i) Pay and allowances (ii) Other charges. |

| Major Head | Minor Head | Detailled Head |
|---|---|---|
| 1 | 2 | 3 |
| 9. Public Works. | Direction & Administration | (i) Pay and allowances<br>(ii) Other charges<br>(iii) Expenditure on construction of buildings.<br>(iv) Expenditure on con - struction of approach Road to Buildings. |
| | Maintenance & Repair. | Expenditure on the main tenance and repair to Buildings. |
| | Furnishing Public Works Shop | Cost of furniture and other Services Ex- penditure on Vehicle & Workshop, Establishment of P.W.D. |
| 10. Pension & other Retirement Benefits. | Superannuation & retirement allowances And gratuities | (i) Pension paid to District Council Employees.<br>(ii) Gratuities paid to District Council employees |
| | Contributions to Pension & Gratuities | Contributions to Pension & Gratuities paid to other Govt Department. |
| | Contributions to Contributory provident Fund | District Council's share of Contribution to contributory Provident Fund. |
| 11. Education. | Direction and Administration | (i) Pay and allowances of the Executive Staff & Establishment of the Education Department,<br>(ii) Allowances for Education Board. |
| | Inspection | (iii) Contingencies. Pay and allowances of Inspecting Staff. |
| | District Council Primary School | (i) Pay and allowances<br>(ii) Other Charges |
| | Assistance to Non- District Council Primary Schools Pre-Primary Educations | Grants- in-aid for Primary Education.<br>(i) Pay and allowances<br>(ii) Other charges. |

| Major Head | Minor Head | Detailled Head |
|---|---|---|
| 1 | 2 | 3 |
| | Promotion of Modern Language & Literature Welfare | Contribution towards, literary, historical & Cultural activities, (i) Grants to Text Book Committee, (ii) Expenditure on Sports & Games. |
| 12. Art & Culture | Promotion of Art & Culture | (i) Grants to Cultural Institutions, (ii) Maintenance & Preser vation of Ancient monu ments, relics etc. (iii) Other works. |
| 13. Public Health, Sanitation & Water Supply | Other misc. works<br>Other Rural Water Supply Schemes | (i) Construction of Water Supply Schemes. (ii) Expenditure on sanitation, drainages etc. (iii) Other Works. |
| 14. Urban Deve lop-ment | Assistance to Urban Development Organisation | (i) Grants to Urban Deve-lopment Organisations. (ii) Grants to Municipalities & Town Committees for general purposes. (iii) Other Works. |
| 15. Information & Publicity | Direction & Administration<br>Publicity | (i) Pay and allowances (ii) Other charges. (i) Grants for publications of Newspapers and Magazines. (ii) Other Works. (iii) Cost of publicity films & Operational charges. |

| Major Head | Minor Head | Detailled Head |
|---|---|---|
| 1 | 2 | 3 |
| 16. Social Security & Welfare. | Social Welfare | (i) Constructions and mainte nance Of children Parks, play grounds etc.<br>(ii) Expenditure on materials purchased for recreation education<br>(iii) Pay & Allowances of Shais.<br>(iv) Grants for construction of Cultural Clubs, Children Parks, Playgrounds etc.<br>(v) Grants for Self Help Schemes, Models Village Schemes.<br>(vi) Grants to Village Com-mittee for General Pur-poses. Other grants for specific purposes will be classified under functional Major Heads. |
| | Other Expenditure | (vii) Other Works. |
| 17. Relief on account of Natural Calamities | Gratuitous Relief | (i) Other expenditure.<br>Relief to victims of Natural Calamities. |
| 18. Other General Economic Services. I | Other Expenditure | (i) Expenditure of improve-ment of Markets.<br>(ii) Pay & allowances of Bazar Supervision.<br>(iii) Other charges.<br>(iv) Expenditure on election to bodies other than District Council.<br>(v) Other charges. |
| 19. Agriculture | Direction & Administratior | (i) Pay & allowances.<br>(ii) Other charges |
| | Agricultural Education Other Expenditure | Stipends for Agricultural Students.<br>(i) Land reclamation.<br>(ii) Other works. |

| Major Head | Minor Head | Detailled Head |
|---|---|---|
| 1 | 2 | 3 |
| 20. Soil Conservation & Minor irrigation | Minor irrigation Schemes | (i) Expenditure on land reclamation and Minor Irrigation Schemes.<br>(ii) Other works. |
| 21. Fisheries | Direction & Administration | (i) Pay & allowances.<br>(ii) Other charges. |
| 22. Forest | Inland Fisheries<br>Direction & Administration | (i) Expenditureon im provement of Fisheries.<br>(ii) Other works. |
| 23. Roads & Bridges | Forest Conservation | (i) Pay and allowances<br>(ii) Other charges.<br>(i) Expenditure on improvement of Forests.<br>(ii) Hills Dev. Schemes (Forest)<br>(iii) Survey & Demarcation of Reserve Forests.<br>(iv) Other works. |
| | Plantation Schemes, Communications and Buildings | (i) Forest Plantation works .<br>(ii) Construction, repair & main tenance of Depar mental Buildings & Forest boundary check gates. |
| | District and other Roads | (i) Construction of Roads & Bridges.<br>(ii) Maintenance and repair of roads, bridges, foot paths.<br>(iii) Other Works. |
| 24. Road Transport Services | Direction & Administration | (i) Pay and allowances of Driver, Handyman & other staff. (ii) Other charges. |
| | Working Expenses | (i) Management.<br>(ii) Operation.<br>(iii) Repairs and maintenance.<br>(iv) Other expenditure |

| Major Head | Minor Head | Detailled Head |
|---|---|---|
| 1 | 2 | 3 |
| 25. Rural Development | Directfon and Administration | (i) Pay and allowances of employees. |
| | Rural Communication | (i) Construction of Jeep Roads.<br>(ii) Construction of Boats.<br>(iii) Maintenance of Roads in the interiors.<br>(iv) Maintenance of Ferris.<br>(v) Other works. |
| 26. Industry | Promotion of small scale Industries | (i) Grants-in-aid to small scale Industries Units. |
| | Working Expenses | (i) Expenditure on Industrial Demonstration.<br>(ii) Other Expenditure. |
| 27. Animal Husbandry & Veterinary | Direction & Administration. | Pay and allowances of Officer |
| | Promotion of Animal Husbandry & Veterinary | (i) Expenditure on purchase of improved breed of cattle,<br>(ii) Grant-in-aid to Cattle Farmers,<br>(iii) Other Expenditure. |
| 28. Community Development | Direction and Administration | (i) Pay & allowances of Officer and staff.<br>(ii) Construction of Community Hall, Playgrounds.<br>(iii) Purchase of Musical Instruments.<br>(iv) Other Expenditure. |

## C- CAPITAL ACCOUNTS - (RECEIPTS AND DISBURSEMENTS)

(Transactions class as Capital by the Council under the provision of note below Rule 8)

The expenditure on Capital Outlay shall be classified with relevance to the functions and objects in the Revenue Accounts and the code number assigned to the Capital Major Head should be double of the code number assigned in the Revenue Section and the detailed heads along with their number followed as far as practicable additional detailed heads may be opened, if necessary, to suit with the objective of the expenditure. For instance, the expenditure under Capital Outlays of 'Forest & Conservation' shall be assigned Major Head of '44 Forest & Conservation', that of 'Roads & Bridges - '16 Roads & Bridges', that of Roads Transport Services', '48 Road Transport Services', and so on. Receipt under this Major Head of Account other than Revenue of the Council/will be credited to the works concerned under this Major Head of Account and will be taken as reduction of expenditure.

## D - PUBLIC DEBT :-

(a) Internal Debt of the Council.

(b) Loans and Advances from the State Government.

(c) Other Loans and Advances.

## PART - II

## E - DEPOSIT FUNDS

(i) Saving Deposits

(ii) Provident Funds.

(iii) Pension Funds.

(iv) Insurance Funds

(v) Other Funds

F - ADVANCES

(i) Council Advances
(ii) Civil Advances
(iii) Other Advances.

A
REGULATION

To provide for the levy and collection of tax on professions, trades, callings and employments within the Lai Autonomous District Council.

Whereas it is expedient to impose a tax on profession, trades, calling and employments within the area falling under the Lai Autonomous District Council of Mizoram

Be in enacted by the Lai Autonomous District Council in the fifty-first Year of republic of India as follows :-

CHAPTER - 1
Preliminary

1. SHORT TITLE, EXTEND AND COMMENCEMENT :-
   (1) This Regulation may be called The Lai Autonomous District Council (Profession, trades, callings and Employment Taxation) Regulation 2000.
   (2) It shall extent to the whole of the Lai Autonomous District.
   (3) It shall come into force on such date of publication in the Mizoram Gazette.

**2. DEFINITIONS -**

In this regulation, unless the context otherwise requires;

(a) "Assessing Authority" means the Secretary of the Executive Committee or any other Officer authorized or appointed by the Executive Committee in this behalf.
(b) "Chief Executive member" means the Chief Executive Member of the Lai Autonomous District Council;
(c) "District Council" means the Lai Autonomous District Council.

(d) "Executive Committee" means the Executive Committee of the Lai Autonomous District Council.

(e) "Governor" means the Governor of Mizoram.

(f) "Person" includes a company, firm or other association.

(g) "Prescribes" means prescribed by Rules made under this Regulation.

(h) "Previous Year" means twelve months ending on the 31st March next proceeding year for which the assessment is to be made.

(i) "Principal Officer" means with reference to :-

(a) A Government, the head of an Officer or the Disbursing Officer (b) Local authority, company, firm or other association of persons, the Chairman, Secretary, Treasurer, Manager or Agent of such local authority, company, firm or other association of persons;

(j) "Secretary to the Executive Committee" means the Secretary to the Executive Committee of the Lai Autonomous District Council.

(k) "Total Gross income" means the annual income derived from all source.

## CHAPTER - II

## Liability to tax

**3. LIABILITY TO TAX-**

On and from the commencement of this Regulation and subject to the provision of this Regulation, every person who carries on a trade either by himself or an agent or representative, or who follows a profession as calling or who is in employment, either wholly or in part within the territory to which this Regulation extends shall be liable to pay for each financial year a tax in respect of such professions, trades, calling or employment and in addition to any tax rate duty or fee which he is liable to pay under any other enactment for the time being in force.

Provided that for the purpose of this section, a person on leave shall be deemed to be a person in employment;

Provided further that the provisions of this Regulation shall not apply to a member of the Armed forces of India.

**4. RATE OF TAX -**

The Tax shall be levied at the rate specified in the schedule to this regulation.

**5. DETERMINATION OF TAX -**

The Tax payable by a person under this Regulation shall be determined with reference to his total Gross income during the previous year from his profession, trades, calling or employment.

## CHAPTER - III

## Taxting Authorise

6. (1) The Secretary to the Executive Committee or such other officers as may be appointed or authorized by the Executive Committee shall be responsible for the administration of the Regulation.

(2) The person appointed under sub-section (1) shall exercise such duties as may be required by or under this Regulation.

(3) All persons appointed under sub-section (1) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

## CHAPTER - IV

## Assessment

**7. RETURNS -**

(1) Every Person Liable to pay tax under this Regulation shall submit to the assessing authority a return in such form and within such time as may be prescribed.

Provided that a person in respect of whom the tax has been deducted under the provisions of section 11 shall, subject to the provision in sub-section (3) thereof, be exempted from the liability to submit a return under this section.

(2) In the case of any person who has not furnished a return under sub-section (1) in spite of his liability to pay tax under this regulation for any financial year, the assessing authority may serve in that year a notice, in the prescribed form, on such person requiring him to furnish the return and such person shall there upon furnish the return within the period specified in the notice:

Provided that any person offering to pay tax at the highest rate specified in the Schedule to this regulation shall not be required to submit any return or to produce any evidence.

8. ASSESSMENT:-

(1) If the assessing authority is satisfied that a return furnished under section 7 is correct and complete or if satisfactory evidence of assessment admissible under the Income Tax Act, 1961 (Central Act 43 of 1961) is produced, he shall by an order in writing assess the person and determine the tax payable by him on the basis of such assessment as the case may be.

(2) If the assessing authority is not satisfied that a return furnished under section 7 is correct and complete he shall serve on the person concerned a notice requiring him, on the date hour and place to be specified therein, either to attend in person to produce or cause to be produced evidence in support of the return.

(3) On the days specified in the notice under sub-section (2) or as soon afterwards as may be, the assessing authority, after hearing such evidence as may be produced and such evidence as he may require, shall by order in writing assess the person and determine the tax payable by him.

(4) Provided that before making assessment, the assessing authority may allow the person such further time as he thinks fit to make the return or comply with the term of the notice issued under sub-section (2).

**9. ASSESSMENT OF ESCAPED TAX -**

If for any reason any person has not been assessed for any financial year the assessing authority may, notwithstanding anything contained in sub-section (2) of section 7 at any time within three years of the end of that year, serve on the person liable to pay the tax a notice containing all or any of the requirement which may be included in the notice under sub-section (2) of section 7 and may proceed to assess him and the provisions of this regulation shall so far as may be apply accordingly as if the notice were a notice issued under that sub-section.

**10. RECTIFICATION OF MISTAKE -**

(1) The Authority which made as assessment or passed an order on appeal or revision in respect thereof, may of his own motion and shall if an application is filed in this behalf, within three years from the date of such assessment or order, rectify any mistake apparent from the record of case.

Provided that no such rectification having adverse effect upon the assess shall be made unless the assess has been given a reasonable opportunity of being heard.

(2) Where any such rectification had the effect of reducing the assessment, the assessing authority shall order any refund which may be due to such person.

(3) Where any such rectification has the effect enhancing the assessment or reducing the refund, the assessing authority shall serve on the person a notice of demand in the prescribed form specifying the sum payable and such notice of demand shall be deemed to be issued under section 16 and the provisions of this regulation shall apply accordingly.

**11. DEDUCTION OF TAX AT SOURCE -**

(1) The Tax payable under this Regulation by any person in the employment of any Government, local authority, company, firm or other association of persons shall, in the manner prescribed, be deducted by the Principal Officer thereof from any amount payable to such person on behalf of such Government, Local authority, Company, firm or other association of person and the amount so deducted shall be credited to the district Council Fund in accordance with the procedure as laid in the Mizoram Autonomous District Council fund Rules,1996 as may be amended from time to time.

(2) The Principal Officer making any deduction under sub-section (1) shall submit to the assessing authority such returns and within such time as may be prescribed.

(3) The assessing authority may take action, if he thinks fit, in the manner provided by sub-section (2) of section 7 and by section 8 in the case of any person in respect of whom he is satisfied that no return under sub-section (2) has been furnished or the return furnished under that sub-section is inaccurate and deficient.

(4) Where any principal Officer fails to deduct any tax or after deducting fails to pay it as required by or under this Regulation, he shall, without prejudice to any other consequences, he may incur under this Regulation, be deemed to be a person in default, in respect of the tax not deducted or paid and all the provisions of section 18 shall apply to him.

Provided that the assessing authority shall not make a direction under sub-section (2) of section 18 for the recovery of any penalty from such person unless it is satisfied that such person has, willfully failed to deduct the tax or to pay the tax after having deducted it.

**12. REQUISITION FOR DEDUCTION OF TAX -**

The assessing authority may require a Principal Officer to deduct from any payment to a person any tax or penalty

due from him and the Principal Office shall comply forthwith with such requisition.

**13. INDEMNITY -**

The Principal Officer deducting or paying any tax under the provisions of this Regulation is hereby in-demnified for such deduction or payment thereof.

## CHAPTER - V
## APPEALS

**14. APPEALS-**

Any person aggrieved by an order of assessment passed by an assessing authority under this Regulation may refer an appeal within 30 days of receipt of such order, to the Chief Executive Member and in such manner as may be prescribed.

Provided that the appellant authority may admit an appeal after the expiration of thirty days, if he is satisfied that for reasons beyond the control of the appellant or for any other sufficient cause it could not be filed within time.

Provided further that no appeal shall lie against an order of assessment under sub-section (4) of section 8.

**15. POWER OF REVISION -**

Subject to such rules as may be prescribed and for reasons to be recorded in writing, the Chief Executive Member may, on an application by a person aggrieved by any order filed within ninety days of that order or of his awn motion revise any order passes under this regulation by any officer.

Provided further that no application under this section shall lie to the Chief Executive Member against which has been provided for in this Regulation or Rules made there under.

## CHAPTER - VI

### Demand, payment and recovery

16. Where any tax or penalty is payable in consequence of any order passes in pursuance of the Regulation, the assessing authority shall serve on the person concerned a notice of demand in the prescribed form specifying the amount so payable.

**17. DUES WHEN PAYABLE -**

(1) The tax or penalty payable under this Regulation shall be paid in the manner hereinafter provided.

(2) Every person liable to furnish a return under sub-section (1) of section 7 shall, before he furnished the return pay into the District Council Fund in accordance with the procedure as provided under the Mizoram Autonomous District Council Fund Rules, 1996 as may be amended from time to time, the full amount of tax due on the basis of such return and shall furnish along with the return a receipt in token of such payment.

(3) The principal Officer deducting any tax under section 11 shall pay the amount to the District Council Fund, within thirty days of such deduction and shall furnish, along with the returns required to be made under sub-rule (20 thereafter, a receipt in token of such payment.

(4) The amount of tax or penalty due under this Regulation (a) in excess of payment already made, or (b) where no payment has been made, shall be paid by such date as may be specified in the notice of demand and where no such date is specified, it shall be paid within thirty days of serve of the notice of demand.

**18. MODE OF RECOVERY -**

(1) Where any tax or other dues payable under this Regulation is not paid on or before the due date the person shall be deemed to be in default;

Provided that where a person has presented an appeal or petition for revision and such appeal or petition for revisions has been admitted, he shall not be deemed, for so long as the appeal or petition for revision remain pending, to be in default in respect of the portion of the dues in dispute.

(2) Where the person is in default, the assessing authority may, in his discretion direct that, in addition to the amount due, a sum not exceeding that amount shall be recovered from the defaulter by way of penalty.

(3) Where a person is in default, the assessing authority shall, unless action has been taken under section 12 or less that the amount due shall be recoverable as an arrear of land revenue and shall proceed to realize the amount due as such.

**19. REFUNDS-**

Any person who has paid any tax or penalty in excess of the amount due under this Regulation may, within ninety days of the service of the order of assessment or that passed on appeal or revision, as the case may be, apply for a refund and the amount paid in excess shall be refunded accordingly.

## CHAPTER - VII

## Offences and Penalties

**20. FAILURE TO MAKE RETURNS -**

Whoever

(1) Fails, without reasonable cause, to submit in due time any return required by or under the provisions of this Regulation or submits a false return, or

(2) Fails or neglects, without reasonable cause to comply with any requirement made of, or any obligation laid on him, under the provisions of this regulation : or

(3) Fraudulently evades payment of any tax due under this Regulation or conceals his liability to such tax shall, on conviction by a Magistrate and in addition to any tax or

penalty or both that may be due from him, be punishable with imprisonment which may extent to six months or with fine not exceeding five hundred rupees or with both.

## CHAPTER - VIII

## Miscellaneous

**21. POWER TO COMPELL ATTENDENCE ETC-**

(1) The assessing authority may by a written notice require any person to attend before him and to give evidence or produce documents as the case may be for the purpose of determining the liability of himself or of any other person to taxation under this Regulation.

(2) Such person shall on such requisition be legally bound to attend and give evidence or produce documents in his power and possession, as the case may be, at the place and time as specified in such notice, and whoever is required to produce a document may either attend and produce it or cause it to be produced.

**22. INFORMATION TO BE FURNISHED BY THE PRINCIPAL OFFICER -**

The assessing authority, may demand from the Principal Officers of any Government, local authority, company or firm or other association of persons the name and complete addresses of all or any of the persons who have been or are in the Employment of such Government, Local authority, company, firm or other association of persons, and such Principal Officers shall thereupon furnish the assessing authority with the names and addresses so demanded.

**23. PROTECTION OF ACTION TAKEN IN GOOD FAITH -**

(1) No suit shall be brought in any Civil Court to set aside or modify any assessment made or order passes under the provision of this Regulation and no prosecution, suit or other

proceedings shall lie against any Officer or Executive Member of the District Council for anything in good faith done or intended to be done under this Regulation or the rules made there under.

(2) In computing the period of limitation prescribed for an appeal or a revision, the day on which the order or complained was made and the time requisite for obtaining a copy of such order shall be excluded.

**24. PLACE OF ASSESSMENT -**

Any person liable to pay tax under this Regulation shall ordinarily be assessed by such assessing authority as may be prescribed.

**25. POWER TO MAKE RULES -**

Subject to the previous approval of the Governor, the Executive Committee may make rules for carrying out the provisions of this Regulation.

**26. REPEAL AND SAVING -**

(1) The Pawi Autonomous District (Professions, trade, callings and Employments Taxation) Regulation 1979 is hereby repealed.

(2) Notwithstanding such repeal, all action taken, orders made or directions given under the provisions of the said regulation shall be deemed to be taken, made or given under the respective provisions of this regulation.

**STATEMENT OF OBJECT AND REASON**

As provided under clause (a) (3) of paragraph 8 of the Sixth Schedule to the constitution of India, Tax on professions, trades, callings and employment is being collected by the District Council subject to limitation prescribed in Article 276. Meanwhile, the Constitution (Sixtieth Amendment) Act, 1988 which has amended clause (2) of Article 276 raising the ceiling limit of tax from Rs.250/- per annum to Rs 2500/

- per annum, with a view to this the Lai district Council felt it necessary to amend the existing Schedule rate of tax in such that the tax burden is more evenly distributed amongst the tax payers and also the Lai Autonomous District council can levy and collect more fund for its fund.Hence the Bill

Chief Executive Member,
Lai Autonomous District Council,
Lawngtlai

Certified that the above bill was passed by the Lai Autonomous District Council in its Monsoon Session held on 2.8.2000.

And in authentication whereof. I put my signature this fourth day of August Two thousand Anno Domini.

I assent to this Bill.

Dated Aizawl,
the 29.9.2000

A.PADMANABAN
Governor : Mizoram.

B.Thanchunga
Chairman
Lai Autonomous District Council,
Lawngtlai, Mizoram.

THE SCHEDULE
(See section 4)

| Sl.No | CLASS OF PERSON | RATE OF TAX |
|---|---|---|
| 1 | 2 | 3 |
| 1. | Salary and wages earns | |
| | Where the total gross annual income | Amount of tax per annum |
| (1) | Below Rs.15,000/- | Nil |
| (2) | Rs.15,000/- but does not exceed Rs.20,000/- | Rs. 150/- per annum |
| (3) | Rs.20,000/- but does not exceed Rs.25,000/- | Rs. 200/- per annum |
| (4) | Rs. 25,000/- but does not exceed Rs.35,000/- | Rs. 250/- per annum |
| (5) | Rs.35,000/- but does not exceed Rs.50,000/- | Rs. 350/- per annum |
| (6) | Rs. 50,000/- but does not exceed Rs.75,000/- | Rs. 500/- per annum |
| (7) | Rs. 75,000/- but does not exceed Rs. 1,00,000/- | Rs. 750/- per annum |

| | | |
|---|---|---|
| (8) | Rs. 1,00,000/- but does not exceed Rs.1,50,000/- | Rs 1000/- per annum |
| (9) | Rs. 1,50,000/- but does not exceed Rs. 2,00,000/- | Rs.1500/- per annum |
| (10) | Rs. 2,00,000/- but does not exceed Rs. 2,50,000/- | Rs.2000/- per annum |
| (11) | Rs. 2,50,000/- and above | Rs.2500/- per annum. |

2. (1) Legal practitioners including solicitors and notaries public.
   (2) Medical practitioners including Medical consultants and dentists
   (3) Technical and professional consultants, Accountants whose standing in any of the professions mentioned above is :-

| | | |
|---|---|---|
| (a) | 3 years or less | Rs. 200/- per annum |
| (b) | Above 3 years but less than 5 years | Rs. 300/- per annum |
| (c) | 5 years but less than 10 years | Rs. 400/- per annum |
| (d) | 10 years and above | Rs. 500/- per annum |

3. Chief Agent, Principal Agents, Special agents, Insurance Agents and Surveyors of loss assesors registered or a licensed under the insurance Act, 1938 whose standing in any such profession is :-

| | | |
|---|---|---|
| (1) | 3 years or less | NIL |
| (2) | Above 3 years or more but less than 5 years | Rs. 150/- per annum |
| (3) | 5 years or more but less than 10 years | Rs. 300/- per annum |
| (4) | 10 years and above | Rs. 500/- per annum |

(1) Estate Agents or promoters or brokers or commission Agents or delcredere Agents or Merchantile Agents:-
Rs. 500/- per annum

(2) Directors (other than nominated by Government) of companies registered under the Companies Act, 1956.

(3) Contractors/suppliers of all description/classes engaged in any work whose gross business in a year is :-

| | | | |
|---|---|---|---|
| (a) | Less than Rs.50,000/- | NIL | |
| (b) | Rs.50,000/- or more but less than | Rs.2,50,000/- | Rs.200/- |
| (c) | Rs.2,50,000/- - do - | Rs.5,00,000/- | Rs.500/- |
| (d) | Rs.5,00,000/- - do - | Rs.10,00,000/- | Rs.1000/ |
| (e) | Rs.10,00,000/- - do - | Rs.20,00,000/- | Rs.1500/- |
| (f) | Rs.20,00,000/- and above | Rs.2500/- | |

EXPLANATION :-

For the purpose of this entry, "gross business" shall mean for aggregate of the amount of the valuable consideration or part thereof receivable during the immediately proceeding year in respect of a contract or supply works executed wholly or partly during such year.

5. Any dealer whose annual gross turnover or income an all sale is :-

| | | | | |
|---|---|---|---|---|
| a. | Less than | Rs.20,000/- | NIL | |
| b. | Rs.20,000/- or more but less than | | Rs.50,000/- | Rs.100/- per annum |
| c. | Rs.50,000/- | -do- | Rs.1,00,000/- | Rs.250/- Per annum |
| d. | Rs.1,00,000/- | -do- | Rs.2,00,000/- | Rs.350/- per annum |
| e. | Rs. 2lakhs | -do- | Rs.5lakhs | Rs.500/- per annum |
| f. | Rs.5lakhs | -do- | Rs.10lakhs | Rs.700/- per annum |
| g. | Rs.10lakhs | -do- | Rs.20lakhs | Rs.1000/-per annum |
| h. | Rs.20lakhs | -do- | Rs.25lakhs | Rs.1500/-per annum |
| i. | Rs.25lakhs and above | | | Rs.2500/-per annum |

EXPLANATION :-

For the purpose of this entry "annual gross turnover" shall mean the turnover of sales made during the year immediately proceeding the year of assessment.

6. (1) Owner or lessees petrol, petrol, diesel filling station and service station, agents and distributors including retail dealers of liquefied-petroleum gas. Rs. 300/- per annum

(2) Mills owners or rice, atta, flour, oil other than cottage and tiny units as notified by Government from time to time. Rs. 300/- per annum

(3) Owner or occupier of distilleries breweries and bottling plants Rs. 700/- per annum

(4) License foreign liquors vendors and employer of residential Hotels below three starred category and above. Rs. 500/- per annum

(5) Employer of residential Hotels below three starred category Rs. 500/- per annum

(6) Owner, licenses or lessees as the case may be :-

(a) Video parlors and video libraries Rs. 300/- per annum

(b) Cinema house and theater Rs. 500/- per annum

(c) Cold storages Rs. 500/- per annum

(d) Meat processing Units Rs. 500/- per annum

7. (1) Owner of Restaurant/Hotels where food is served :- Rs. 500/- per annum

(2) Owner of Motor Workshop/Furniture Workshop :Rs. 500/- per annum

(3) Owner of Private Schools with boarding attached:- Rs. 500/- per annum

8. Holders of permits for transport Vehicles, granted under Motor Vehicles Act, 1988 (Act No. 59 of 1988) which are issued or adopted to be used for hire or reward where any such person holds permit or permits for any taxis, light commercial Vehicles, Truck or buses :-

(a) In respect of each Taxi or light commercial Vehicles :- Rs. 200/- per annum

(b) In respect of each Truck or Bus :- Rs. 300/- per annum

9. Individuals, Clubs, Association/Organization or Institution conducting chit funds and lotteries, under valid Authorization of the appropriate Government.
Rs. 500/- per annum

10. Banking Companies as defined in the Banking Regulation Act, 1949 under license/permit Authorization of the Reserve Bank of India. Rs. 500/- per annum

11. Companies registered under the Companies Act, 1956 and engage in any professions, trades and callings Rs.1000/-per annum

12. Partnership firms when engaged in any professions, trades, and callings
Rs. 500/- per annum

13. Person other than those mentioned in any professions, trades, callings and employments and in respect on whom a notification is issued under section 3 of this regulation :- (Rate of tax shall be as be fixed by notification not exceeding)
Rs.2,500/-per annum

Notwithstanding anything contained in this schedule where a person is covered by more than one entry in the schedule the highest rate of tax specified under any of these entries shall be applicable in this case.

## NOIFICATION

No.DCA.R-17/85/P, the 6th December, 2000 In pursuance of paragraph 11of the Sixth Schedule to the Constitution of India, the following Regulation of the Lai Autonomous District Council which received the assent of the Governor of Mizoram is hereby published for general information.

THE LAI AUTONOMOUS DISTRICT COUNCIL (REVENUE ASSESSMENT) REGULATION, 2000 (Passed by the Lai Autonomous District Council and received the assent of the Governor of Mizoram on 17th November, 2000)

P. Chakraborty,
Secretary to the Government of Mizoram
Lai District Council Affairs Deptt.

"A regulation"

Whereas it is expedient to provide for the levy and collection of certain taxes and tolls on persons residing in the Lai Autonomous District Council's area.

And whereas under sub-paragraph (4) of paragraph 8 of the Sixth Schedule to the Constitution of India the District Council for an Autonomous District is empowered to make regulations for the levy and collection of taxes on lands, buildings and tolls on persons resident in the District.

Now, therefore, in exercise of the said powers and all other powers enabling it in that behalf, the Lai Autonomous District Council is pleased to make the following regulation in the Fifty first year of the Republic of India as follows.

**1. Short title, extent and commencement -**

(1) This Regulation may be called the Lai Autonomous District Council (Revenue Assessment) Regulation, 2000.

(2) It shall extend to the entire area of the Lai Autonomous District

(3) It shall come into force at once.

**2. Definition -**

In this Regulation, except where it is otherwise expressly provided for or the context otherwise requires -

a) "District" means the Lai Autonomous District

b) "District Council" means the Lai Autonomous District Council;

c) "Executive Committee" means the Executive Committee of the Lai Autonomous District Council.

d) "Flying trader" means any person who sells commodities in the street or door to door within the District.

e) "Garden" means any land cultivated for fruits, vegetable or other plantation including flowers, trees for timbers and other products.

f) "Land" includes lands either vacant or occupied within the Lai Autonomous District. It shall also include benefits

to arise out of land things attached to the earth or permanently fastened to anything attached to the earth , but shall exclude minerals , minerals oil, natural gas and petroleum ;

g) " Lairam Ngunkhuai" means surcharge imposed by the Lai Autonomous District Council under this regulation on person other than house Tax payer;

h) "Nul" means a cultivation along the rivers for plantation of early crops ;

i) "secretary" means secretary to the executive committee of Lai Autonomous District Council ;

j) "Stall" means a small standardized business out house run by a vendor ;

k) "village council" means a village council constituted by the district council ;

l) "wet cultivation" means an area or area suitable for permanent cultivation or used for such purpose and shall also include terrace for permanent cultivation ;

**3. Taxes on Land -**

(1) All Land under wet rice cultivation (WRC/WTC) shall be assessed to an annual tax of Rs. 50 /- per Hectare .

2) Every garden which is registered in the office of the Lai Autonomous District Council shall be assessed to an annual tax Rs. 30/-per Hectare .

(3) Every fish pond ,Farm , Quarry which is registered in the office of the Lai Autonomous District Council under private sector shall to be assessed to an annual tax as under :-

| | | | |
|---|---|---|---|
| (a) | Quarry - | Rs.200/- | per Hectare |
| (b) | Farm - | Rs.100 /- | per Hectare |
| (c) | Fish -pond - | Rs.100/- | per Hectare |

**4. House Tax -**

(1) Building other than those belonging to the government and the District council and such other buildings which the Executive committee may, by order, exempt shall be assessed to an annual tax of Rs.10/- as house tax .

(2) Every stall or shop building shall be assessed to an annual tax of Rs.50/- for every stall and Rs.100/- for every shop.

(3) Any person who resides in his stall or shop shall be assessed to Rs.10/- as house tax in addition to stall tax of Rs.50/- and shop tax Rs.100/-

**5. Trade License-**

(1) Any person who carries in a trading business on open street within the Jurisdiction of the Lai Autonomous District Council or in his house or occupying another shop or stall should take permission in the form of Trade License from the competent authority by paying Rs. 150/- for one year as Trade License fee and shall be renewed before the expiry on his License by paying Rs.100/-

Provided that any person who has a shop or stall pass need not take Trade License.

(2) Flying trader :-Any person who sells commodities shall obtain a temporary trading License for a period not exceeding three months from the Council Authority by paying Rs.120/-

(3) Any person who contravenes sub-section (1) and (2) of section 5 above shall be punishable with a fine not exceeding Rs.1000/- at a time.

**6. Taxes on Building -**

(1) Every multiple storey pucca-building let out shall be assessed to an annual tax of RS.50/- per floor in addition to house tax, stall or shop tax.

(2) Every Multiple storey semi pucca-building let out shall be assessed to an annual tax of Rs.30/- per floor in addition to house tax or shop tax or stall tax.

(3) Every Kutcha house let out shall be assessed to an annual tax of Rs.10/- per houses.

**7. Lairam Ngunkhuai -**

Laiam Ngunkhuai of Rs.20/- annually shall be levied from person or persons other than House Tax payer within the District unless exempted by the Executive Committee.

**8. Auction of Nul -**

(1) Plot or Nul shall be auctioned to willing bidders every year by the Executive Committee or any Officer authorized in this behalf for a period of one calendar year.

(2) The Choice of Nuls for bidders shall be in the order of the amount of bid offered by them and accepted by the Executive Committee or any officer authorized in this behalf.

**9. Preparation of Assessment -**

(1) The Executive Committee shall cause to prepare each year in the months of January and February list of House Building, Shops, Stalls, Gardens, wet Cultivation, Fish Ponds, Farms, Nuls and quarries etc. for the purpose of assessment of taxes for the ensuing Financial Year in the manner it considers appropriate.

(2) It shall be the duty of Village Council to render all possible help in furnishing and collection of correct figure of the required information in respect of correct figure of the required information in respect of the different items mentioned in sub-section (1) above.

**10. Collection of taxes -**

(1) All the taxes assessed shall be collected from April and shall be completed in the month of September every year.

(2) All the Village Council, should extend their help to the tax collectors in collection of taxes.

(3) Any person who fails to pay any of the taxes leviable by or under this Regulation within the said period shall be declared defaulter.

**11. Submission of taxes to the Council -**

(1) All the taxes collected by the tax collectors shall be submitted to the Office of the District Council positively before 15 days of every months.

(2) Any person who fails to pay any of the taxes leviable by or under this Regulation within the said period shall be declared defaulter.

**12. Power of Remission -**

(1) The Executive Committee shall have the power to remit any of the taxes under unavoidable circumstance.

(2) The Executive Committee may exempt, for any period considered necessary, any person from payment of any taxes for property or another reasons considered to be sufficient cause for such exemption.

**13. Record of taxes -**

All the taxes and tolls collected shall be entered in a Register to be maintained chronologically in the Office of the District Council. each entry shall be duly attested by the Secretary or any Officer authorized by him in writing by affixing his signature and date.

**14. Penalty -**

(1) In default of payment of any taxes payable by a person under this Regulation within the period mentioned in sub-section (1) of section 10 above, the defaulter shall be required to pay the amount due from him by confiscation of his properties of equal value even to the extend of cancellation of his pass, unless the defaulter pays the due within a prescribe date fixed by the Executive Committee.

(2) If the defaulter still refused to clear his due the Executive Committee shall have the power to requisition the services of the regular police by applying to the Deputy Commissioner, who on receipt of such application shall immediately arrange such necessary help.

**15. Repeal and Saving -**

(1) The provision of the Pawi Autonomous District Council (Revenue Assessment) Regulation, 1975 is hereby repealed.

(2) Notwithstanding the repeal, all actions taken or proceeding made under the said Regulation shall be deemed to be action taken or proceeding made under this Regulation.

STATEMENT OF OBJECT AND EASONS

The Pawi Autonomous District Council(Revenue Assessment) Regulation 1974 is now outdated in view of the improved Economic status of the General Public, the rates of collection of Revenue Taxes is therefore very much short off present day circumstances with the devaluation of currency and the raising prices of commodities in the market suitable increase in the rate of taxation has become warranted.

Hence this Bill

Sd/- Chief Executive Member,
Lai Autonomous District Council, Lawngtlai.

Certified that the above bill was passed by the Lai Autonomous District Councilin its monsoon Session held on 2/8/2000.

And in authentication whereof I put my signature this fourth day of August, Two Thousand Anno Domini.

Sd/- B.Thanchunga
Chairman,
Lai Autonomous District Council,
Lawngtlai : Mizoram.

I assent to this Regulation

Dated Aizawl Sd/-
The 17th November, 2000 (A.PADMANABAN)
Governor : Mizoram.

NOTIFICATION

No.H-12018/42/94-LJD/64, the 7th November,2001. The following Act of the Mizoram Legislative Assembly which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram (Pension for Members of the Regional Council) Defunct Mizo District Council and the Defunct pawi-Lakher (Amendment) Act,2001.

(Act No. 8 of 2001)
(Received the assent of the Governor of Mizoram on 1.11.2001)

AN
ACT

To further amend the Mizoram (Pension for Members of the defunct Mizo district Council and of the defunct Pawi-Lakher Regional Council) Act, 1994 (Act No. 7 0f 1994) (hereinafter to be described as the Principal Act).

It is enacted by the Legislative Assembly of Mizoram in the fifty Second year of the Republic of India as follows :-

**1. Short title and Commencement-**

(1) This Act may be called the Mizoram defunct Mizo District Council and of the defunct Pawi-Lakher regional Council) (Amendment) Act, 2001.

(2) This shall come into force at once.

**2. Substitution of Section 3 of the Principal Act-**

For section 3 of the Principal Act, the following shall be substituted, namely :-

**3. (1) Grant of Pension to Member -**

With effect from the date of commencement of this Act and subject to other provisions of the Act, there shall be paid a life-long pension of Rs.4,000 -(Rupees four thousand) per month with an annual increment of Rs. 200/

- (Rupees two hundred) upto a maximum amount of Rs.6,600/- (Rupees six thousand six hundred) to every member who had served as such member for any period, whether for five years or less or more.

(2) Where any person entitled to pension under sub-section (1)-

(a) Is elected to the office of the President or Vice President of India or is appointed to the Office of the Governor of any State or the Administrator of any Union Territory ; or

(b) Becomes a Member of the Council of State or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State ; or

(c) Is employed on a salary under the Central Government or any State Government, or any Corporation owned or controlled by the Central Government or any State Government or any local authority including an Autonomous District Council or otherwise receive any remuneration from such Government or local authority.

Such person shall not be entitled to any pension under sub-section

(1) for the period during which he continues to hold such office or continues to receive such remuneration.

Provided that where the salary payable to such person for holding such office or being such member as mentioned in clause (b) or so employed, or where the remuneration referred to in clause (c) paid to such person is, in either case, less than the pension Payable to him under sub-section (1) such person shall be entitled to receive only the balance as pension under that section.

(3) Where any person entitled to pension under sub-section (1) also receives any pension from the Central Government or any State Government or any Corporation owned or

controlled by the Central Government or any State Government or any local authority including as Autonomous District Council under any law or otherwise, in that case -

(a) Where the amount of pension which he receives under such law or otherwise is more than Rs.6,600/- (Rupees six thousand six hundred) per month, such person shall not be entitled to any pension under sub-section (1);

(b) Where the amount of pension which he receives under such law or otherwise is less than Rs.6,600/- (Rupees six thousand six hundred) per month, such person shall be entitled to a portion of the pension under sub-section (1) so that the total amount of the pension does not exceed Rs.6,600/- (Rupees six thousand six hundred) per month.

(4) Nothing in this Act shall affect the right of any member to receive any pension from the Central Government or any State Government as a freedom-fighter.

**4. Amendment of Section 3 A of the Principal Act. -**

In section 3 A of the Principal Act, for sub-section (1) the following shall be substituted, namely -

"(1) The family of a deceased member shall be entitled to receive a

Family pension at the rate of Rs.2,500/-(Rupees two thousand five hundred) per month, with effect from the date of commencement of the Amendment Act of 2001 and subject to the provisions contained hereinafter."

P. Chakraborty
Secretary,
Law & Judicial Deptt.
Govt. of Mizoram.

NOTIFICATION

No.C.31030/6/97-DCA, the 10.9.2001. in pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules of the Lai Autonomous District Council which received the assent of the Governor of Mizoram is hereby published for general information.

THE LAI AUTONOMOUS DISTRICT COUNCIL (BOARD OF SCHOOL EDUCATION) RULES, 2001(Passed by the Lai Autonomous District Council and received the assent of the Governor of Mizoram on 19th July,2001).

P. Chakraborty,
Secretary to the Govt. of Mizoram,
District Council Affairs Department.

## THE LAI AUTONOMOUS DISTRICT BOARD OF SCHOOL EDUCATION RULES, 2001

In exercise of the powers conferred by sub-paragraph 7 (a) of paragraph 2 of the Sixth Schedule to the Constitution of India, the Lai Autonomous District Council is pleased to make the following Rule for the regulation and control of Primary and Middle Schools in the Lai Autonomous District as follows, namely :-

### CHAPTER -I

### PRELIMINARY

**1. Short title Extent and Commencement -**

(1) This Rules may be called the Lai Autonomous District Extent and Board of School education Rules 2001.

(2) It shall extent to the whole of the Lai Autonomous District;

(3) It shall come into force on the date of publication in the Mizoram Gazette.

(4) on and from such date on which the whole of this Rule comes into force, the Mizoram Board of school Education in Lai Autonomous District Council area shall cease to exercise jurisdiction upto the Middle School stage Educations in Lai Autonomous District Council area.

**2. Definition-**

In this Rule, unless the context otherwise requires ;

(a) "Administrator" means an Administrator of the Board appointed by the executive Committee to administer the Board during its being suspended;

(b) "Appropriation" means the assignment to meet specific expenditure of funds included in a primary unit of appropriation.

(c) "Board" means the Lai Autonomous District Board of School Education constituted under this rules.

(d) "Budget" means yearly budget of the Lai Autonomous District Board of School Education;

(e) "Bye-laws" means "Bye-laws" made by the District Council under this Rule.

(f) "Centre" means the Examination Centre for holding any examination of the Board as may be allotted to it;

(g) "Centre superintendent" means a person appointed by the Board to conduct and supervise Examination of the Board at the Centre;

(h) "Custodian" means a person appointed by the Board to have custody of the confidential papers of the Examinations;

(i) "Confidential papers" means such papers as are considered confidential by the Board in connection with the Board's Examination.

(j) "Controller of Examination" means a Controller of Examination appointed under this Rule;

(k) "Controlling authority" means any authority designated as Controlling authority of the Board by the Executive Committee under sub-rule (3) of 3 of this Rule;

(l) "District Council" means the Lai Autonomous District Council;

(m) "Drawing and Disbursing Officer" means Secretary of the Board or any other Officer duly authorized by him from time to time in writing to draw and disburse any Board's fund;

(n) "Executive Committee" means the Executive Committee of the Lai Autonomous District Council;

(o) "Examination Committee" means Examination Committee constituted by the Board under sub-rule (1) of 42 of this Rule;

(p) "Finance Committee" means a Finance Committee constituted by the Board under Rule 60;

(q) "Fund" means the Lai Autonomous District Board of School Education fund as referred to under rules 30(1) and 30, sub-clause 2 (a) to (c) , of this Rule;

(r) "Gazette" means an Official Gazette of Mizoram;

(s) "Government" means the State Government of Mizoram;

(t) "Governing Body" means the Board as constituted under this Rule excluding the co-opted members;

(u) "Governor" means the Governor of Mizoram;

(v) "Head of Institution" means the Head of the Institution by whatever name he or she may be designated;

(w) "Invigilator" means a person who assist the Superintendent of a Centre in conducting and supervising the Examination at a Centre.

(x) "Institution" means any recognized Pre-Primary, Middle, Professional or Vocational School or Teachers Training Institutions and Adult Education if any by the Board;

(y) "Managing Committee" means a duly constituted Managing Committee recognized by the Board;

(z) "Middle School" means a School or Department of a School giving instructions in School Education preparing students for Middle School or Middle English School Leaving Certificate Examination;

(aa) "Moderator" means a person appointed to moderate manuscripts of Question papers;

(bb) "Notification" means a notification published by the District Council in Official Gazette of Mizoram;

(cc) "Paper Setters, moderators, Examiners, Head Examiners, Scrutinizers and Tabulators" means persons appointed by the Board under such respective designations;

(dd) "Pre-Primary School" means a School or Department of a School giving instructions in School Education for students below Class I standard of Primary School;

(ee) "Prescribed" means unless the context otherwise requires, indicates prescribed by Bye-laws under this Rule;

(ff) "Primary School" means a School or Department of a school giving instructions in School education and preparing students for primary School Leaving Certificate Examination;

(gg) "President" means the President of Lai Autonomous District Board of School Education appointed under sub-rule (1) of 15 of this Rule;

(hh) "Private Candidate" means a candidate other than a regular candidate who has been allowed to appear in any examination conducted by the Board;

(ii) "Professional or Vocational School" means a School or an Institution imparting technical or trade or work education and vocational instruction below Diploma level;

(jj) "Primary Unit of appropriation" means a standard object of expenditure reflected for a particular object or item in the budget;

(kk) "Public Examination" means any examinations conducted by the Board;

(ll) "Re-appropriate" means transfer of fund from one primary unit of appropriation to another unit or item;

(mm)"Recognition Committee" means a Committee constituted by the Board under sub-section (1) of section 62 of this Rules;

(nn) "Secretary" means the Secretary of the Board appointed under this Rules;

(oo) "School" includes Pre-Primary, Primary, Middle and also includes any other institutions which impart education or training including Teacher' training or Professional or Vocational and Adult education if any upto the level of Middle School Leaving Certificate Examination until such time as the power of the Council is enhanced further.

(pp) "Supervisor" means a person appointed to assist the Center Superintendent in the smooth conduct of the examination;

(qq) "Syllabus Committee" means a Committee constituted by the Board under Section 61 of this Rules;

(rr) "Teacher" means Head Master or Head Teachers and Teachers employed in any School recognized by the Board within Lai Autonomous District Council;

(ss) "Employees" means any employee under any School or Institution under the Control of the Lai Autonomous District Council;

## CHAPTER - II
## THE BOARD

**3. Establishment of the Board-**

(1) The District Council shall, immediately

After the commencement of this Rules, establish a Board named "Lai Autonomous District Board of School Education" for the administration, supervision, control and Development of upto Elementary Education in the

Lai Autonomous District in accordance with the provisions of this rules.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall have the power to acquire and hold any property held by it, to enter into any contract and to do all other things necessary for the purpose of carrying out its duties and functions and shall, by the said name, sue and be sued.

(3) Any one of the Executive Members in charge Education designated by the Executive Committee shall be the Controlling Authority of the Board for a term not exceeding three years.

**4. Constitution of the Board-**

(1) The Board shall consist of the following members, namely ;

(a) The President;

(b) The Vice President;

(c) Secretary of the Board, - Member Secretary;

(d) Controller of Examination, Ex-Officio;

(e) Education Officer, Lai Autonomous District Council, Ex-Officio;

(f) Assistant Education Officer, Lai Autonomous District Council, Ex-Officio;

(g) The Principal, Lawngtlai College, Ex-officio:

(h) One High School Headmaster within Lai Autonomous District to be nominated by the President.

(i) Representative of the Middle School Teacher's Association of Lai Autonomous District.

(j) Representative of the Primary Teachers Association of Lai Autonomous District;

(k) Two eminent persons nominated by the Executive Committee, Lai Autonomous District Council;

(l) Two persons from amongst distinguished or eminent Educationist appointed by the Board.

(2) The Board so constituted under sub-rule (1) shall function as the Governing Body of the Board.

(3) If, by such date as may be prescribed by the Board, any of the authority concerned fails to nominate member or members as provided in sub-rule (1) the Controlling authority shall have power to appoint such member or members to hold Office.

**5. Publication of names of members of the Board-**

The name of the persons nominated or appointed as members of the Board shall be published by the Board in Official Gazette of Mizoram.

**6. Terms of office of members-**

(1) Nominated Members of the Board under Rule 5 shall hold Office for a period of three years from the date of publication of the notification or from the date of first sitting of the Board whichever is earlier: Provided that the Executive Committee of the District Council may, by notification, extend the term of office of all such members by a period not exceeding one year.

(2) Notwithstanding the expiry of the term of three years specified in sub-rule (1) the term of Office of the outgoing members shall be deemed to have been extended till such date they are newly nominated or appointed members in accordance with the notification are published under Rule 5.

**7. Disqualification for as a member member and filling up of the vacancy-**

(1) A person shall not be eligible for nomination as a member of the Board of the committees formed by it, if he-

(a) Has been adjudicated by a court of law to be of unsound mind;

(b) Has been convicted by a Court of law for an offence which is declared by the Government to be an offence involving moral turpitude.

(2) If a nominated member of the Board or of any committee formed by it becomes subject to any of disqualifications specified in clause (a) or clause (b) of sub-rule (1) (b) his membership thereupon shall cease even if he is already nominated as such a member of the Board.

(3) All disputes relating to the eligibility of any person for nomination shall be referred to the executive Committee whose decision on such matter shall be final.

(4) The Executive committee may remove from the Board a member who, in its opinion, has so abused his position as such member as to render his continuance on the board is detriment to the public interest : Provided that the Executive Committee shall, before removing a members as aforesaid, give him an opportunity of being heard and shall place on record its reasons for the removal of such members.

(5) When the prescribed term of Office of members, other than Ex-officio members, is expired, the vacancies so caused shall be filled up as soon as possible in accordance with sub-rule (1) of Rule 4.

**8. Resignation of members Casual vacancies etc.-**

(1) A member of the Board, other than ex-officio and member may resign his membership by giving notice thereof in writing to the President and such member shall be deemed to have vacated his seat from the date of acceptance of his resignation by the President.

(2) The President may, by notification, remove any nominated member who remain absent from three consecutive meetings of the Board without the leave of the Board.

(3) In the event of a casual vacancy occurring by resignation, removal, death or disqualification etc. of the member, such vacancy shall be filled by nomination, in the manner provided in Rule 4.

(4) Any person nominated to fill a casual vacancy shall hold Office for the unexpired portion of the term of office of the member in whose place he is nominated.

**9. Meeting of the Board-**

(1) The Board shall meet not less than three times during a Calendar year but four months shall not lapse between the last and the next meetings.

(2) The President or the Secretary may, at any time, and upon the requisition made by not less than two-thirds of the members of the Board other than Ex-officio members and on the receipt of such requisition, call a special meeting of the Board.

(3) Seven days notice shall be given for ordinary meetings of the Board and two days notice for special meeting.

**10. Quorum-**

One third of the members of the Board shall form the quorum for such meeting of the Board.

## CHAPTER - III

## POWERS AND DUTIES OF THE BOARD

**11. Powers and duties of the Board-**

The Board shall have, subject to any general order of the District Council, the provision of this rule and any bye-laws made there under, the power to administer, regulate, supervise, control and develop School Education including Adult education and over any teachers or employees in such schools in general and individual service in particular.

The Board shall have the following powers and duties, namely :-

(a) To prescribe course of instructions including practice teaching, practical works and the like where necessary for Pre-Primary, Primary, Middle School, Adult Education and Teachers Training Institutes;

(b) To conduct and supervise examinations based on such courses as prescribed;

(c) To admit to its examinations or conditions that may be prescribed in this Rule, candidates who have pursued the prescribed courses of instruction whether at a school or privately who may be eligible as per rules and also to take such disciplinary action against candidates;

(d) To demand and receive such fees and fines;

(e) To publish, or withhold the results of its examinations;

(f) To grant Certificates to persons who

(i) Have pursued a course of study in an institution admitted to the privilege of recognition by the Board,

Or

(ii) are teachers in recognized schools in Lai Autonomous District Council area or;

(iii) Have studied privately under condition laid down by the Board and have passed the examination of the Board.

(g) To institute and award Scholarship, prizes and the like;

(h) To prescribed, prepare, publish and select text books and supplementary books or to cause to prepare or publish and select text books for any or all of its prescribed courses for its various examinations;

(i) To lay down conditions for recognition of Schools, preparing candidates for various School courses and such other courses including teacher's training courses;

(j) To recognize Middle, Primary, Pre-Primary Schools, Teachers' Training Institutions, Professional and Vocational Schools in Lai Autonomous District area and to withdraw such recognitions on grounds considered reasonable subject to the provisions of this Rule.

Provided that the Teacher' Training Institutions, Professional and Vocational Schools and Adult Education in Lai Autonomous District enjoying recognition from the Mizoram Board of School Education immediately before

the commencement of this Rule shall be deemed to have been recognized under this Rule subject to their conforming to the provisions of this Rule within a period of one year from the commencement of this Rule;

(k) To take such disciplinary action as it thinks fit against institutions, the teachers and employees;

(12) to adopt measures for study and examination of problems in the field of Schools Education and Teachers' Training Courses and Professional and Vocational Schools and Adult Education;

(13) to advise the District Council on physical, moral and social welfare of students in recognized institutions and to prescribe conditions for their residence and discipline;

(14) to prescribe necessary qualification of teachers in recognized schools;

(15) to organize seminars and provide 'in service' training course.

(16) to receive grants from the District Council and Government and donations from private individuals and other Non-Government or Semi-Government bodies or Central Government for specific or general purpose;

(17) to call for reports from the Education Department of the District Council on the conditions of non-recognized institutions applying for recognition;

(18) to advice the District Council or Government on recognisation and Development of School Education, under-graduate teacher's training courses and professional or vocational school course and Adult Education;

(19) to advise the District Council relating to any matter within the provisions of this Rule on which the District Council may consult the Board;

(20) to appoint other than the President, the Vice President the Secretary and the Controller of Examinations, who shall be appointed by the District Council, and other employees of the Board and prescribe the terms and

conditions of their service subject to approval of the District Council;

(21) to institute for the benefit of its Officers and other employees such pensions, gratuity and provident fund etc. as may deem fit in such manner, and subject to such conditions as may be prescribed by bye-laws. In case of absence of such bye-laws or until such bye-laws are made, the conditions and Service of the Officers and employees of the Board will be governed by the Rules governing the Service of the Officers and employees of the District Council;

(22) to delegate or any of its powers to any Committee or Sub-Committee constituted under this Rule and to any of its Officers;

(23) to administer the Funds;

(24) to cause an inspection to be made by such person or persons as the Board may nominate, of an unrecognized institutions if and when considered necessary;

(25) to invest surplus Funds of the Board in Government securities or Defence Bond or in fixed deposit in approved scheduled Banks or Reserve Bank;

(26) to receive, purchase and hold any property movable or immovable which may become vested in it; and to dispose of all or any of the property, movable or immovable belonging to it, and also do other acts incidental or appertaining thereto subject to approval of the District Council;

(27) to do all such acts and things as may be necessary in order to further the subject of the Board as a body established to regulate , supervise and maintain the standard of School Education, Professional or Vocational or Vocational School and Teachers' Training Institution and to carry out the purpose of this Rule;

(28) to issue orders to all Heads of its Recognized Institutions and demand compliance thereof to render such co-

operation and help as may be asked for by a Centre Superintendent in conducting Board's Examination;

(19) to prescribe and administer School syllabus, curriculums, School Calendar and School time tables.

## CHAPTER - IV

## POWERS OF THE CONTROLLING AUTHORITY AND THE EXECUTIVE COMMITTEE

**12 Power of the Controlling Authirity-**

(1) The Controlling Authority shall have the right to address the Board and communicate to the Authority Board its views on any matter with which the Board is concerned.

(2) The Board shall report to the Controlling Authority such action, if any, as it propose to take or has taken upon its communication.

(3) If the Board does not, within a reasonable time, take action to the satisfaction of the Controlling Authority, it may, after considering any explanation furnished or representation made by the Board, issue such directions consistent with this Rule, as it may think fit and the Board shall comply with such direction.

(4) In any emergency which, in the opinion of the Controlling Authority, requires that immediate action should be taken, the Controlling Authority may take such action consistent with this Rule as it deems necessary without previous consultation with the Board and shall forthwith inform the Board of the action taken.

**13. Power of the Executive Committee to Suspend the Board-**

(1) Notwithstandinganything contained in this Committee to suspend Rule, the Executive Committee shall have the power to suspend the Board, if in its opinion, the Board has persistently made default in the performance of duties imposed on it by or under this Rule.

(2) In the event of such suspension, all the members of the board and its Committees and Sub-Committees including the President shall cease to be members of the Board and shall be deemed to have vacated any Office of the Board held by them.

(3) In the event of such suspension of the Board, the Executive Committee shall, by an Executive order, appoint the President or any other person as the Administrator of the Board who shall exercise the power of the Board during the period of suspension.

(4) The Executive Committee shall have the right to address the Board with reference to anything conducted or done by the Board and to communicate its view on any matter with which the Board is concerned and the Board shall report to the Executive Committee such action, if any, as it proposes to take or has taken upon the communication of the District Council.

(5) The Executive Committee may, after consultation with the Board, issue such directions consistent with the provisions of this Rule, as it may think fit and the Board shall comply with such direction.

(6) The Executive Committee may, by order in writing, specify the reason thereof and suspend the execution, resolution or order of the Board and prohibit the doing of an act ordered to be done by the Board, if the Executive Committees is of opinion that such resolution, order or act is in excess of the power conferred upon the Board by or under this Rule.

(7) The Executive Committee, shall arrange re-establishment of a new Board within three months from the suspension date.

## CHAPTER - V

## OFFICERS OF THE BOARD AND THEIR APPOINTMENTS, POWERS AND FUNCTIONS.

**14. Officers of the Board-**

(1) The Following shall be the Officers of the Board namely :-

(a) The President;

(b) The Vice President;

(c) The Secretary;

(d) The Controller of Examinations and;

(e) Such other Officers as may be declared by the Board to be the Officers of the Board.

**15. Appointment Power and functions of President**

(1) The President of the Board is a whole time fixed monthly salaried Officer appointed on contract basis by the Executive Committee on term and conditions agreed to between the person and the Executive Committee preferable eminent scholar.

(2) The President shall be appointed for a term of three years at the first instance. The Executive Committee may extend the contract if mutually agreed upon for a term of another three years but not more.

(3) The President may resign his Office by giving one month notice to the Executive Committee.

(4) It shall be the duty of the President to see that the provisions of this Rule are faithfully observed and he shall have all powers necessary for this purpose.

(5) The President shall have power to convene meetings of the Board and shall call meetings at any time after due notice or on requisition signed by not less than two-thirds of the members of the Board.

(6) If any emergency arises out of the administer business of the Board which, in the opinion of the President, requires immediate action should be taken as he deems necessary but he shall report his action to the Controlling authority immediately and to the Board at its next meeting.

(7) The President shall exercise such power as may be prescribed by this Rule.

**16. Election and function of Vice President-**

(1) (a) The Board shall, at its first meeting, elect one of its members to the Vice President.

(b) The Vice President shall hold office until the annual meeting next following general election and shall be eligible for re-election.

(c) The Vice President may resign his office by giving notice in writing to the President, and when such resignation is accepted by the Board, the Vice President shall be deemed to have vacated his Office.

(d) If a vacancy occurs in the office of the Vice President, another member of the Board shall be elected by the Board as Vice President for the residue of such term.

(2) Where the President is unable to perform the duties of his office, or if he vacates Office, the Vice President shall act as President and for that purpose, shall have all the powers of the President and shall enjoy such emoluments as the District Council may decide until the President is available for performance of the duties.

(3) The President or in his absence, the Vice President or in the absence of both the president and the Vice President, one member elected from among those present, shall preside over a meeting of the Board and shall be entitled to vote on any matter and shall exercise a casting vote in every case of equality of votes.

(4) Subject to such conditions as may be prescribed by this Rule, the President may at any time, by an order in writing,

delegate all or any of the powers conferred upon him by or under this Rule, to the Vice President and may, in like manner, cancel any such order of delegation.

**17. Procedure, and appointment, Committee powers and functions of Secretary person Senior recommendation of the Board**

(1) The Secretary shall be a whole time officer shall be appointed by the Executive on deputation from the Officers of the District Council on foreign Service term without deputation allowances : Provided that the so deputed shall not be below the rank of Senior Grade Officer. The term of deputation shall normally be two years which may,however be extended upto two years on the

(2) The Secretary shall :-

(a) Subject to the control of the Board, be the Chief Administrative Officer of the Board;

(b) Subject to the control of the President, be responsible for seeing that the order of the Board are carried out;

(c) Be empowered to enter into all contracts for and on behalf of the Board;

(3) The Secretary shall be responsible for seeing that all moneys of the Board are expended for the purpose for which they are granted or allotted.

(4) The Secretary shall prepare the annual statement of accounts and Budget estimates.

(5) The Secretary shall exercise such other powers as may be prescribed by this Rule.

(6) The Secretary shall be responsible for keeping minutes of the Board meeting.

(7) The Secretary shall be entitled to be present and to speak at any meeting of the Board.

**18. Appointment, functions of the Controller of Examinations-**

(1) The Controller of Examination shall be appointed by the Executive Committee as provided in sub-rule (1) of rule 17 of this Rule.

(2) Under the over-all control of the Board, the Controller of Examination shall be responsible for conduct of all Examination of the Board, issued of mark sheets on payment of prescribed fees as also the cer- tificates and shall, for the effective performance of his duties, be delegated with adequate powers by the Board.

**19. Power, appointment and functions of Officer Staff-**

(1) The Executive Committee may take appointment to any or all of Officers and Staff of the Board other than the President on specific recommendation of the Board.

## CHAPTER - VI

## COMMITTEES

**20. Appointment and Constitution of Committees and functions-**

(1) As soon as may be after the Board is established, it may Constitute the following Committees as it may deem necessary for proper execution of their business

(a) The Examination Committee;

(b) The finance Committee;

(c) The syllabus Committee;

(d) The Recognition Committee;

(e) The appeal Committee;

(f) The physical and Adult Education Committee;

(g) Such other Committees or Sub-Committees as it may deem necessary.

(2) A Committee shall consist of such members of the Board and of such other persons if any, as the Board may think fit to appoint and a nominee of the Controlling authority in each of the Finance, Examination and Recognition Committees not inconsistent with this Rule.

(3) A Committee may, subject to approval of the Board appoint two co-opted persons.

(4) Number of members of each Committee shall in general be determined by the Board as it deem necessary not inconsistent with sub-rule (1) of rule 20.

(5) The term of Office of those members of a Committee who are members of the Board or are nominated by the Controlling Authority shall be three years and the other members appointed or nominated by the Board and co-opted members shall be one year from the date of the first meeting of the Committee.

Provided that a person taken as a member of the Committee in capacity as a member of the Board or of any other body or as a holder of a particular appointment shall automatically cease to hold Office if he ceases to be a member of the Board or the holder of appointment, as the case may be.

(6) When the board has constituted a Committee to deal with any matter which the Board has empowered to deal with by this Rule, the Board shall before exercising its powers in any particular case, receive and consider the report of the Committee concerned.

## CHPATER - VII

## PREPARATION AND SUBMISSION OF BUDGET ESTIMATE.

**21. Preparation of Budget-**

(1) The Secretary shall prepare in respect of each financial year beginning on the First day of March an estimate of receipt and expenditure the Board in the form

specified in the Annexure, and get it scrutinized and finalized in the sitting of the Finance Committee for placing it before the Board in its annual meeting for confirmation.

(2) The Budget estimates shall be formulated in two parts- (a) Receipts and (b) Expenditure. It shall be supported by statements referred to in the Annexure - A for the item wise scrutiny of receipts and expenditure.

(3) In framing the Budget Estimates for the coming year, the anticipated closing balance in the Board's Fund of the current year will be taken into consideration.

(4) The Grant that the Government or District Council shall sanction as demanded under sub-rules (1) and (2) to cover up the deficit of the Board shall be considered as for preparing Budget estimates and revised estimates.

(5) In framing the Budget estimates, only the items of receipts and expenditure that can be foreseen shall be provided. The amount of the provision for expenditure shall be realistic.

(6) No lump sum provision shall be made in the Budget Estimates excepts for minor items and petty temporary establishment charges. When a new scheme is planned to be taken up in the financial year, for which has been accepted in principle for which necessary details are not readily available, the Budget provision shall be kept to the minimum requirement of fund as the details may be worked out and set forth in the Revised Estimates for the year.

(7) The framing of Revised Estimates, the past actual and those committed which are likely to be materialized during the year, shall form the material factors for consideration. The Revised Estimates shall be prepared in the form specified in the Annexure -A and B.

**22. Manner of finalisation And submission of The Budget estimates-**

(1) The Board shall formulate its Budget Estimates of receipts and expenditure through the Secretary on the basis of

programmes of schemes for a financial year ahead by the latter part of July each year and the secretary shall complete such exercise by the middle of August.

(2) The Finance Committee shall scrutinize the item wise details of receipts and expenditure of the estimate and finalise the draft by the last week of August.

(3) The estimates for receipts and expenditure shall be put up by the President to the Board for consideration and approval in its annual meeting by first week of September. Any suggestion or change made by the Board shall be incorporated in the Budget Estimates before submission to the Executive Committee.

(4) The Budget Estimates so approved by the Board shall be submitted to the Executive Committee not later than 15th of September and the Executive Committee shall make sanction to meet Budget requirement.

(5) The Revised Estimates shall be prepared and submitted in the like manner and under similar time-margin as referred to under sub-rules (1) to (4) of this Rule.

(6) The major variation of the amount, if any, in the receipts and expenditure between the Budget Estimates and Revised Estimates shall be covered by short explanation.

(7) The new items of expenditure appearing for the first time either in the Revised Estimates or in the Budget Estimates for the ensuing year shall be supported by detailed justification.

(8) The approval to the Revised Estimates shall be communicated by the Executive Committee as soon as the examination and scrutiny of the Revised Estimates is completed and the accepted statement of expenditure (Non-Plan) for the Revised Estimates has been received from the Government.

**23. Expenditure in excess of Budget provision-**

(1) Expenditure in excess of the amount prescribed in the Budget of the Board under the detailed head may be

incurred after valid reappropriation in the manner and under such conditions as prescribed in sub-rules (1) and (2) of rule 24.

(2) (a) Save as provided in this Rule, the Board may with the recommendation of the Finance Committee, sanction expenditure in excess of the amount provided in the Budget if the excess expenditure can be met from the additional funds which become available as a result of increase in income out of the Board's own resources.

(b) When it is found, after the close of the financial year, that the Budget Provision of any Head has been exceeded, the excess may be regularized in the manner recommended by the Finance Committee and with the sanction of the Executive Committee.

**24. Governing body of the Board to reappropriation of funds-**

(1) Reappropriation of funds from one primary unit of appropriation to another unit shall be sanctioned by the Governing body of the Board to the extent the situation expressly demands in the opinion of Finance Committee, at any time before the close of the financial year to which such appropriation relates.

(2) Reappropriation of funds shall be made only when it is known or anticipated that the appropriation for the unit from which funds are to be diverted will not be utilized in full or that saving can be effected in the appropriation for the said unit.

**25. Extent of diversion of Fund-**

(1) The extent of diversion of such funds from Primary unit of appropriation to another unit shall, in no case, exceed fifty percent of the approved Budget of the Board in a particular financial year subject to the following general and specific conditions namely:-

(a) Funds shall not be reappropriated to meet expenditure which has not been approved for the financial year.

(b) Funds shall not be appropriated from a unit which the intension of restoring the diverted appropriation to that unit when savings become available under other units for remaining period of a particular financial year;

(c) No additional staff other than the one approved in the Budget shall be appointed;

(d) No new schemes will be taken up without the approval of the District Council.

**26. Transfer or re-allocation of funds-**

(1) The transfer or re-allocation of funds between different schemes, provisions for which it is made in the same primary unit of appropriation in the Approved Budget shall not constitute "re-appropriation" and as such sanction of the District Council or Government shall not be necessary for such a transfer or re-allocation.

(2) All such re-allocation or transfer of funds shall receive prior concurrence of the Finance Committee of the Board.

**27. Application for Additional Appropriation-**

Every application for additional appropriation of funds shall ordinarily be accompanied by a statement indicated in the Annexure 'C' showing how the access is proposed to be met in all proposals for re-appropriation. The reasons for savings and excesses of Rs.1000/- or above and the Primary units affected shall be stated.

## CHAPTER - VIII

## FINANCE AND AUDIT

**28 . Preparation, presentation sanction of the Budget of the Board-**

(1) The President shall place before the annual meeting of the Board held in the year following the year in which it

is established and before annual meeting thereafter, a report on the working of the Board during the preceding financial year together with a Budget Estimates showing, in such form as prescribed, the anticipated in come and expenditure of the Board during the financial year in which such annual meeting is held.

(2) The report shall be forwarded to the Executive Committee as soon as possible but not later than one month of its presentation before the annual meeting of the Board together with such comments thereon as the Board may think fit to make.

(3) The Budget Estimates shall, after confirmation by the Board, be forwarded to the Executive Committee within such a prescribed time by the Board.

(4) The Executive Committee shall, within three months of the receipt of the Budget Estimates, either accord its approval to the same or return it to the Board with such comments and suggestions as it may deem necessary if in its opinion such estimates-

(a) Is not reasonable accurate with reference to ascertainable facts or shows deficit in the closing balance.

(b) Include new items of recurring expenditure which are likely to impose on the Board in future financial liabilities which the Board is not likely to be able to meet from its income or;

(c) Include provisions for expenditure which are not in accordance with the provisions of this Rule.

(5) (a) If the Budget Estimates is returned under clause (a) of sub-rule (4) the Board shall consider the comments and suggestions made by the Executive Committee and may -

(i) if it thinks fit, revise the said estimates or;

(ii) if it does not think fit to revise the estimate re-submit it in its original from to the Executive

Committee within one month of receiving it, together with its reply on the comments and suggestions made by the Executive Committee.

(6) If the Executive Committee does not approve the Budget Estimates as revised by the Board, it may amend the Budget Estimates by making-

(a) Such modifications as are in its opinion, necessary to render the estimates reasonable accurate with reference to ascertainable facts or to balance the income and expenditure.

(b) Additions, alterations or modifications in any provision relating to new expenditure of recurring nature.

(c) Any alteration or modification in any provision which, in its opinion, is not in accordance with the provision of this Rule.

(7) The Budget Estimates as amended by the Executive Committee shall be the Budget Estimates of the Board for the concerned financial year.

**29. Grants to the Board-**

(1) The Executive Committee may, after considering the Budget Estimates, make such annual and periodical grants to it as it may think fit.

(2) To enable the Board to function effectively as soon as it is established, and at any time thereafter, the Executive Committee may make such grants to the Board as it may think necessary.

**30. Funds of the Board And the use thereof-**

(1) The Board shall constitute funds as under :-

(a) Reserve Fund, named as "Lai Autonomous District Board of School Education Reserve Fund"

(b) Operational fund, named as "Lai Autonomous District Board of School Education Operational fund'.

(2) (a) The initial constitution of these Funds shall be made out of earmarked grants from the District Council subject to the maximum extent of Rs,10,00,000/- for Reserve Fund and Rs.5,00,000/- for Operational Fund;

(b) Interest accruing on all moneys held in the Reserve Fund shall be transferred to the Operational Fund annually and shall be considered as income of the Board and taken into account in the preparation of Board's Budget.

(c) All sums which may be paid by the District Council for the Reserve fund and the Operational Fund shall be forthwith deposited in the appropriate Fund Head.

(d) All fees realised under any of the provisions of this Rule shall be deposited in the Operational Fund;

(e) All sums representing income from endowments or property owned or managed by the Board shall be deposited in the Operational Fund.

(f) The Board shall credit to the Board's Reserve Fund Account all such grants from the District Council or donation from any other source made or provided specifically for augmentation of the Fund immediately on receipt.

(3) All moneys payable to the credit of the Funds shall forth with be paid into the State Bank of India to the credit of the relevant Fund, and all cheques drawn on the Funds, shall be signed by the Secretary and presented for encashment after obtaining the countersignature of the President.

(4) The Board shall account of all its receipts and expenditure in the manner prescribed by the Executive Committee in general and as provided for under sub-rule (2) of rule 35 of this Rule generally.

(5) No expenditure shall be incurred from the relevant Fund of the Board except for the purpose of this Rule and unless such expenditure is provided for in the Budget

approved under this Rule or can be met by appropriation in the prescribed manner.

(6) No drawal, except interest accruing annually, on the Reserve Fund shall be made at any time except with the specific approval of the Executive Committee.

**31. Audit of the Accounts of the Board-**

(1) The accounts of the Board shall be examined and audited annually in such manner as prescribed by an Auditor of the Accountant General concerned as and when he so desire.

(2) For the purpose of examination and audit under sub-rule (1) if the auditor-

(a) Require in writing the production before him any document relating to the Board or assets thereof which he considers necessary for the purpose of audit;

(b) Require in writing the personal appearance before him of any person accountable for or having the custody of control of any such documents to answer any question relating thereto; and

(c) Require any person so appearing before him to submit a statement in writing in respect of any such documents.

(3) It shall be the duty of the Board, and of any member thereof, and of the Secretary and the member of the staff in the service of the Board to afford to the auditor every facility of the examination and audit of the accounts of the Board and to comply at any requisition made by the auditor under sub-rule (2) above and with the requirement of any Rule made in this behalf.

(4) The Board shall on receipt of the Audit Report furnish within three weeks to the Executive Committee with observation thereon.

(5) The Executive Committee shall take such action on the audit report as it thinks fit.

CHAPTER - IX

## ACCOUNTS OF RECEIPT AND EXPENDITURE.

**32. Accounts of receipts and expenditure including manner of payment to and from the Board's Fund-**

(1) (a) All moneys received or spend by or on behalf of the Board shall, without any reservation, be brought to account in the Cash Book.

(b) The cash-book shall each day be checked item by item, closed and balanced and signed by the Secretary or any other person duly authorized by him on his behalf during his absence.

(c) At the end of each month it shall be compared and agreed with the Pass-Book of the Bank. Every item of receipt and expenditure shall be checked with entries in the Cash Book.

(d) The Cash Book of the Board shall be maintained on double entry system.

(2) The Board shall maintain the following Registers in addition to cash Book for keeping proper account and Forms of Account in the forms in which these are maintained in the Government offices in connection with the execution of the similar business. If some of these forms are not consistent with those used in the Government offices the forms with suitable modification may be adopted.

(a) Journal,

(b) Ledger

(c) Receipt Book Register,

(d) Cheque Book Register

(e) Remittance Register (for deposit with Bank)

(f) Interest bearing security, Register

(g) Investment Register in connection with Contributory Provident Fund

(h) Appropriate Register
(i) Budget Estimate Register
(j) Bill Register
(k) Travelling Allowances Register
(l) Medical Re-imbursement Register
(m) Leave Salary Register
(n) Acquaintance Register
(o) Pension contribution Register
(p) Loan Register
(q) Register for Centre Grant
(r) Assets Register
(s) Register for Government Grant
(t) Postage Stamp Register
(u) Any other Register the maintenance of which may be considered necessary by the Board in its day to day work.

**33. No payment without proper Sanction Utilization of the Grant-**

1) No Payment shall be made except on written order of the Secretary or any other Officer authorized by him in his behalf who shall not make such an order until he has satisfied himself that the Budget allotment under the head concerned will not thereby exceed and unless the sanction of the Board exists for the charge.

(2) (a) The Grants-in-aid received by the Board shall be utilized for the purpose for which it has been sanctioned and also in accordance with conditions, if any, attached to such grant.

(b) In case the situation expressly demands to appropriate such grant or any portion thereof for a purpose other than any of the approved purpose for which it has been sanctioned, the Board shall apply for re-appropriation in such manner and

subject to conditions prescribes in rule 27 of this Rule.

(3) The examination and audit of accounts shall be conducted in the manner prescribed by sub-rule (1) to (5) of rule31 of this Rule.

**34. Issue of receipt-**

(1) Except as otherwise provided in this rule, whenever money is received by any officer or employee authorized by the Board for credit to the Board's Fund, a receipt in the prescribed from shall be given to person making the payment.

(2) The Secretary of the Board or any other officer authorized by him shall sign receipt in the prescribed form on behalf of the Board.

(3) Receipts shall be written in ink or with indelible pencil in duplicate by means of double sided carbon paper, the carbon copy being retained by the official issuing receipts and the original copy be handed over to the person making the payment.

**35. Remittance to the Bank-**

(1) At the end of each week or if the bank is closed, on first subsequent day on which it is opened, the money received during the day at the office of the Board shall be remitted to the Bank with a prescribed deposit Bank challan, particulars of which shall be entered in the remittance Registers as well as in the Cash Book and when the duplicated foils of the challan is received back from the Bank the entries in the Cash Book be checked with such foils and initialed by the Secretary or any other person authorized by him in his behalf and foils shall be used as vouchers for the remittance and shall be filed in the Guard file.

(2) All moneys remitted to the Bank to the credit of the Board and all payments to the Bank on cheques or other be entered in a Pass Book

The Pass Book shall remain in the custody of the Secretary or of any other person authorized by him to work on his behalf and it shall be sent to the Bank twice in a month ordinarily on the 10th and on the last working day of every month and or any other day on which the Board may require the posting to be done.

(3) When payment is received by means of a cheque drawn on the Bank, the cheque shall be endorsed by the official of the Board in whose favour it is drawn with the words, "Received payment by transfer credit to the Board's Fund".

**36. Permanent advance-**

(1) The Secretary shall hold a permanent advance.

(2) The amount of permanent advance shall be determined by the Finance Committee of the Board.

(3) The permanent advance shall be recouped as often as may be necessary in the following manners :-

(a) The Secretary shall compose the sub-vouchers with the entries in the permanent advance Account.

(b) He shall deface them by stamping "cancelled" thereon so that they can not be used gain;

(c) He shall total and initial the column "Amount of sub-voucher" in the permanent advance account.

(d) The voucher of recoupment shall be drawn put in a suitable form and it shall be defaced with the usual payment order and;

(e) He shall draw out a cheque in his favour for the amount.

**37. Payment to be by cheque-**

(1) All sums of less then two thousands payable from the Board's Fund shall ordinarily be paid from permanent Advance with the Secretary; sums of rupees two

thousand and over shall ordinarily be paid by cheque. The Drawing and Disbursing Officer shall testify himself about the mode of payment.

(2) All cheques drawn on the fund shall be signed by the Secretary and presented for encashment after obtaining the counter-signature of the President.

(3) No cheque shall be signed unless required for immediate delivery to the person to whom the money is to be paid, not until the Bill, which it will discharge, has been presented in a complete form, examined and passed for payment.

(4) If a cheque, after it has been signed, cannot be delivered to the payees on account of his non-appearance on a particular date, it shall be lodged in an Iron Safe, the key which shall be kept in the custody of the Disbursing Officer of the Board.

(5) A cheque shall be current for three months only. If and when a person in whose favour the cheque was drawn brings it back to be redated after the expiry of that period and up to six months from the date on which the cheque was originally issued, a fresh cheque shall not be issued, but the original cheque shall be redated by the Official whose duty it should be to sign cheques. The fact of redating shall be noted in the Cash Book as well as in the counter foil. A cheque remaining unpaid for any cause for six months from the date of its issue shall be cancelled and its amount written back.

(6) Cheque Book shall be supplied by the Bank only; and no other forms shall be used. The Cheque Books and the counterfoils of used cheque shall be kept in the custody of the Secretary or any other person authorized to work on his behalf.

(7) On receipt of a Cheque Book from the Bank, the Secretary shall count the cheques and shall record on the back of the cheque book that "this Cheque Book

contain- (both in figure and in words) form". The cheque book shall also be entered in the Cheque Book Register.

**38. Payee's Receipt, classification of Bill Register, Stock Register Register of immovable property register of grants etc-**

(1) Every payment made either in cash or by cheque shall be covered by a receipt, stamped if necessary, signed by the person to whom the money is due and to whom it has actually been paid.

(2) Bills Vouchers which have been paid by cheques shall be divided into the following classes namely :-

(a) Salary and Establishment Bills:

(b) Examination Bills and

(c) Other Bills.

Each class of Bills shall be posted in a separate Guard File and shall be consecutively numbered in order of payment:

Provided that sub-vouchers which have been paid in cash out of the permanent advances, shall be separately filed together with the recoupment voucher covering them.

(3) In order to facilitate the check of establishment and other bills and ensure no charges is paid twice, the Bill Register shall be maintained in the prescribed form.

(4) The Board shall maintain a Stock Register separately for consumable and non-consumable articles and shall arrange for section wise physical verification at least once in a year by an officer connected with that particular section or portion.

(5) The Board shall maintain Register of Immovable Property in the prescribed form in which shall be entered details of all immovable property of the Board and also of the rent demands.

(6) A register of Government Grants containing the following columns shall be maintained by the Board. (a) Serial number (b) Number of Date of sanction letter (c) Purpose of grant (d) Conditions, if any, attached to the grant (e) Amount sanctioned (f) Number and date of Demand draft issued by the sanctioning authority (g) Date on which it has been credited (h) Date of issue of Utilization certificate (i) Dated initial of the Secretary.

(7) The annual or periodical grant sanctioned by the Government or District Council shall be paid into the State Bank of India, Lawngtlai Branch or Mizoram Co-Operative Apex Bank, Lawngtlai Branch to the credit of the Lai Autonomous District Board of School Education.

(8) For the purpose of classifying the income and expenditure of the Board a classified abstract and a detailed Account shall be maintained for every month, the abstract accounts by the 5th of the next month shall be placed before the President to exercise control over expenditure.

(9) At the end of every financial year the receipt and payment account, income and expenditure Account and Balance sheet shall be prepared and submitted to the Executive Committee in the prescribed form.

**39. Use of Service Stamp-**

(1) Service Stamp may be used by the Board.

(2) Telegraphic message, the charge for which are to be borne by the Board shall be Classified as "official".

(3) Maintenance of Stamps Account :-

A register of stamp shall be maintained by the Board in the following manner:-

(a) Date,

(b) Opening balance ordinary, Register

(c) Total no of letter, or recorded delivery, etc. in classified manner

(d) Total expenses under (c)

(e) Closing balance

(f) Remarks.

(4) All stamps receipts from the post office shall be posted in the Despatched Register against the letters to which they relate.

(5) There shall be a monthly verification of stamps in all its denominations by any officer authorized by the Secretary.

(6) The Board may enter into a contract with the postal Department for the use of stamp token for its own correspondence if the bulk of postal transaction ensures economy for the Board.

**40. Account Books-**

(1) Figures in all the accounts of the Board shall be in English character. All books of accounts and registers shall be substantially bound and machine numbered before being brought into use and page certificate shall be recorded the signature of the Secretary or any other person authorized to work on his behalf. No accounts shall be prepared on loose sheets of paper or in loosely bound volume.

(2) Corrections to be attested :- All corrections and alternations in accounts shall be done neatly in red ink and attested by the Secretary or any other officer authorized to work on his behalf. All corrections and alterations in a voucher shall be attested by the payee. Erasures shall, on no account, be permitted in register, statements, vouchers on account of any description.

(3) The secretary or any officer authorized by him in his behalf from time to time shall examine the different registers maintained by the employees of the Board and shall record a certificate at the end of each inspection that he has done so.

(4) (a) Irrecoverable dues or loss upto Rupees one hundred in each case may be written off by the Secretary.

(b) Where such amount exceeds Rupees one hundred but does not exceed five hundred rupees, the amount may be written off by the President, subject to the approval of the Finance Committee and where it exceeds rupees five hundred, with the sanction of the Governing Body of the Board.

(5) The actual Cash balance of the Board's Fund shall not be permitted at any time to fall below rupees Thirty thousands.

(6) No payment shall be made from Board's Fund except in the manner provided in sub-rule (1) of rule 34 and in particular, no payment shall be made out of each received for credit to the Board's Fund.

(7) Vouchers, registers, bills and any other prescribed forms shall not be weeded or destroyed otherwise then in accordance with the directions given by the Governing Body or by the Finance Committee as the case may be.

(8) (a) Whenever an embezzlement of money or of property of the Board is discovered, an enquiry shall at once be instituted by the President and the fact of the embezzlement shall be reported to the Governing Body on its first meeting following such date and also to the Executive Committee.

(b) Whenever in any circumstance any irregularity likely to be connected with an embezzlement or the fraudulent loss of money or property is discovered, a report at once shall be sent to the Executive committee.

(9) (a) No work exceeding rupee ten thousands in value shall ordinarily be allotted except on the basis of tenders.

(b) Works relating to holding public examinations or to confidential papers of the Board shall remain specially exempted from the operation of clause (a) above;

(c) The security and earnest money received in connection with tenders shall be entered in the register.

(10) (a) Every employee of the Board unless exempted by a resolution of the Board shall, if entrusted with the receipts, disbursement or custody of the money or property of the Board, shall be required to furnish security to an amount to be fixed in each by the Board.

(b) Such security may be cash, Government paper or other stocks or a bond hypothecating property, and in each cash a security Bond in a prescribed form operated by the Board shall be executed on Revenue stamped paper.

(c) Securities shall be examined and verified by the first day of March each year and Certified to the effect that this has been done shall be signed by the Secretary against the "Remarks" column of the security Register in which details with regards to such securities are to be recorded.

(d) In case of security, the amount shall be deposited to the State Bank of India, Lawngtlai Branch or Mizoram Co-Operative Apex Bank, Lawngtlai Branch to the credit of the boards' Fund. The Board may invest the money in an interest bearing time deposit of the Bank.

(11) In anticipation of the sanction of the Board the President may sanction expenditure if provided for in the Budget to the extent of rupees ten thousands in any one case.

(12) Except in respect of dues fixed by or under any law or under special order of the Executive Committee or of

the Board, financial transactions between the Board and other parties be rounded off to the nearest one rupee.

**41. Matters not provided in this Rule to be Governed-**

(1) Accounting procedures except otherwise provided in this rule shall be guided by the General Financial

Rules, 1963 and other Rules framed by the Central Government or by the in respect of identical or similar matters and the interpretation of such matters by the Government shall be considered final.

(2) If any difficulty arises in the working of this Rule, the Executive Committee may make such or do such thing, not inconsistent with this Rule, as it appears to it to be necessary or expedient in removing the difficulty.

## CHAPTER - X

## CONSTITUTION OF EXAMINATION COMMITTEE

**42. Constitution, duties and power of Examination Committee-**

(1) There shall be an examination Committee for smooth conduct of Examination under the Board which shall generally consists of:-

(a) The President

(b) The Vice President

(c) The Secretary

(d) The Education Officer

(e) The Controller of Examination

(f) Three members of the Board to be nominated by the Board

(g) One member nominated by the Controlling authority

(h) A Committee may, subject to the approval of the Board, appoint two co-opt persons.

(2) The Committee shall generally elect any of its member to preside over its meeting in the absence of the President and the Vice President.

(3) It shall be the duty of Examination Committee -

(a) arrange for the holding of examinations instituted by the Board including the fixing of centre's for such examinations.

(b) to fix criteria for declaring candidates to have passed such examinations and to consider, approve and publish the results of such examination.

(c) disqualify candidates if -

(i) presenting themselves at examination for any reason considered to be adequate, or

(ii) being declared as having passed any such examination on the ground of misconduct;

(d) deal with all complaints relating to-

(i) Question Setting

(ii) Conduct of Examination

(iii) Publication of results;

(iv) any other relevant matters pertaining to examinations and to make decisions thereon, provided that such complaint are made in writing by a member of the Board or at least three Headmasters or Head Teachers of recognized Schools within a period of one month in the case of sub-clauses (i) and (ii), two months in the case of sub-clauses (iii) and (iv). All action taken under clause (a) -(b), (c) and (d) above shall be reported to the Board at its next meeting;

(e) Lay down the principles for appointment of p a p e r Setters, Moderators, Examiners, Tabulators, Invigilators,

Centre Superintendent, Supervisor etc required in connection with the conduct of Board's Examinations;

(f) Authorized the President and the Secretary of the Board to make appointment of any or all of these functionaries in keeping with the general principles approved by the Examination Committee for such appointment.

(4) The Examination Committee shall, in consultation with the Finance Committee, advise the Board on -

(a) Rates of remunerations to be paid to paper Setters, Examiners, Head Examiners, Moderators, Tabulators, Supervisors, Centre Superintendent, invigilators etc.

(b) Rates of fees to be paid by the various categories of candidates for the different examinations of the Board.

(c) Rates of other fees payable to the Board for all other matters relating to examinations of the Board.

(5) The Examination Committee shall perform any other duties relating to examination which may be specifically entrusted to it by the Board.

(6) The Examination Committee shall have power to appoint a sub-Committee or sub-Committees as it may consider necessary to advise it upon any matter referred to in sub-rules (2) and (3) of rule 42 of this Rule or for any other specific work;

Provided that -

(a) Any sub-Committee shall not have more than six members including the convener of the Sub-Committee who shall be the Secretary or any other Officer of the Board appointed by the President.

(b) It shall not be necessary for the other member of such Sub-Committee to be a member of the Board or the Examination Committee.

(7) The Examination Committee shall not be bound to accept the recommendations made by the sub-committees constituted under sub rule (5) above and shall reserve the right to reject or make add-additions and alterations to the recommendations of the Sub-Committee if considered necessary by it.

## CHAPTER - XI

## CONDUCT OF EXAMINATIONS

**43. Functions of the custodian of Confidential papers**

The Custodian of the Confidential Papers shall be responsible for safe custody of Confidential Papers. Detailed instruction as to safe custody of the Confidential papers will be issued by the Controller of Examination Responsibility for proper conduct of Examination in the Centre devolves on the Centre Superintendent and his functions shall be as under :-

**44. Centre Superintendent-**

Responsibility for proper conduct of examination in the Centre devolves on the Centre Superintendent and his functions shall be as under :-

(a) To make all preparatory arrangements for holding the examination including seat arrangements of the candidates. For the preparatory help, he may seek necessary assistance from the Headmaster, Head Teacher of other recognized Schools in the locality and all such facilities shall be made available to the Center Superintendent. Failure to comply with the directives may make the defaulting School liable to withdrawal of recognition.

(b) To convene the Centre Committee meeting as and when necessary.

(c) To collect Centre Fees and utilize the same properly in the manner as directed by the Board and to keep the accounts thereof properly;

(d) To perform all other duties entrusted to him by the Examination Committee or the Controller of Examination for smooth and proper conduct of the Examination.

**45. Power of Supervisors-**

It shall be the duty of the Supervisor if appointed by the Examination Committee to assist the Centre Superintendent in making arrangement for and in conducting properly the examination at the centre. He will perform duties -

(a) Entrusted to him by the Examination Committee; and,

(b) Such other duties as may be assigned to him by the Examination Committee or the Controller of Examinations.

**46. Constitution of Centre Committee-**

There shall be a Centre Committee for smooth conduct of Examination in each Examination Centre. The Centre Committee shall be composed of the following members

(a) The Head of the Institution, which is selected by the Board as Examination Centre, shall be the Chairman, custodian of Confidential papers and Centre Superintendent of the Centre.

Provided that the Board may appoint any other responsible person to discharge the functions of the Chairman, Custodian of confidential papers and Centre Superintendent of any Examination Centre and in that case the Head of the Institution shall be a member of the Centre Committee.

(b) The President of the Board shall nominate not more than 2 Heads of Institutions of the locality in which the Centre is located to be the member of the Centre Committee.

(c) The Chairman of the Centre Committee shall nominate one responsible person to be a member of the Centre Committee.

(d) In the case of Professional or Vocational School or Teacher's Training Institution Examination, the Education Officer of the Lai Autonomous District Council, shall nominate one responsible person to be a member of the Centre Committee in the case of Primary and Middle Schools the concerned Assistant Education Officer of Lai Autonomous District Council.

(e) The Committee may nominate one medical Officer or Medical Practitioner of the locality as a Member of the Centre Committee.

(f) The Chairman shall nominate one member of the Committee as Secretary of the Centre Committee.

**47. Power of Invigilators-**

(1) It shall be the duty of the Invigilators to guard against all sorts of malpractices and misconduct on the part of the examinees at the centre and to render all necessary assistant to the Centre Superintendent as may be required of him in regard to conduct of examinations.

(2) When a Centre Superintendent makes a demand for the service of any teacher from the Headmaster of Head Teacher of any recognized schools for acting as Invigilators or for any other assistance, the same shall be immediately made available to the Centre Superintendent and the teacher so deputed shall be deemed to be on duty.

**48. Conduct of Examinations -**

(1) All recognized institutions shall place at the disposal of the Board their buildings, furniture and equipments and the staff to enable the Board to hold its examinations where so required by the Board.

(2) The Candidate shall be held guilty of misconduct or malpractice in the examination if they adopt unfair means or if they indulge in any kind of misdemeanor , unruly behavior, details of which will be listed in the instructions issued to the Centre Superintendent.

(3) The Centre Superintendent shall be competent to expel a candidate from the Examination Hall for misconduct or malpractice in the Examination. In such cases the Centre Superintendent shall immediately report the case to the Board of Controller of Examination furnishing full statement of the case.

(4) The Board shall be competent to issue any further instructions not inconsistent with this Rule for proper conduct of the examinations.

(5) The Centre Superintendents and the Invigilators of the Examination Centre under this Board shall abide by the instructions, for the smooth and fair conduct of the examination, of the Secretary of Lai Autonomous District Board of School Education and failure on the part of the Centre Superintendents or the Invigilators, if any, to comply with the above instructions will render them liable to any disciplinary action deemed fit and proper by the Board.

**49. Power of the President to appoint persons for Examination duties-**

(1) The President shall be competent to appoint the following categories of functionaries for smooth conduct of the Board's examinations :-

(a) The Centre Superintendent,

(b) The Supervisor of the Examination Centre,

(c) The paper Setters,

(d) The moderators,

(e) The Examiners, including Head Examiner of the different subject,

(f) The Tabulators,

(g) The Scrutinisers of answer scripts and mark sheets,

(h) Any other categories of persons as the Examination Committee may deem necessary for proper execution of its business.

(i) No person or persons other than so appointed by the President under sub-rule (1) or by any Officer authorized by the President for proper function of examination is permissible to enter examination complex which shall be determined by the Examination Centre Committee.

(2) All persons appointed under this Rule shall be deemed to be public servant within the meaning of section 21 of Indian Penal Code.

**50. Duties and powers of Paper Setters-**

The duties and powers of paper Setters shall be as under :-

(a) to prepare manuscript question papers strictly in accordance with the syllabus of the subject and also with directions given by the president at the time of his appointments.

(b) to submit his manuscript question papers and also model answers where required in a double sealed cover marked as "TOP SECRET" to the Controller of Examinations personally unless otherwise directed by the President.

**51. Duties and powers of Moderators -**

The duties and power of Moderators shall be as under ;

(a) the Moderator by himself or a penal moderators shall moderate the manuscripts question papers for the subject and finalise the manuscripts of the question papers unless otherwise directed by the President.

(b) the moderators or one of the representative shall submit the final manuscripts of the question papers in a double sealed cover marked as 'TOP SECRET' to the Controller of the Examinations personally unless otherwise directed by the President.

**52. Duties and power of Examiner or Head Examiner-**

The duties and power of the Examiners and Head Examiner shall be as under :-

(a) The examiners shall examine the answer script strictly in accordance with the guidelines or instructions issued by the Secretary or Controller of Examinations.

(b) The Examiners shall received the confidential papers from the Secretary or Controller or Examinations of the Board or any other person authorized by the President.

(c) He shall submit personally all confidential papers to the Secretary or Controller of Examinations or any other person authorized by the President or in a manner approved by the President.

(d) It shall be the duty of the Head Examiner appointed to convene meetings of examiners and discuss guidelines for evaluation of answer scripts.

(e) The Head Examiner shall satisfy himself in regard to the proper valuation of the answer scripts by the examiners through a proper check which will generally be done on the basis of the answer scripts submitted to him.

(f) He shall have the right to re-examine the marginal cases and any re-assessment made by him shall be deemed valid.

(g) The Head Examiner shall have power necessary for rectification of discrepancies, wrong totaling, omissions, double markings and other errors, under intimation confidentially to the Secretary and Controller of Examinations.

**53. Duties and powers of Scrutinizers-**

The duties and powers of the Scrutinizers shall be as under :

(a) to scrutinize all manuscripts in regard to totaling, omissions of marks and others;

(b) to compare and verify the total marks awarded in answer scripts with mark sheets.

**54. Powers and duties of a Tabulator-**

The powers and duties of the Tabulator shall be to tabulate the marks obtained by the Candidates in a manner prescribed by the Secretary or the Controller of Examination, submit the same within the stipulated time prescribed for such submission.

**55. Powers of the President, Secretary and the Controller of Examination for proper functioning of paper Setters, Moderators etc**

(1) The President shall be competent to issue further instructions to the paper Setters, Moderators, Examiners, Scrutinizers and Tabulators for the proper execution of their respective functions. Such instructions shall be communicated to them by the Secretary or the Controller of Examination.

(2) The Secretary or the Controller of Examinations with the approval of the President shall be competent to issue detailed instructions in regard to all affairs connected with the conduct of examinations provided that such instructions are not inconsistent with the provisions of this Rule.

**56. Rates of paper Setter, Moderator and Examiners-** The rates of remuneration to paper Setter, Moderators, Examiners etc shall be determined by the Board from time to time.

## CHAPTER - XI

## RATES OF FEES

**57. Rates of fees for Regular and Private Candidates**

(1) Fees for Regular or Private Candidate intending to appear in the examinations conducted by the Board for Primary, Middle Schools or Courses including examination in single subject or compartmental or supplementary examination or any other examinations conducted by the Board shall be determined by the Board by orders from time to time.

(2) A candidate who fails to pay the examination fees etc within the date announced by the Board by order to orders shall have to pay late fees in addition to the prescribed examination fees within such date and such amounts as may be fixed by the Board for payment of late fees from time to time.

(3) For meeting incidental expenses including remuneration for Invigilators etc in connection with conduct of examination in the Centre, Centre Fees from each candidate appearing in any Examination conducted by the Board shall be collected at their respective Centre. The rates of such Centre fees shall be determined by the Board from time to time.

(4) Scrutiny of marks after publication of results may be undertaken on application within a month of publication of results on payment of a fee at the rate fixed by the Board from time to time.

(5) Change of Examination Centre will not be normally allowed. In exceptional circumstances, this may be allowed by the President on payment of fee fixed by the Board.

(6) The Board may issued Duplicate Certificate, Mark sheets and Admit Cards to Candidates on receipts of application in such from as the Board may prescribed, along with the fees fixed by the Board.

(7) The Board may issued a Migration Certificate to a student reading in any of the recognized Schools or institutions under this Board or to a student who appeared at any examination of this Board if he requires it for prosecuting studies in school or college outside the territorial jurisdiction of the Lai Autonomous District Board of School Education on receipt of an application in the prescribed from along with a fees Rs.50/- (Rupees fifty) only.

(8) Fees once paid to the Board shall not under any circumstances be refunded. However, the President may allow a candidate to appear at the next year's examination without payment of fees for the second term for the same examination, if he is satisfied that the candidate failed to take the scheduled examination on account of un avoided circumstances:

Provided that the candidate prays for the privilege within two months from the commencement of the examination in which he fails to sit.

(9) A private candidate intending to appear at the Board's examination shall have to pay fees at the rate determined and fixed from time to time by the Board along with the examination fees at the rate fixed for regular candidates, after obtaining due per mission of the Board for examination.

## CHAPTER - XIII

## CONSTITUTION OF AWARDS OR PRIZES TO MERITORIOUS STUDENTS

**58. Meritorious Award or Prizes to student-**

There shall be constituted cash awards or prizes accompanied by certificates to meritorious bonafide students holding outstanding positions in each of the Public Examinations conducted by the Board.

**59. Categories of Award or Prizes-**

(1) For the purpose of these awards there shall be the following Categories of Awards of Prizes.

(a) Primary School Leaving Certificate Examination.

(b) Middle School Leaving Certificate Examination.

(c) Middle English School Leaving Certificate Examination.

(d) Diploma in Teachers' Training Institute Examination (Middle Section and Primary Section) of Teachers' Training Institute.

(2) The number of the students and value of these Awards or Prizes under sub-rule (1) shall be determined by the Board from time to time.

(3) (a) Only the children or wards of the bonafied permanent residents of Lai Autonomous District taking regular education in any Institution in Lai Autonomous District shall be eligible for these Awards or Prizes.

Subject to the condition that students who failed to take examination, for any reason whatsoever at once, shall not be considered for these awards or prizes.

(b) No student found guilty of his conduct or breach of discipline shall be eligible for these Awards or Prizes.

(4) One the results of the examinations and within the stipulations contained in this Rule the President shall announce the names of the winners of these awards or Prizes and the Secretary shall arrange for award of these Awards or Prizes.

(5) These Awards or Prizes accompanied by Certificate shall be distributed to eligible Awardees within a period not later than six months from the date of publication of the concerned examination results at a special function specially arranged for the purpose and on the date to be appointed by the President.

## CHAPTER - XIV

## THE FINANCE COMMITTEE

**60. Constitution of Finance Committee-**

(1) The Finance Committee shall generally consist of the following members :-

(a) The President,

(b) The Vice President,

(c) The Secretary

(d) Head of Education Department of Lai Autonomous District Council or his representative not below the rank of Senior Officer of Lai autonomous District Council.

(e) A nominee of the Controlling Authority as required under sub-rule (1) (b) of 20 of this Rule.

(f) Two members elected by the Board from amongst the members of the Board.

(g) Two members with expert Knowledge in financial matters nominated by the President.

(2) The Finance Committee shall generally consist of the following members :-

(a) To manage and regulate the Finance, Accounts and Investments of the Board.

(b) To examine the Annual Budget Estimate and Revised Estimates of the Board prepared by the Secretary and to make recommendations for consideration approval of the same by the Board.

(c) To examine proposals for new expenditure and to advise the Board thereon;

(d) To examine and approve proposals for re-appropriation of funds;

(e) To arrange for annual audit, consider the audit notes and submit reports to the Board.

(f) To recommend delegation of financial and administrative powers to different officers of the Board for approval of the Board;

(g) To fix the quantum of permanent Advances to be kept by the Board's Secretary or any other Officer authorized by the Board;

(h) To lay down Principles and Guidelines for purchase of stores, equipments, stationeries, etc. of the Board;

(i) And to perform such other duties as may be entrusted to it by the Board.

(3) The Finance Committee shall act as an Advisory Body in all matters concerning the finance of the Board and fixation of the cadre strength of the different categories of the staff of the Board, subject to the provisions of this Rule.

## CHAPTER - XV

## THE SYLLABUS COMMITTEE

**61. Constitution of Syllabus Committee-**

(1) The Syllabus Committee shall generally consist of :-

(a) The President;

(b) The Vice President;

(c) The Secretary;

(d) President, Middle School Teachers' Association;

(e) President, Primary Teachers' Association;

(f) Head of Education Department of Lai Autonomous District Council or his representative not below the rank of Senior Grade Officer under the Lai Autonomous District Council.

(g) Two members of the Board elected by the members of the Board.

(h) Two member with expert knowledge in the field nominated by the President.

(i) Controller of Examination.

(2) It shall be the duty of the Syllabus Committee :-

(a) to advised the Board on any matter relating to the syllabus, Courses of studies or Books to be studied in recognized schools or institutions, as may be referred to it by the Board.

(b) to advice the Board about the Syllabus and Courses of studies to be followed in various classes of recognized Institutions as well as for various examinations of the Board.

(c) to fix the total number of compulsory and optional subjects to be taken by the students in various classes of recognized Institutions and for various examinations of the Board.

(d) to frame detailed Curriculum and Syllabus in each subject taught in recognized institutions and also for the various examinations of the Board.

(e) to consider proposal for the introduction of new subjects or the execution of any existing subject and make recommendation thereon to the Board.

(3) The Syllabus Committee shall have power to set up Sub-Committee of Courses with not more than six members including the Convener as provided in clause (b) above in each Sub-Committee for any or all of the subjects for the various examinations of the Board. Such Sub-Committee of courses shall advise the Syllabus Committee upon any matter provided that -

(a) It shall not be necessary for the members of such Sub- Committees of the Courses to be member of the Board or Syllabus Committee.

(b) There shall be a Convener for each of the Sub-Committee of the courses and the Secretary or any other Officer of the Board appointed by the President shall hold this Office.

(c) The terms of the Office of those members of a Sub- committee shall be like that of members of the other Sub-Committee of the Board.

(d) Any member who absented himself for three consecutive meetings of the Sub-Committee without the intimation to the Sub-Committee shall

ceases to be a member and the vacancy caused be filled by the Committee concerned.

(4) The Syllabus Committee shall not be bound to accept the recommendations made by the Sub-Committees constituted under sub-rule (3) above and shall reserve the right to rejected or make additions and alterations to the recommendation of the Sub-Committee if considered necessary.

## CHAPTER - XVI

## RECOGNITION COMMITTEE

**62. Constitution of Recognition Committee-**

(1) The Recognition Committee shall generally consist of the following members :-

(a) The President

(b) The Vice President

(c) The Secretary

(d) Head of Department of Education, Lai Autonomous District Council or his representative not below the rank of Senior Grade Officer of Lai Autonomous District Council under Education Department.

(e) Two members of the Board elected by the Board.

(f) Two persons with long experience in School Education nominated by the President.

(g) One prominent person nominated by the Controlling Authority.

(2) It shall be the duty of the Recognition Committee :-

(a) to advise the Board in regard to the conditions and detailed procedure for recognition of pre-Primary, Primary, Middle, Teachers' Training Institute,

Professional and Vocational Institutions, Adult Education if necessary.

(b) to call for confidential inspection reports and any other information from the Education Officer of Lai Autonomous District Council in the case of recognition of Schools and Institutions of all stages.

(c) to examine such reports in the context of this Rule governing grant of recognition, or renewal of recognitions, if any, prescribed by the Board, (any criteria or conditions for recognitions and in case an institution fulfils the conditions of recognitions as required by the above Rule governing grant of recognition if any, or prescribed by the Board) shall have power to grant recognition provisionally subject to the approval of the Board. If, however, the conditions are not fulfilled in respect of major items, the Recognition Committee shall submit its report incorporating its specific recommendations for consideration of the Board. The Board shall be the competent authority to grant or reject recognition or renewal of recognition after due consideration of the recommendations of the Recognition Committee. The decision of the Board regarding the recognition or renewal of recognition of the institution or otherwise, shall be communicated to the School authority by the Secretary and;

(d) to cause inspection to be made by such person or persons, as the Board may nominate, of any institutions.

(3) It shall be the duty of the Recognition Committee to advise the Board on all matters relating to recognition of Institutions and subject to the provisions of this Rule. The Board shall be the competent authority to accord recognition to institutions on the recommendation of the Recognition Committee.

(4) Any educational institution who desires to prepare candidates for the examinations conducted by the Board shall submit application to the Secretary in the prescribed form for recognition of the institution.

(5) An institution seeking recognition must satisfy the real need of the area and it shall not harm financially or otherwise a neighboring institution already recognized, and it must satisfy the stipulation in regard to maximum and minimum enrolment as prescribed in the Rule.

(6) An institution seeking recognition shall have a managing Committee regularly constituted in accordance with the relevant rule of the Education Department of the District Council and shall have to satisfy the provisions of this Rule.

(7) An Institution seeking recognition should have sufficient financial resources to justify its continue existence. It shall have a regular source of income to meet running expenses of the institution, to maintain it at a reasonable standard of efficiency.

(8) No part of the income from the institution seeking recognition shall accrue to any individual or group of individuals running the institution.

(9) An institution seeking recognition shall have to satisfy the minimum condition laid down for recognition in this Rule. It shall have suitable land, building, furniture, equipments, and teaching aids for imparting effective education. The site of the institution shall be free from objectionable surroundings and shall be peaceful and conducive to the smooth working of the institution.

(10) An institution seeking recognition shall have to maintain a Reserve Fund as prescribed in this Rule. This condition will not, however, apply in the case of District Council institutions.

(11) No Institution seeking recognition shall be accorded recognition by the Board unless :-

(a) it is open to Inspection by -

(i) Officers of the Board or any other persons authorized by the Board;

(ii) Officers of Education Department of the District Council or any other person authorized by the Education Department of the District Council;

(b) all information's and returns called for from the institution by the Board within the provision of the Rule and instructions made from time to time by the Board, are complied with and furnished promptly by the Head of the institution;

(c) the institution follows the curriculum, courses of studies and other co-curricular activities as prescribed by the Board;

(d) the institution maintains adequate and efficient staff as prescribed in this Rule for imparting instruction;

(e) the institution follows the list of text books and suggest reading materials and medium of instructions prescribed by the Board.

(f) the institution maintains School working hours and School session strictly in conformity with directions issued by the Board from time to time in this regard.

**63. Conditions for Recognition of Middle School-**

A School seeking recognition as Middle School with permission to present Candidates for the Middle School Leaving Certificate Examination shall have to fulfill the following conditions :-

(1) (a) the minimum total enrolment in classes V to VII shall be 45;

(b) the minimum Class-wise enrolment in each class or section shall be 15;

(c) the maximum enrolment in each class or section shall not exceed 30;

(d) relaxation in regards to conditions under clauses (a) to (c) above may be made by the Board for educationally backward areas.

(2) (a) The site shall be adequate to provide space for all necessary buildings as well as space for physical education activities and sports.

(b) The School building shall have, at least, a semi pucca structure with gal vanished corrugated iron sheet roofing sawn timber structure, asbestos sheets or double turja or sawn timber walls with adequate number of doors and windows for proper ventilation. The School shall not be accommodated in rented building except with the special permission of the Board.

(c) The School building shall be sufficiently spacious to accommodate separate class rooms for each of the classes or section.

In addition to the class room there shall be separate rooms for work Education class, Science Teaching and Headmaster's Office and staff room.

(d) Each class room shall be well lighted and shall have at least a floor space of 1 sq.meter per pupil. It will be desirable to have adjustable class rooms of standard dimension of (6x7)=42 Sq.meters for School gathering.

(3) A non-Government Middle School shall maintain Reserve Fund of Rs.5,000/- deposited in the Scheduled Bank, State Bank of India or Postal Saving Bank as fixed deposit. No drawal shall be made from the Reserve Fund without written permission of the Secretary of the Board.

(4) (a) The school shall have an adequate number of qualified teachers including a qualified Headmaster.

(b) The Headmaster shall be a graduate preferable with a teaching experience or equivalent diploma in Education with at least 3 (three) years of Teaching experience in recognized School. No new under-graduate Headmaster

shall be appointed but in the case of existing under-graduate Headmaster already appointed on substantive basis, the qualifications prescribed above may be relaxed by the Board subject to condition that no under-graduate Headmaster who is not yet acquired a Training Certificate shall be retained on the post of Headmaster.

The Educational qualification of under-graduate Headmaster so relaxed may be given opportunity of consecutive three years chances to get the required qualification. In case of failure to obtain the prescribed qualification in due time the appointment as Headmaster shall automatically be treated as cancelled.

(c) All teachers shall be at least Class XII or equivalent passed, provided that in the case of teachers already in service for at least two years the minimum qualifications shall continue to be High School Leaving Certificate passed.

No one shall be confirmed to the post unless he acquires a Teachers' Training Certificate. It is desirable that there is at least one teacher with Pre-University Science Course for teaching General Science and Mathematics.

(d) Excluding the Headmaster, the ratio of the number of teachers to the Class or Section shall normally be 4:3 including Hindi or W.E. Teacher.

(e) The minimum qualification as also the minimum strength of teaching staff mentioned above may be relaxed by the Board for School in educationally backward areas or for any other special circumstances.

(f) Each application for recognition of a Middle school shall be accompanied by an application fee as prescribed below :-

(i) Rs.200/- for Middle School for the first time

(ii) Rs.100/- for annual affiliation fee.

**64. Conditions for recognition of Primary School-**

A School seeking recognition as Primary School with permission to present Candidates for the Primary School

Leaving Certificate Examination shall have to fulfill the following conditions :-

(1) (a) The minimum total enrolment in Classes I to IV shall be 35;

(b) The maximum enrolment in each Class or Section shall not be more than 30

(c) Relaxation in regard to clauses (a) and (b) above may be made by the Board for School in educationally backward areas.

(2) (a) No new Primary School within a radius of 2 kilometers of an existing Primary School already recognized by the Board shall be accorded recognition. Provided that the above conditions may be relaxed by the Board in exceptional circumstances.

(b) The site shall be adequate to provide space for all necessary buildings as well as space for physical education activities and sports.

(c) The School building shall have at least a semi pucca structure with galvanished corrugated iron sheet roofing, sawn timber structure, asbestos sheet or double turja or sawn timber walls with adequate number of doors and windows for proper ventilation. The School shall not be accommodated in rented building except with the special permission of the Board.

(d) The School building shall be sufficiently spacious to accommodate separate class rooms for each of the classes or sections. In addition to the class rooms, there shall be separate rooms for Work Education, Science teaching and Head Teacher's Office.

(e) Each classroom shall be well lighted and shall have at least a floor space of one sq-meter per pupil. It will be desirable to have adjustable class rooms of standard of 6x7-42 sq mtrs. For school gathering.

(3) (a) The School should have an adequate number of qualified teachers including the Head Teacher.

(b) The Head Teacher or Teachers' shall at least be a Matriculate or High School Leaving Certificate.

The prescribed qualification may stand relaxed in case of existing Head Teacher or Teachers but no new teacher with less than the prescribed qualification mentioned above shall be appointed. This relaxation shall not be applicable in the case of promotion of existing teacher to the post of Head Teacher.

(c) The ratio of the number of Teachers as to the number of pupils in the Primary Schools shall not be less than 1:40.

(d) The minimum qualifications as also the maximum strength of teaching staff may be relaxed in deserving cases for schools in educationally backward areas.

(e) Each application for recognition of Primary School be accompanied by an application fee as prescribed below:-

(i) Rs.100/- for Primary School for the first time.

(ii) Rs.50/- for annual affiliation.

**65. Grant of recognition an Provisional recognition which granted -**

On receipt of all information required for recognition of institution the Secretary shall place the same before the recognition Committee for consideration. Institution which fulfil broadly the required conditions shall be granted recognition by the President of the Board on the recommendation of the recognition Committee.

Ordinarily, no institution which does not satisfy the major conditions shall be granted recognition. Recognition Committee may, however, recommend to the Board. Grant of provisional recognition in special cases subject to fulfillment of the major condition within a period of one year from the date of provisional recognition.

**66. Withdrawal or suspension of Recognition -**

The Privilege of recognition already granted by the Board may be withdrawn or withheld permanently or for any period from any institution if it :-

(a) Fails to impart reasonable good teaching;

(b) Fails to maintain good discipline among the students and staff;

(c) Is found to have transgressed or evaded the conditions laid down for recognitions;

(d) Fails to abide by the Rule and directions issued by the Board for recognized institution or instructions from the Board issued from time to time in regard to any matters concerning the School.

## CHAPTER - XVII

## TRAVELLING ALLOWANCE AND DAILY ALLOWANCE

**67. Travelling and allowances -**

Travelling and daily allowance shall be paid to a member in respect of every journey performed by him for the purpose of attending meetings of the Board or a sitting of a Committee or sub-Committee or for the purpose of attending to any other business connected with his duty as a member from his place of residence to the place where the meeting or the sitting is held or other business is transacted and for the return journey from such place to his place of residence, at the following rates, namely :-

(1) Normally, a member shall travel by first class in rail. In respect of such journey he will be treated at par with a First Grade Officer of Lai Autonomous District Council and shall be entitled to a first class rail fare, including reservation charges, surcharges, if any, and any other charges levied by the Railways for each way journey.

(2) In respect of journeys by road between places not connected by rail, a member shall be entitled to road mileage admissible to a First Grade Officer of the Lai Autonomous District Council. in case, however, if free transport is provided by the Board, the member shall not be entitled to any road mileage.

(3) If a journey between two places connected by rail is performed by road by a member, he will normally be entitled to the prescribed road mileage limited to First Class fare by rail. However, if the journey by road has been performed in the interest of the Board's work with prior approval of the President, full road mileage allowances may be allowed without restricting it to first Class rail fare only.

(4) Air travel should not be permitted as a matter of course. Each case will be examine on merits by the President and permission for air travel shall be granted only if it can be certified that the work is urgent and air travel is necessary in the interest of Board's work.

(5) A member shall be entitled to daily allowance at the highest rate applicable to a First Grade Officer of the Lai Autonomous District Council. the Daily allowances shall be calculated in the same manner as applicable to a First Grade Officer of the Lai Autonomous District Council, the entire period of absence from his place of residence being reckoned for this purpose.

(6) Members attending a meeting of the Board or a sitting of Committee or sub-Committee from within 8 Kms.of the place of a meeting shall be entitled to be paid at the rate of Rs.200/- per day to cover transport and other incidental expenses.

(7) No travelling allowances shall be admissible to a domestic servant, if any, accompanying member.

## CHAPTER - XVIII

## RULES AND BYE-LAWS

**68. Power of the Board to Make bye-laws -**

(1) Except in cases where the District Council is empowered to make bye-laws under this Rule, the Board may make bye-laws for the purpose of carrying into effect the provisions of this Rule.

(2) The extent of power of making bye-laws shall be such as not inconsistent with the provisions of this Rule.

## CHAPTER XIX

## MISCELLANEOUS PROVISIONS

**69. Constitution of Village School Board -**

The Board may, if found necessary, constitute a VillageSchool Board of not more than five members in each Village under the Board to supervise the working and welfare of the Teachers and Students and shall prescribe their powers, terms and conditions. A separate Village School Board may be instituted for Private Institutions including English Medium Schools.

**70. Member of the Committee and Employees to be Public Servants, (45 of 1860) -**

(1) The member of the Board or every Committee or Sub-

Committee, persons in the service of the Board, or any person appointed under this Rule shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

(2) No suit, prosecution or other legal proceedings what so ever, shall level against any person for anything in good faith done or intended to be done under this Rule.

**71. Validity of the proceeding of the Board or a Committee or Sub-Committee -**

No act or proceedings of the Board or a Committee or a Sub-Committee shall be invalid merely by reason of the existing of any vacancy or vacancies among its members or any defects or irregularities not affecting the merits of the case.

**72. Removal of difficulties -**

If any difficulty arises in giving effect to any of the provisions of this Rule, the Executive Committee may

make such orders or do such things not inconsistent with the spirit of this Rule as it appears to be necessary or expedient for removal of difficulties.

**73. Interpretation of the Rule -**

If any question arises relating to the interpretation of this Rule, it shall be referred to the Executive Committee and the decision of the Executive Committee shall be final.

**74. Savings -**

Notwithstanding anything done or any action taken by the authority of the Board, prior to the enforcement of this Rule, shall be deemed to have been done or taken under this Rule.

## ANNEXURE - A

## LAI AUTONOMOUS DISTRICT BOARD OF SCHOOL EDUCATION BUDGET ESTIMATES FOR THE YEAR_____

| Heads | Actual for previous year | Actual for previous year | Budget estimates for the year | | Revised estimates for the year | Budget estimates for the year |
|---|---|---|---|---|---|---|
| | | | As approved by the Board | As approved by the District Council | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

I. FEES
Examination
Fees or other fees

II. INCOME FROM
Fines and other sources Royalties on publications
Sale of syllabus and text books, sale of guide books.

III. MISCELLANEOUS
Enrolment and Investments,

Sale of Answer books etc.

IV. DEBTS, DEPOSIT AND ADCANCES.

V. GRANT FROM STATE GOVERNMENT.

VI. SACNTION FROM DISTRICT COUNCIL.

---

Total receipts
Opening balance

---

GRAND TOTAL

---

## ANNEXURE 'B'

Budget Estimate for the year_____

Expenditure (Figures in thousands)

| Heads | Actual for previous year (say) | Actual for previous year (say) | Budget estimates for the last year | | Revised estimates for the year | Budget estimates for the year |
|---|---|---|---|---|---|---|
| | | | As Approved by the Board | As approved by the District Council | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

I. GENERAL ADMINISTRATION
(a) Pay of Officers,
(b) Pay of Establishment,
(c) Allowances and Honoraria
(d) Contingencies and Miscellaneous
(e) Rent, Rates and Taxes.
(f) Purchase of Land and Construction of Building and Capital Expenditure.

II. SCHOLARSHIP
(Prizes and Medals)

III. ELECTION
IV. WORKS
V. EXAMINATION CHARGES.
(a) Remuneration of examiners
(b) Other Charges.
VI. MISCELLANEOUS
(a) Sundry items;
(b) Text books and Syllabus;
(c) Publication of guide books, Holding Seminar, Introduction of revised syllabus.
VII. SUPERANUATION ALLOWANCES AND PENSION
VIII. DEBTS, DEPOSITS AND ADVANCES.

---

Total Receipts :-
Closing balance :-

GRANT TOTAL :-

## NOTIFICATION

No.C.31018/2/91-DCA/L, the 19th December,2002. In pursuance of Paragraph 11 of the Sixth Schedule to the Constitution of India the following Rule of the Lai Autonomous District Council which received the assent of the Governor of Mizoram is hereby published for general information.

The Lai Autonomous District Council (Profession, Trades callings and Employment Taxation) Rules, 2002 (Passed by the Lai Autonomous District Council and Received the assent of the Governor of Mizoram on 1st March, 2002)

P. Chakraborty,
Secretary to the Govt. of Mizoram,
District Council Affairs Department.

# THE LAI AUTONOMOUS DISTRICT (PROFESSION, TRADES, CALLINGS AND EMPLOYMENT TAXATION) RULES, 2002.

A
RULE

To provide for carrying out the provisions of the Lai Autonomous District council (Profession, Trades, Callings and Employment taxation) Regulation 2000.

In exercise of the powers conferred under section 25 of the Lai Autonomous District Council (Professions, Trades, Callings and Employment Taxation) Regulation, 2000 the Lai Autonomous District Council is pleased to make the following rules for the purpose of carrying out the provisions of the aforesaid Regulation, namely :-

**1. SHORT TITLE, EXTENT AND COMMENCEMENT -**

(1) These Rules may be called the Lai Autonomous District (Professions, Trades, Callings and Employment Taxation) Rules, 2002.

(2) They shall have the like extent as the Regulation.

(3) They shall come into force at once.

**2. DEFINITIONS -**

In these Rules, unless the context otherwise requires :-

(1) "Appellate Authority" means the Committee constituted by the Executive Committee of the Lai Autonomous District Council consisting of three Official members as may be notified in the Mizoram Gazette;

(2) "Form" means a form appended to these rules.

(3) "Regulation" means the Lai Autonomous District Council (Professions, Trades, Callings and Employment Taxation) Regulations, 2000.

(4) "Section" means a section of the Regulation.

**3. RETURN -**

(1) The return required to be furnished under section 7 shall be furnished within the 30th day of June of each year.

(2) The return shall be furnished in FORM - I to the Assessing Authority.

(3) The notice referred to in sub-section (2) of section 7 shall be served in FORM - II.

**4. ASSESSMENT -**

Assessment order passes under the provisions of the Regulation shall be made in FORM - III.

**5. DEDUCTION OF TAX AT SOURCE -**

(1) The Principal Officer acting under sub-section (1) of section 11 shall deduct the tax due from each assesses in one installment.

Provided that the Assessing Authority may authorize the Principal Officer to deduct, in respect of such assesses as may be specified with reference to their total gross income, the tax due in more than one installment.

(2) Where tax is to be deducted in one Installment, the deduction shall be made within the period specified in rule 3. In all other cases, the deduction shall be made on such dates on which the Installment fall due.

(3) Within thirty days of the completion of the period referred to in rule 3, the Principal Officer shall furnish a return in Form - IV

**6. Appeal -**

(1) A memorandum of appeal may be presented to the Appellate Authority by the appellant or by an agent or it may be sent by post.

(2) The memorandum of appeal shall contain, amongst others, the following particulars :-

(a) A statement of facts of the case;

(b) The grounds on which the petition is filed and

(c) The date of service of the order appealed against.

(3) The memorandum of appeal shall be duly stamped as prescribed in rule 12 and accompanied by a copy of the order appealed against and shall be signed, verified and endorsed by the appellant or his agent to the effect.

(a) That the tax not in dispute has been paid; and

(b) That to the best of his knowledge and belief the facts set out in the memorandum are true.

(4) Petition for appeal may be summarily rejected where any of the requirements of sub-rule (3) are not complied with on presentation of the petition.

(5) Where a petition for appeal is not disposed of under sub-rule (4), the Appellate Authority shall fix a date and place for hearing the appeal, and may from time to time, adjourn the hearing and make or cause to be made, such further enquiry as may be deemed necessary.

(6) In disposing of an appeal, the Appellate Authority may :-

(a) Confirm, reduce, annul or enhance the assessment; or

(b) Set aside the assessment and direct a fresh assessment after such enquiry as may be ordered ; or

(c) Confirm, reduce or annul the order of penalty.

**7. Revision -**

A petition for revision under section 15 of the Regulation shall contain all the particulars mentioned in sub-rules (2) and (3) of rule 6.

**8. Notice of Demand -**

The notice of demand referred to in section 16 shall be in Form - V.

**9. Payment of Dues -**

(1) All dues payable under the Regulation shall be paid to the Officer authorized to receive payment thereof.

(2) All receipt of tax shall be entered by the Assessing Authority in his Assessment Register in Form - VI

**10. Refunds -**

(1) An application for refund shall be made to the Assessing Authority and shall include, amongst others, the following particulars :-

(a) The name of the assesses,

(b) Assessment year for which refund is claimed;

(c) The amount of dues already paid together with acknowledge receipt and

(d) The amount of refund claimed and grounds thereof.

(2) An application for refund shall be signed, verified and presented by the assesses or it may be sent by post.

(3) No claim to any refund shall be allowed unless it is made within ninety days from the date of receipt by the assesses of the original order of assessment or within ninety days of the final order passed on appeal, as the case may be, in respect of such assessment.

(4) When the Assessing Authority is satisfied that the fund claim is due, wholly or in part, he shall record an order sanctioning the refund.

(5) When an order for refund has been passed, a refund voucher in Form - VII shall be issued in favour of the claimant, if he desires payment in cash.

(6) A register shall be maintained in Form - VIII where in particular of all applications for refund and the order passed thereon shall be entered.

**11. Place of Assessment -**

(1) An assesses shall ordinarily be assessed by the Assessing Authority within whose jurisdiction the assesses carries

on a trade or follows a profession, calling or is employment. Where the trade, profession, calling, or employment is carried on in more places than one, he will be assessed by the Assessing Authority of the area in which the principal place of trade profession, calling or employment is situated.

(2) Where any question arises as to the place of assessment such question shall be conclusively determined by the Chief Executive Member.

**12. Fees -**

(1) The following fees shall be payable :

| | | |
|---|---|---|
| (a) | Upon a memorandum of appeal | - Rupees ten |
| (b) | Upon a petition for revision | - Rupees Twenty |
| (c) | Upon any other miscellaneous petition | - Rupees five |

Provided that no fee shall be payable in respect of any written objection made in reply to a notice.

(2) The following fees shall be payable for certified copies :-

| | | |
|---|---|---|
| (a) | An application fee | - Rupees Five |
| (b) | Authentication fees for every 350 words | - Rupees Ten |
| (c) | One impressed folio for not more than 150 (English) words and extra folio for every 150 Additional words or less | - Rupees ten in each case |

(d) Urgent fee of rupees twenty if an applicant requires his copy to be furnished out in turn. In such cases, fees and folio must also accompany the application.

(e) An additional fee of rupees fifty to cover the cost of postage if the applicant wants his copy to be sent to him by post.

(f) A searching fee of rupees five if the applicant wants a copy of the order or document which is more than one year old.

**13. Information to be furnished regarding transfer of an assesses etc. -**

If a person who is in employment of the State/Central Government is transferred to another District, the Principal

Officer shall sent intimation of such transfer to the Principal Officer of that other District and to the Assessing Authority along with the issue of the last pay Certificate. On receipt of such intimation, the Principal Officer shall recover the tax and send intimation to the Assessing Authority only.

**14.** If a person other than that mentioned in rule 13 is transferred to another District or out side the State, the Principal Officer shall send intimation of such transfer to the Assessing Authority within 15 days of such transfer.

## STATEMENT OF OBJECT AND REASONS.

It is felt it necessary to make these rules to provide forms, rate of fees and for the purpose of carrying out the provisions of the Lai Autonomous District Councils (Professions, Trades, Callings and Employments Taxation) Regulation, 2000.

Hence the Bill.

Lalduhsaka,
Executive Member,
i/c revenue etc.,
Lai Autonomous District Council,
Lawngtlai.

Certified that the above bill was passed by the Lai Autonomous District Council in its Monsoon Session held on 29.8.2002.

And in Authentication whereof I put my signature this Fourth Day of September Two Thousand Two Anno Domini.

Manghmunga Chinzah
Chairman,
Lai Autonomous District Council,
Lawngtlai, Mizoram.

SCHEDULE OF FORMS

Forms - I

(See Rule 3 (2) )

Name of Assesses _____source of Income _____

Address _____Assessment year _____

| S/No | Name & Desig. | Total Gross Income | Remarks |
|---|---|---|---|
| 1. | 2. | 3. | 4. |

The above statement is true to the best of my knowledge and belief.

Date _____ Signature of Principal Officer_____

Form - II

(See rule 3 (3) )

To,

_____

_____

Whereas you have not furnished a return under sub-section (2) of section 7 in spite of your liability to do so, you are hereby required to furnished return of your Gross Income for the year_____to the undersigned on or before the _____

In the case of your failure to comply with the terms of the notice, you will be liable to summary assessment and other penalties.

Seal

Date _____

Assessing Authority.

## Form - III
## ASSESSMENT ORDER
(See rule 4)

In respect of_____Assessment year_____
_____Assessment Case No._____

| S/No | Name & Desig | Tax Payable | 1st Inst | 2nd Inst | Remarks |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

Date :_____ Assessing Authority.

## Form - IV

## RETURN
(See rule 5 (3) )

Name of Department/Local Authority Assessment_____
Company, Firm or other Association Name of the Principal Officer

| Sl. No | Name of Employees | Gross Income | Amount of Tax Payable | Amount realized | Date of payment | Remarks |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |

Forwarded to the assessing Authority
Lai Autonomous District Council

Date_____

Signature of the
Principal Officer

Form - V
(See rule - 8)

To,

_____
_____

It is notified that for the assessment year _____ a sum of Rs._____ as specified below has been determined as payable by you, your Department, Staff. You are required to pay amount on or before the _____ to the officer authorized to receive payment thereof.

You are further informed that unless the dues are paid by the due date, a further penalty will be imposed on you and a certificate will be forwarded to the District Magistrate for recovery of the whole amount.

Tax_____

Penalty_____

Seal

Date_____ Assessing Authority

Form - VI

ASSESSMENT REGISTER
(See rule 9 (2) )

| Sl. No | Name of Assesses Address | Gross Income | Tax Payable | Penalty | Total |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

| Amount paid | Receipt No.& Date | Balance, if any | Remark |
|---|---|---|---|
| 7 | 8 | 9 | 10 |

NOTIFICATION

No.C.31012/5/2001 - DCA, the 2nd July 2003. In pursuance of paragraph 1 of the Sixth Schedule to the Constitution of India, the following Acts of the Lai Autonomous District Council which received the approval of the Governor of Mizoram is hereby published for General information.

**1. THE LAI AUTONOMUS DISTRICT COUNCIL**

(Land Holding and Settlement) Act. 2002 (vide Governor of Mizoram's approval Dt.23.6.2003)

P.Chakraborty,
Secretary to the Government of Mizoram,
District Council Affairs Department.

**AN**
**ACT**

Whereas it is expedient to consolidate and reform the law relating to land holding and settlement of land in the Lai Autonomous District.

And whereas under clause (a) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council of an Autonomous District is empowered to make laws for the allotment, occupation or use, or the setting apart of land, other than any land which is a reserved forest for the purposes of Agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town within the District.

Now, therefore, in exercise of the said powers and all other powers enabling it in that behalf the Lai Autonomous District Council is pleased to make the following Act in the Fifty Third Year of the republic of India as follows :-

## CHAPTER - I

## PRELIMINARY

**1. SHORT TITLE, EXTENT AND COMMENCEMENT.**

(1) This Act may be called the Lai Autonomous District Land Holding and Settlement Act, 2002.

(2) It shall extend to the whole of the Lai Autonomous District.

(3) It shall come into force on the date of publication in the Mizoram Gazette.

**2. DEFINITIONS-**

(a) "Agriculture" means and includes the raising of crops grass or garden produce, horticulture, pisiculture, dairy farming, poultry keeping, and use for other purpose where such use is ancillary to agriculture.

(b) "Char and Dhiara Land" means land lost by submergence in water or land left by the change of river course;

(c) "District" means the Lai Autonomous District;

(d) "District Council" means the Lai Autonomous District Council;

(e) "Executive Committee" means the Executive Committee of the Lai Autonomous District Council.

(f) "Governor" means the Governor of Mizoram.

(g) "Holding" means the aggregate area of land held by a person as a land owner;

(h) "House" means any building, hut or shed let or to be let separately for residential purpose and includes garden, ground and out-house, appurtenant to it.

(i) "Mixed farming" means an area used for cultivation of crops, plantation of trees, animal husbandry, pisiculture and other agriculture activities without confining to a particular agricultural activities.

(j) "Prescribed" means prescribed by rules made under this Act.

(k) "Person" means any person natural or legal and includes an Institution, Company, corporation or establishment.

(l) "Revenue Court" means a Court to hear and dispose of the case in respect of land disputes and matters relating to land revenues and it will not include Civil Court or Criminal Court.

(m) "Revenue Officer" means and includes any Officer appointed to take up any matter relating to land revenues as may be specified by rules made under this Act.

(n) "Senior revenue Officer" means the Senior Revenue Officer of the Lai Autonomous District Council appointed by the Executive Committee.

(o) "Town Area" means such area as are declared by the District Council as area for any specific town or sub-town.

(p) "Village" means an area classified and recorded as a distinct village.

(q) "Year" means the financial year commencing on the first day of April and ending on 31st March.

(r) All words and expressions used in this Act and not defined herein shall have the same meaning assigned to them in the General Clause Act, 1897.

## CHAPTER - II

## LAND HOLDING

**3. CLASSES OF HOLDERS:-**

On and from the commencement of this Act, there shall be the following classes of holders -

(1) "Settlement Certificate Holders" is a person to whom agricultural land has been settled for growing particular crops or for mixed farming, or for construction of a house. The land held under this certificates is heritable and transferable subject to any provisions of law in this respect:

Provided that the settlement certificate holder shall not have sub-soil rights and shall not quarry sand or stone or dig or extract minerals unless permits are obtained from the competent authority under this Act or any other Act and rules of the District Council.

(2) "Lease Holder" is a person to whom land is leased out for construction of building for residential or commercial purpose. The land held under this lease shall not be heritable and transferable. Construction of houses shall be subject to the permission of the Executive Committee.

(3) "Limited lease Holder" is a person to whom land has been leased for a fixed period for specific purpose such as, industry, commercial plantation, horticulture. The land held under the limited lease shall not be heritable and transferable and the period of lease may be extended according to the requirement.

(4) "Permit Holder" is a person to whom a permit has been given for construction of a house, in a place intended to be given under settlement certificate or reclamation of land for the purpose of giving it under settlement certificate. The permit shall be valid for three years.

(5) "Pass Holder" is a person to whom a permission is given by a Village Council for construction of a house inside the village site where survey and settlement operation has not been done.

**4. PENALTY AND EVICTION OF PERSON FOR MISUSE OF LAND -**

(1) If a person does not use at all or use the land given under settlement certificate, lease or limited lease for a purpose other than the purpose for which the land had been given, the Revenue Officer may impose a fine to the extent of financial benefit the person is likely to get for such misuse of the land.

(2) For such misuse of land as mentioned in sub-section (1) the Revenue Officer may, with the approval of competent authority instead of imposing penalty, or in addition to imposing penalty, evict the person.

(3) Before passing an order for penalty or eviction, the person shall be given an opportunity of being heard.

(4) If the person is evicted, the settlement certificate or lease or limited lease shall be deemed to have cancelled. The person shall be given time for removal of structures, if any, and if the structure is not removed within the time given, the Revenue Officer may get structure removed and put into public auction. The cost of the structure put into auction shall be handed over to the person after deducting the cost for removal of the structure, if any. If the cost of the structure obtained is not sufficient to cover the expenditure for removal of the structure, the Revenue Officer may collect the balance from the person as an arrears of land Revenue.

(5) An appeal shall lie to the Senior Revenue Officer from the order of the Revenue Officer imposing penalty or eviction order if a petition is submitted within a month. The time required for obtaining a copy of the order shall be excluded in the calculation of the time. The Senior Revenue Officer may entertain an appeal submitted after one month if he consider that there is reasonable cause for

**5. CONVERSION OF AGRICULTURAL LAND FOR PURPOSE OTHER THAN AGRICULTURE :-**

(1) The Executive Committee may, when an application is made by person for conversion of any Agriculture land belonging to him for purpose other than Agriculture, allow such conversion, if it is satisfied that such conversion shall not violate;

(a) Any master plan, improvement scheme, development or town planning or village planning scheme made under any law for the time being in force and applicable to such land, and

(b) Any other condition or conditions as may be prescribed for the purpose of dealing bona fide cases of such conversion.

(2) In every case such conversion of agricultural land for other purpose is allowed, the person shall be deemed to have surrendered his land to the District Council and thereafter

the land shall be settled on lease and permit basis to the person who has surrendered the land in the manner and on such terms and conditions other district Council land is settled.

(3) The order of the Executive Committee shall be final in this case.

Provided that no order refusing to allow any conversion shall be made unless the concerned person has been given an opportunity of being heard in the matter.

**6. SURRENDER OR ABANDONMENT OF HOLDING:-**

A person may surrender his holding by writing to the Revenue Officer. On such surrender of holding the Revenue Officer shall revert the land to the District Council and may take action as may be necessary and practicable for collection of arrears due for the land, if any.

## CHAPTER - III

## SETTLEMENT OF LAND FOR HOUSE SITE IN TOWN OR SUB - TOWN AREA.

**7. LAND IN TOWN OR SUB - TOWN AREA NOT TO BE SETTLED FOR AGRICULTURAL PURPOSE :-**

In the area declared by the District Council as town or sub-town area no land shall be allotted or settled for agricultural purposes.

Provided that limited land lease for a period not exceeding 10 (ten) years may be given in outlying area for growing crops and small industries.

**8. MASTER PLAN :-**

(1) A master plan shall be drawn up as prescribed for any area declared by the District Council as town or sub-town. The master plan shall indicate the existing roads, drains and other areas used for public purposes. Government buildings area or areas already given to

individuals for construction of houses or for any other purposes, and also Government land earmarked for roads, drains and other public requirements. In the area where survey and settlement have not been done the master plan will be drawn up on the basis of a sketch plot numbers.

(2) For the land to be allotted for house site and small industries, detail plan shall be drawn up as prescribed indicating the areas reserved for public purposes and Government purposes and detail plotting shall be done for the land to be allotted for house-sites. Normally the area of the plot shall not exceed 600 sq.m. shall not be less then 50 sq.m.

(3) The master plan or detailed town plan as drawn up under sub-section (1) or sub-section (2) shall become effective only after it is approved by the Executive Committee or any other Officer delegated with such power by the Executive Committee, and any change or alteration shall also be approved by such competent authority.

When master plan or detailed plan is made under Mizoram urban and Regional Development Act. 1990 and the Mizoram Urban and Regional Development Rules, 1998 and the Rules made there under, no other separate master plan or detailed plan shall be necessary.

**9. ALLOTMENT OF HOUSE-SITE IN TOWN AND SUB-TOWN AREA :-**

(1) Allotment of house-site and other plots in the area declared by the District Council as town or sub-town area shall be made in the prescribed manner and guidance.

(2) When a plot of land is allotted to a person, the person concerned shall be given a permit to construct a house within a period of three years and settlement certificate for the plot shall be issued only when the house is constructed and other formalities, if any are fulfilled.

(3) On coming of this Act into force, all the house-site allotted earlier shall be governed by the provisions of this Act,

and accordingly if a house is not constructed and other formalities are not fulfilled within three years from the date this Act comes into force, the allotment of the house-site shall become void.

## CHAPTER - IV

## ALLOTMENT OF LAND IN RURAL AREA

### 10. VILLAGE MASTER PLAN :-

(1) For a village which is not declared by the District Council as town or sub town, the Revenue Officer shall, with the help of the Village Council draw up a master plan indicating the village site, Village safety reserve, area to be used for jhumming and allied cultivation of particular crops, area to be used for limited lease and other purposes considered necessary and desirable.

(2) The master plan shall be made on the basis of a sketch map drawn up for the Village. If settlement operation has been done for the village, the plan shall be drawn up on that basis.

(3) The master plan and any change or alteration therein shall require approval of the prescribed authority.

### 11. VILLAGE SITE PLAN -

Village plan shall be drawn up for proper utilization and regulation of land in the village site. Such plan shall indicate the roads, drains and other land used for public and Government purposes; and also future Development plan indicating where the road shall be made, and drains, and land earmarked for future use by the public and the Government. The area to be given for house site shall be indicated and plot number shall be given as far as practicable.

### 12. ALLOTMENT OF HOUSE SITE -

In the village where master plan and detailed plan or site plan have not been done, house site shall be allotted by the Village

Council by giving a pass. Where survey and settlement operation has been done the Revenue Officer shall allot house-site by giving a permit and then issuing leases or settlement certificate.

**13.ALLOTMENT OF HOUSE-SITE TO BE REGULATED**

Allotment of house site by the Village Council or by the Revenue Officer shall be done in a prescribed manner.

**14. EARMARKED LAND FOR PERMANENT CULTIVATION -**

The land earmarked for permanent cultivation and limited lease shall be about 1/3 (one - third) of land under the jurisdiction of the village and shall include the area already used for permanent cultivation. Such as wet rice cultivation, mixed farming, and land already given on limited lease.

Provided that the land earmarked for permanent cultivation or limited lease is not likely to be required within a year, the Revenue Officer may, on the request of the Village Council, allow the land to be used for jhumming cultivation for one year.

**15. ALLOTMENT OF EARMARKED LAND -**

Allotment of land in the earmarked land shall be made by the Revenue Officer in a prescribed manner and a permit shall be issued for the purpose

**16. REVENUE OFFICER TO ISSUE A PERMIT-**

For issue of lease or permit for a house-site and agriculture land, the revenue officer shall issue a permit with the prior approval of the Executive Committee for reclamation or otherwise prepare the land. The permit shall be valid for three years. After a period of three years if the land has not been reclaimed or prepared the permit shall lapse automatically. In exceptional case where it cannot be reclaimed or prepared during the period of three years due to reasons beyond control, the prescribed authority may renew the permit and the reason for renewal shall be recorded.

**17. ISSUE OF SETTLEMENT CERTIFICATE -**

On expiry of the permit if the land has been reclaimed or otherwise prepared for the purpose, the Revenue Officer shall issue a settlement certificate in a prescribed form and in a prescribed manner.

**18. ISSUE OF LIMITED LEASE -**

If the land under permit has been properly prepared for industry, commercial tree plantation and such other purpose for which limited lease is suitable, the Revenue Officer shall issue a limited lease in a prescribed manner. The lease period shall be decided according to the requirement. If the time required cannot be ascertained the lease shall be made out for a period of twenty five years. The lease shall be renewable.

**19. JHUMMING CULTIVATION -**

Jhumming Cultivation within the District shall be done as per provisions under the Pawi Autonomous District (Jhumming Regulation) Act 1983.

## CHAPTER - V

## LAND RECORD

**20. REGISTRATION-**

(1) All land occupied under settlement certificate, donation certificates, permit or pass granted by any authority before the commencement of this Act shall have to be registered in the District Council Office and fresh settlement certificate, lease, limited lease, permit shall be obtained from the Executive Committee or Officer so authorized within such time and in such manner and on payment of such fees as may be prescribed.

(2) Failure to carry out the provision of sub-section (1) of this action and the rules made there under may detail cancellation of the pass, permit, settlement certificate or donation certificates by the Executive Committee:

Provided that due notice is served to the person concerned.

CHAPTER - VI

## JURISDICTION AND PROCEDURE

21. JURISDICTION OF COURTS.

(1) Revenue Court is for hearing a petition, appeal or revision under any provision of this Act.

(2) The authorities mentioned in sub-section (1) shall have the powers of Civil Court under the Code of Civil procedure, 1908.

(3) Proceeding in the Revenue Court shall be summary, and only substance of the evidences need to recorded along with the decisions of the Court.

**22. BAR OF JURISDICTION OF CIVIL COURT.**

No Civil Court shall have jurisdiction to entertain any suit or proceedings in respect of any matter which the Officer or authority is empowered by this Act to determine and no injunction shall be granted by any civil Court in respect of any action taken or to be taken in exercise of any power conferred by or under this Act and rules made there under.

**23. APPEAL.**

An appeal shall lie against any order passed under this Act by the Revenue Officer, to the Senior Revenue Officer,by the Senior Revenue Officer to the Executive Committee, if the appeal is preferred within forty five days from the date of the order appealed against.

**24. REVISION-**

A senior Revenue Officer in respect of an order passes by a Revenue Officer, or the Executive Committee in respect of an order passed by a Senior Revenue Officer may, of his own motion, or otherwise call for and examine the record of any proceedings for the purpose of satisfying himself that any such order was not passed under a mistake of fact or fraud or misrepresentation or on account of any material irregularity of procedure, and may pass such order thereon as he thinks fit.

Provided that no such order shall be passed unless the person effected by the proposed order has been given a reasonable opportunity of being heard in the matter.

Provided further that no proceedings under this section shall be initiated after expiry of ten years from the date of the order.

**25. IMMUNITY-**

No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended or purported to be done in pursuance of this Act or any rule or order made thereunder.

**26. RESERVATION AND SETTLEMENT OF LAND**

Notwithstanding anything to the contrary in any law or any custom, practice or usage having the force of law, the Executive Committee shall not be deemed debarred from exercising all or any of the following power in respect of lands-

(a) To reserve such portion of the land as they deem proper for the purpose of being used as house-site or for any public or individual purposes or any other purpose whatsoever.

(b) To charge premium for settlement or lease of any land.

(c) To charge rent for the lands so settled.

(d) To charge fees on application for settlement or lease or such other fees as may be necessary or incidental to the disposal of such application at such rates as may be prescribed and all such fees shall be payable in the prescribed manner and

(e) To authorize any Revenue Officer of the District Council not below the rank of Assistant Revenue Officer to dispose of such application for settlement and lease of land and to settle or lease the same in such manner as may be prescribed.

**27. DERESERVETION OF RESERVED LAND-**

The Executive Committee or any Officer authorized in this behalf, may deserve the land reserved under section 26, if satisfied that such land or portion thereof -

(a) Is no longer required for the purpose for which it was reserved : or

(b) Can no longer serve the purpose for which it was reserved : or is in excess of the reasonable requirement for which it was reserved

(c) Is in excess of the reasonable requirement for which it was reserved.

**28. REVENUE OFFICER TO ISSUE SETTLEMENT CERTIFICATES, LEASE AND OTHER ALLOTMENT-**

All settlement certificates, lease, permit, etc. or order reserving land or allotment of land for any purpose shall be issued by the Revenue Officer or any other Officer authorised by the Executive Committee in this behalf with the prior approval of Executive Committee. Occupation of land without lawful authority shall be deemed to be an encroachment under the appropriate Act or law in force.

## CHAPTER - VII

## MISCELLANEOUS

**29. TEMPORARY SETTLEMENT OF CHAR AND DIARA LAND -**

The Revenue Officer may, with the approval of Executive Committee settle or lease temporarily any char or diara land by public auction or by any other manner as prescribed.

**30. POWER TO MAKE RULES.**

Subject to the previous approval of the Governor, the Executive Committee may make rules for carrying out the provisions of this Act.

**31. REPEAL AND SAVING -**

With effect from the date this Act comes into force, the Act mentioned below shall stand repealed.

(1) The Pawi - Lakher Autonomous Region (Land and Revenue) Act,1960

(2) The Pawi Autonomous District (Agriculture Land) Act, 1979.

Provided further all the actions done or taken under the Act repealed shall be deemed to have been done under the corresponding provisions of this Act.

Provided further that, the repeal of any enactment or part thereof shall not effect.

(a) The previous operation of such enactment or anything duly done or suffered thereunder.

(b) Any right, privilege, obligation or liability acquired, accrued or incurred under such enactment:

(c) Any penalty. Forfeiture or punishment incurred in respect of any offence committed against such enactment.

(d) Any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted or enforce and any such penalty, forfeiture or punishment may be imposed as if such enactment or part thereof had not been repealed.

**32. REMOVAL OF DOUBT AND DIFFICULTY -**

If any doubt or difficulty arises in giving effect to the provision of this Act, the Executive Committee may, as occasion may require, by order, do anything not inconsistent with the provision of this Act or rules made thereunder, which appears to it necessary for the purpose of removing such doubt and difficulty.

SATEMENT OF OBJECTS AND REASONS

The existing laws i.e the Pawi-Lakher Autonomous Region (Land and Revenue) Act, 1960 and the Pawi Autonomous District (Agriculture Land) Act, 1979 were now out dated in view of the modernization of land management in the parent State of Mizoram.

Therefore, to promote the interest of general public legislation of law to consolidate and reform the land management in the Lai Autonomous District is imperative.

Hence the Bill

K.Liansiama,
Executive Member i/c Revenue etc.
Lai Autonomous District Council, Lawngtlai.

NOTIFICATION

No. C.31016/1/93-DCA, the 9th July,2003. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulations of the Lai Autonomous District Council which received the approval of the Governor of Mizoram is hereby published for General information.

1. THE LAI AUTONOMOUS DISTRICT COUNCIL (Trading) Regulation, 2002 (vide Governor of Mizoram's approval dt.4.7.2003).

P.Chakraborty,
Secretary to the Govt. of Mizoram,
District Council Affairs Deptt.

**THE LAI AUTONOMOUS DISTRICT (TRADING) REGULATION, 2002**

**A**
**REGULATION.**

To provide regulation of trading within the Lai Autonomous District Council. The Lai Autonomous District Council, in exercise of the powers conferred on it by sub-paragraph (1) of paragraph 10 of

the Sixth Schedule to the Constitution of India, the Lai Autonomous District Council is pleased to make the following regulation in fifty-third year of the Republic of India as follows :-

**1. SHORT TITLE, EXTENT AND COMMENCEMENT-**

(1) This Regulation may be called the Lai Autonomous District Council (Trading) Regulation, 2002.

(2) It shall extend to the whole of Lai Autonomous District.

(3) It shall come into force on the date of publication in the Mizoram Gazette.

**2. DEFINITIONS-**

In this Regulations unless the context otherwise requires;

(1) "Agent" means a person who on behalf of another person and in consideration of commission makes or offers to do anything necessary for completing and carrying out such trade.

(2) "Appellate Authority" means such a Committee consisting of three official members constituted by the Executive Committee as may be notified in the Mizoram gazette;

(3) "District" means the Lai Autonomous District;

(4) "District Council" means the Lai Autonomous District Council;

(5) "Executive Committee" means the Executive Committee of the Lai Autonomous District Council;

(6) "License" means a license issued by the Lai Autonomous District Council for the purpose of trading within the District;

(7) "License Holder" means a person or persons holding a license under this Regulation.

(8) "Licening Authority" means Officer or any Officers authorised in this behalf by the Executive Committee.

(9) "Prescribed" means prescribed by rules made under this Regulation.

(10) "Temporary License' means a license granted temporarily for a specified period of time not exceeding one year at a time.

(11) "Trade" means any trade, business, industry, transportation, professions or the like nature, occupation relating to production, manufacturing, supply and distribution of goods.

**3. CONTROL OF TRADING -**

On and from such date of publication in the Mizoram Gazette, no person, resident in the District shall carry on any trade within the District except in accordance with the terms and conditions of a licence issued under this Regulation and the rules made thereunder.

**4. APPLICATION FOR LICENSE --**

(1) Any person desiring to carry on himself any trade within the District may make an application for the grant of a license to the Licensing Authority.

(2) Every application under sub-section (1) shall be made in the prescribed form along with the prescribed fee and shall contain such particulars as may be prescribed.

**5. VERIFICATION, GRANT OF LICENSE AND REFUSAL OF ISSUE OF LICENSE -**

(1) On receipt of an application for the grant of a license under section 4, the Licensing Authority shall hold inquiry having regards to necessary qualifications as may be prescribed in the rules made thereunder.

(2) The licensing Authority may, after holding necessary inquiry under sub-section (1) issue a licence or temporary licence on payment of such fees as may be prescribed in the rules made thereunder.

(3) The Licening Authority may refuse to grant licence if in his opinion, the applicant does not fulfill such qualifications as may be prescribed in the rules or on any other sufficient and reasonable grounds.

Provided that no application for grants of licence shall be refused to a person or persons who has/have been carrying out trade within the District under a permanent licence issued by the erstwhile Pawi-Lakher Regional Council or Pawi Autonomous District Council till immediately before the commencement of this Regulation unless otherwise disqualified under this Regulation.

**6. RENEWAL OF LICENCE -**

(1) Where a licence has been granted under section 5 for any define period and the same has not been cancelled earlier under section 15, then, such licence may, on an application made by the licence holder be renewed by the Licensing Authority for such period on payment of such fees as may be prescribed.

(2) If the licence holder fails to furnish the application along with the fees before the expiry of the licence the Licensing Authority may entertain the application for renewal upto one month on payment of the late fees as may be prescribed by rules made under this Regulation.

**7. ADDITION, DELETION AND ALTERATION -**

The Licensing Authority may make additions, deletions or alterations in the entries made in the licence relating to places of business, names of partners, name of employees, items of trade articles as it deems fit.

**8. DECISIONS OF THE EXECUTVE COMMITTEE TO BE FINAL -**

The decision of the Executive Committee in granting, rejecting or cancellation or suspension of licence to any persons for dealing in any item of trade shall be final.

**9. LICENCE NOT TRANSFERABLE -**

Licence granted under this Regulation shall not be transferable.

Provided that where a licence holder dies, the licence shall stand cancelled.

Provided further that if an application is made by his her legal heir to continue the business, the Licensing Authority may consider granting a fresh licence to the applicant.

**10. DISPOSAL OF TRADE ARTICLES WHEN LICENCE HAS BEEN CANCELLED -**

In the event of cancellation of licence, the Licensing Authority may, on an application made to it in this behalf and for any good and sufficient reason or reasons grant time for disposal of the stocks of trade article available with the licence holder for a period not exceeding three months.

**11. MAINTENANCE OF ACCOUNTS -**

(1) Every licence holder shall maintain such account books and other records as may be prescribed.

(2) Every book of account or other record maintained under sub-section (1) shall, at all reasonable times, be open to inspection by the Licensing Authority or Officers authorised in this behalf by the Executive Committee.

**12. APPEAL AGAINST DECISION OF THE LICENSING AUTHORITY -**

(1) Any licence holder aggrieved by Licensing Authority may, within thirty days from the date of which the decision is communicated to him, prefer an appeal to the Appellate Authority on payment of such fees as may be prescribed.

Provided that no such appeal shall be entertained if not preferred within a specific period. The decision of the Appellate Authority shall be final.

(2) In receipt of an appeal under sub-section (1) the Appellate Authority shall, after giving the appellant an opportunity of being heard, pass such orders as it deems.

**13. REVISION -**

(1) The Executive Committee may, on its motion or on the application of any aggrieved, call for an examination of

record of any proceeding in which a Licensing Authority or an Appellate Authority has passed any decision or order under this Regulation for the purpose of satisfying itself as to the legally or propriety and such decision may pass such orders therein as it thinks fit.

Provided that no order prejudicial to any person shall be passed under this sub-section unless such person has been given a reasonable opportunity of being heard in the matter.

(2) No decision or order shall be revised under sub-section (1) by the Executive Committee on its own motion and no application for the revision of any such decision or order shall be entertained after the expiry of ninety days from the date of such decision or order.

**14. POWER TO EXEMPT -**

(1) The Executive Committee may, by general or special order, and subject to such condition or restriction as may be specified in such order, Exempt any person or class of persons, association of persons or any co-operative society from the operation of all or any provisions of the Regulation and may at any time suspend or rescind such exemption.

(2) Nothing in this Regulation shall apply to any trading by on behalf of :-

(a) The Central Government

(b) The State Government.

(c) The Office, Department, Institution or any other Organisation of the District Council or such agencies as be so declared by the District Council.

**15. SUSPENSION & CANCELLATION OF LICENCE -**

(1) If any licence holder or his agent or servant or of any other person acting on his behalf contravenes any terms and conditions of the licence his licence may be cancelled or suspended by an order in writing of the Licensing

Authority and an entry will be made in his licence relating to such suspension or cancellation.

(2) A licence holder or his agent or servant or of any other person acting on his behalf shall be given a notice in writing, giving an opportunity to show cause on such suspension or cancellation being contemplated against him/ her, within a period of thirty days.

**16. PENALTY -**

Whoever willfully refuses or fails to comply with any direction or terms and conditions of a licence under section 3 shall on conviction by a Magistrate, be punishable with imprisonment for a term not exceeding one year or with fine which may extent to two thousand five hundred rupees or with both.

Provided that if any person or persons, after having been previously convicted of an offence punishable under any section of this Regulation shall be liable to twice the punishment which might be imposed on a first conviction under this Regulation.

Provided that the Court may, for reasons to be recorded in the judgement impose a fine exceeding Rs.2000/-

**17. OFFENCE TO BE NON-COGNIZABLE -**

An offence under this Regulation shall be non-cognizable.

**18. PROTECTION OF OFFICER OR OFFICERS ACTING IN GOOD FAITH -**

No suit, prosecution or other legal proceedings shall be instituted against an Officer of the District Council for anything done or intended to be done in good faith under the provisions of this Regulation or rules made thereunder.

**19. DELEGATION OF POWER -**

Subject to restriction as may be specified, the Executive Committee may by notification in the Mizoram Gazette, delegate any of the powers under this Regulation to any of its Officer and such Officers shall there upon exercise such power or powers.

**20. POWER TO MAKE RULES -**

(1) Subject to the prior approval of the Governor of Mizoram, the Executive Committee may make rules for the purpose of carrying out the provisions of this regulation.

2) In particular and without prejudice to the generally of the fore going provisions, such rules may provide for :-

(a) The forms and conditions of the licence.

(b) The fees that should be paid for the licence.

(c) The matter in which an application for licence shall be submitted.

d) The form in which the Licensing Authority shall keep account.

(e) Any other matters connected with ancillary to the matter aforesaid.

**21. REPEAL AND SAVING -**

(1) On and from the commencement of this Regulation, the Pawi Autonomous District (Trading by non-tribal) Regulation, 1974 shall stand repealed.

(2) Notwithstanding such repeal any action taken under the provisions of the said Regulation shall be deemed to be taken under this Regulation.

**STATEMENT OF OBJECT AND REASONS**

As provided under sub-paragraph (1) of paragraph 10 of the Sixth Schedule to the Constitution of India and as modification made vide section 2 of Act No.67 of 1988, the Lai Autonomous District Council felt it necessary to make fresh Regulation for control of trading within the District to repeal the Pawi Autonomous District (Trading by non-tribal) Regulation,1974.

Hence the Regulation.

Lalduhsaka,
Executive member,i/c Revenue,
Lai Autonomous District Council,
Lawngtlai.

Certified that the above bill was passed by the Lai Autonomous District Council in its Monsoon Session held on 28.8.2002.

And in authentication whereof I put my signature this Fourth Day of September Two Thousand Two Anno Domini.

Manghmunga Chinzah,
Chairman,
Lai Autonomous District Council,
Lawngtlai.

CORRIGENDUM

No.C.11018/197-DCA, the 6th March, 2003. In the notification of even No. dt.19.2.2003 issued by the District Council Affairs department and published in the Mizoram Gazette, Vol. XXXII, Extra-ordinary Issue no.38 dt.21/2/03, the expression viz. "The Lai Autonomous District Council (Constitution and Conduct of Business) Rules. 2001", shall be read as "The Lai Autonomous District Council (Constitution, Conduct of Business e tc) Rules, 2002" and in Rule 31 (8) of the said Rules, in the last line, the word and figure viz, "rule 10" shall be read as " rule 17"

P. CHAKRABORTY,
Secretary,
District Council Affairs Department.

In exercise of the powers conferred by sub-paragraph (7) of paragraph 2 of the Sixth Schedule to the Constitution of India, read with Paragraph 20 BB, the Lai Autonomous District Council, with approval of the Governor of Mizoram, makes the following rules namely :-

# THE LAI AUTONOMOUS DISTRICT COUNCIL (CONSTITUTION, CONDUCT OF BUSINESS ETC) RULES, 2002

## CHAPTER -I

## PRELIMINARY :

**1. Short Title and Commencement -**

1) These rules shall be called the Lai Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2002.

(2) They shall come into force on and from the date of their publication in the Official Gazette.

**2. Definition -**

In these rules, unless the context otherwise requires :-

(a) 'Chairman' means the Chairman of the Lai Autonomous District Council and includes any other member for the time being performing the duties of the Chairman.

(b) 'Chief Executive Member' means a leader of the majority party in the house of the District Council, and includes even a person not elected as a member for the time being to the District Council, but so appointed by the Governor under these Rules.

(c) 'Constituency' means a constituency for the purposes of election to the District Council of Lai Autonomous District and as delimited from time to time.

(d) 'Constitution' means the Constitution of India.

(e) 'Corrupt practices' means any of the practices mentioned in rules 208 and 209 of these Rules.

(f) 'Deputy Commissioner' means the Deputy Commissioner of Lawngtlai District, and includes an Additional Deputy Commissioner of the said District, in the absence of the Deputy Commissioner.

(g) 'District Council' means the District Council of the Lai Autonomous District, constituted in accordance with the provisions laid down in Paragraph 2 and 20 B of the Sixth Schedule to the Constitution of India.

(h) 'District Fund' means the District Fund of the Autonomous District.

(i) 'Election' for the purposes of these rules means an election to fill a seat or seats in the District Council.

(j) 'Elector' in relation to a Constituency means a person whose name is for the time being entered in the electoral roll of that Constituency prepared under these Rules.

(k) 'Executive Committee' means the Executive Committee of the District Council of the Lai Autonomous District, as formed under these Rules.

(l) 'Governor' means the Governor of Mizoram.

(m) 'Illegal practices' means any of the practices defined and specified in rule 210 of these rules.

(n) 'Lai Autonomous District' means an area deemed as such under paragraphs 2, 20 and 20 B of the sixth Schedule to the Constitution of India.

(o) 'Member' means member of the District Council of the Lai Autonomous District.

(p) 'Motion' means a proposal made by a member for consideration of the District Council relating to any matter which may be discussed by the said Council and includes a proposal for an amendment of a resolution.

(q) 'Official Gazette' means the Mizoram Gazette.

(r) 'Resolution' means a motion for the purpose of discussing a matter of general public interest.

(s) 'Scheduled tribe or Tribes' means the tribe or tribes as specified by the President of India under Article 342 of the Constitution of India and as modified by law by the Parliament from time to time in so far as the specification pertains to the State of Mizoram.

(t) 'Secretary' means Secretary to the District Council.

(u) 'Secretary to the Government' means the Secretary to the Government of Mizoram in the District Council Affairs Department.

(v) 'Session' means the whole period from time to time the District Council assembles on being summoned till the time it is prorogued by the appropriate authority under these Rules.

(w) 'Sixth Schedule' means the Sixth Schedule to the Constitution of India.

(x) 'State Government' means the Government of Mizoram.

**3. Interpretation in case of doubt -**

1. Except where the context otherwise requires, the General Clauses Act, 1897, as adapted by the State Government shall apply for interpretation of these rules, as they apply for the interpretation of an Act of Parliament or of the Legislature of the State of Mizoram, as the case may be.

2. Subject to the provisions of sub-rule (1) if any question arises as to the interpretation of these Rules, it shall be referred for the decision of the Governor, and the decision of the Governor shall be final.

**4. Provisions for removal of difficulties -**

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

**5. Special powers of the Governor -**

The Governor shall have the special powers to regulate by order or orders, all kinds of official tours of the Chairperson, Deputy Chairperson, Chief Executive Member, and Executive

Members of the District Council beyond the State and to call for perusal any official records or documents of the District Council, as may be found expedient for proper administration of the Autonomous District and in due discharge of his discretionary powers under paragraph 20BB of the Sixth Schedule.

## CHAPTER - II

### District Council - Composition - Delimitation etc.

**6. Constitution of the District Council -**

1) Subject to the provisions contained in Paragraph 2 of the Sixth Schedule there shall be District Council for the Lai Autonomous District comprised of the tribal area of Lai District specified in part III of the Table appended to para 20 of the Sixth schedule, to be known as the District Council of the Lai Autonomous District, and shall by the said name only sue and be sued.

2) The District Council shall continue to be a body corporate and shall have perpetual succession and a common seal.

3) Subject to the provisions of the Sixth Schedule, the administration of the Lai Autonomous District shall be deemed to have vested in the Lai Autonomous District Council.

Provided that the legislative functions dischargeable under the Sixth Schedule shall vest in the District Council itself while the Executive functions shall vest in its Executive Committee constituted under these Rules and the Judicial functions in the courts constituted under para 4 of the said Scheduled.

**7. Composition of the District Council -**

1) The District Council shall consist of twenty seven members of whom twenty three members shall be elected on the basis of adult suffrage and remaining four members shall be nominated by the Governor.

2) The allocation of seats therein as between elected and nominated members shall be such as the Governor may, by notification in the official Gazette, determine.

3) The constituencies for elections to the District Council shall be territorial while the constituencies, respective extents thereof and the number of seats to be filled from such constituencies shall be such as may be determined by the Governor in the manner hereinafter prescribed.

4) The members to be nominated by the Governor under these Rules, subject to the provisions contained in sub-paragraph (1) of paragraph 2 and in paragraph 20 BB of the sixth Schedule, may be from amongst the persons having requisite qualification for being member of the District Council, and having special knowledge or practical experience in respect of such matters as the following namely, science, social welfare, co-operative movement and developmental planning in tribal area, including those as may be recommended by the Chief Executive member:

Provided that one of the nominated members to be appointed may be a woman.

**8. Delimitation -**

1) For the purposes of direct election of members to the District Council as provided in sub-rules (1) and (3) of rule 7 of these Rules, the Lai Autonomous District shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, as far as practicable, be the same throughout Lai Autonomous District.

Explanation :- In this sub-rule, the expression 'population' means the population as ascertained in the last census of which the relevant figures have been published.

2) Upon the completion of each census, the total number of seats in the District Council to be filled up by direct election and nomination by the Governor, and the division of the

autonomous district into territorial constituencies shall be readjusted by the State Government in the District Council Affairs Department, after publishing the draft proposals inviting objections thereto, in the leading local news papers and the official Gazette, to be submitted within a specified time and after due consideration of the same:

Provided that such readjustments shall not effect representation in the District Council until the dissolution of the then existing Council:

Provided further that such readjustment shall take effect from the date as the Governor may, by order, specify and until such readjustment takes effect, an election to the District Council may be held on the basis of the territorial constituencies existing before such readjustment

3) Any such delimitation of constituencies for the purposes of general election to the District Council and the adjustment of seats thereto shall be made only on the basis of recommendation of a delimitation Committee or Commissions to be constituted with the Deputy Commissioner, Secretary to the District Council, and representatives of the political parties recognised for the purposes of election to the District Council as the members amongst others as may be notified by the Governor:

Provided that the Delimitation Committee or Commission so constituted shall function in consonance with the provisions made in these Rules and in terms of the reference as may be made by the Governor.

**9. Duration of the District Council -**

1) The District Council, unless sooner dissolved, shall have its ordinary life of five years from the date appointed for its first meeting after the general elections to the Councils.

Provided that subject to the provisions of sub-paragraph (6A) of paragraph 2 of the Sixth Schedule, the said period may be extended by the Governor by notification in the official Gazette for a period not exceeding one year.

2) The elected members of the District Council shall hold office during the life of the District council, as provided in sub-paragraph (6A) of paragraph 2 of the sixth Schedule and the nominated members shall hold office at the pleasure of the Governor but not beyond the normal term of the Council to which they have been nominated.

**10. Qualification for membership -**

Subject to the provisions contained in Chapter - III of these Rules, a person shall not be qualified to be elected as a member of the District Council, unless he -

a) Is a citizen of India;

b) Is not less tan 25 years of age

c) Is a member of the indigenous Scheduled Tribe and is a permanent resident of Lai Autonomous District by birth.

**Explanation :-**

1) For the purpose of the clause (b) above a candidate shall not be accepted to be qualified unless he has attained the age specified in the clause (b) on the date fixed for the scrutiny of the nomination papers.

2) For the purpose of this rule, the expression 'permanent resident of Lai Autonomous District by birth' shall include a person born within the defunct Pawi - Lakher regional Council area.

**11. Vacation of seats -**

1) Subject to the provisions contained in any law made under article 191 of the Constitution of India, no person shall be or continue to be simultaneously a member of District Councils of two or more Autonomous Districts, or a member of the District Council and of the Mizoram Legislative Assembly, and if a person is so elected, then at the expiry of twenty-one days from the date of publication in the official Gazette of the declaration that

he has been so elected or, if such publication has been made on different dates, from the latest of such dates, that person's seat in the District Council of all such Autonomous District shall become vacant unless he has previously resigned his seat in the District Councils of all but one of the autonomous Districts or the Legislative Assembly, as the case may be. Such a vacancy or vacancies shall be notified by the Governor in the official gazette.

2) If a person is elected to more than one seat in the District Council then unless within twenty one days from the date of publication in the official Gazette of the name of that person as having been so elected or where such publication has been on different dates, unless within twenty one days from the latest of such dates, such person resigns all but one of the seats, all the said seats shall become vacant. If he resigns from all but one seat, the remaining seat or seats shall become vacant and such vacancy or vacancies shall be notified by the Governor in the official Gazette.

3) In the event of any vacancy arising in a constituency under sub-rule (1) or (2) a bye-election to that constituency may be conducted for filling up the vacant seat or seats in the Council within six months from the date of its falling vacant.

4) If a member of the District Council resigns his seat by writing under his hand addressed to the Chairman, the Governor, on receipt of the report from the Chairman shall by notification in the official gazette, declare such seat to be vacant and a bye-election to fill such vacancy may be conducted within six months from the date of its falling vacant.

5) If for a period of thirty days a member of the District Council remains, without the permission of its Chairman, absent from all meetings thereof, the Chairman may declare his seat as lying vacant.

Provided that in computing the said period of thirty days, no account shall be taken of any period during which the District Council remains prorogued, or adjourned for more than three consecutive days.

6) When a seat becomes vacant under the provisions of sub-rule (5) the Governor shall, by notification in the official Gazette, declare it to be so vacant, and a bye-election to fill such vacancy shall be conducted within three months from the date of its falling vacant.

## CHAPTER - III

## DISQUALIFICATION FOR MEMBERSHIP TO THE DISTRICT COUNCIL

**12. Disqualification -**

1) A person shall be disqualified for being chosen as, and for being a member of the District Council :-

a) If he holds an office which is capable of yielding a profit or pecuniary gain under the Government of India or the Government of any State or Union Territory specified in the First Schedule of the Constitution of India or under a District Council of Autonomous District duly constituted under the provisions of the Sixth Schedule to the Constitution:

Provided that a person, for the purposes of this clause, shall not be deemed to hold an office of profit by reason merely of his being a member of the Executive Committee or a Chairman or a Deputy Chairman, or a Member of the District Council:

b) If, and for so long as, there subsists a contract entered into by him in course of his trade or business with the District Council for the supply of goods to, or for the execution of any works undertaken by the District Council:

**Explanation -**

For the purposes of this clause, where a contract has been fully performed by the person by whom it has been entered into with the District Council, the contract shall be deemed not to subsist by reason only of the fact that the District Council has not performed its part of the contract either wholly or in part.

c) If he is of unsound mind and stands so declared by a competent court or authority prescribed under the Mental Health Act, 1987;

d) If he is an undischarged insolvent;

e) If he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State:

f) If he has been convicted of an offence referred to in sub-section (1) of section 8 of the Representation of the People Act, 1951 (43 of 1951) and a period of six years has not elapsed since the date of such conviction and prior to the date of filling of nomination;

g) If he has been convicted of the contravention of any such law as enumerated in section 8 (2) of the Representation of the People Act, 1951 (43 of 1951) and sentenced to imprisonment for not less than six months, and a period of six years has not elapsed since the date of his release after expiry of the term of such sentence;

h) If he has been found guilty of a corrupt or illegal practices by an order under rule 208, 209 or 210 of these Rules.

**Explanation -**

The term "corrupt or illegal practice" in its reference under the clause shall be confined to those corrupt or illegal practices which have been declared by rule 208,209 or

210 to be an offence or practice entailing disqualification under these Rules.

illegal practices which have been declared by rule 208,209 or 210 to be an offence or practice entailing disqualification under these Rules.

i) If he has been convicted of any offence other than those referred in clauses (f) and (g) above and sentenced to imprisonment for not less than two years, and a period of six years has not elapsed from the date of his release after expiry of the term of such sentence.

j) Notwithstanding anything in clauses (f), (g) and (i) above, a disqualification under either clause shall not, in case of a person who, on the date of the conviction, is a member of the District Council, take effect until three months have elapsed from the date, or if within that period an appeal or application for revision is preferred from the conviction or the sentence, and an interim stay against such conviction or suspension of such sentence has been obtained by such person from a competent appellate or revisional court, as the case may be.

2) A person who having held an office under the Government of India or under the Government of any State or Union Territory, or under any District Council of an Autonomous District, has been dismissed for corruption or for disloyalty to the State or removed for disobedience or violation of any direction issued under rule 5 of these Rules shall be disqualified for a period of five years from the date of such dismissal or removal, as the case may be.

**Explanation -**

For the purpose of this sub- rule, a certificate issued by the Secretary to the Government to the effect that a person having held office under the Government of India or under the Government of a State or Union Territory or under a District Council has or has not been dismissed for corruption or disloyalty to the State

or has or has not been removed for disobedience or violation of any direction issued under rule 5 of these shall be the conclusive proof of that fact.

Provided that no such certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State or so removed shall be issued, unless an opportunity of being heard has been given to that person.

3) A person shall be disqualified if, and for so long as he is a managing agent, manager or Secretary of any Company or Corporation (other than a Co-operative Society) in the share-capital of which the Government of India or the Government of a State or Union Territory or a District Council has held not less than twenty five percent share.

4) if the Governor is satisfied that a person having been nominated as a candidate for the District Council or having acted as election agent of any person so nominated

   (a) Has failed to lodge an account of election expenses within the time and in the manner required by rule 189: or

   (b) Has no good reason or justification for such failure, then the Governor shall, by an order published in the official Gazette, declare him to be disqualified for a period of three years from the date of the order.

5) A sitting member of the District Council shall be disqualified if,

   (a) He has voluntarily given up the political party which sponsored him as a candidate on the date of his nomination and joined any other political party after his election or his nomination as a member.

Provided that a member shall not be disqualified even if he has left the party which sponsor him, as a result of a split which consists of not less than 1/3 of the elected members of such party in the District Council;

(b) Having been elected to the District Council as an independent candidate, has later joined any Political Party.

6) All decisions regarding disqualification of members as mentioned in clauses (a) & (b) of sub-rule (5) above shall be made by the Chairman and his decision shall be final and binding on the member and the Political Party concerned.

**13. Removal, or reduction of the period of Disqualification**

1) The Governor may, for reasons to be recorded, remove any disqualification under this Chapter except under clause (h) of rule 12 or reduce the period of any such disqualification, when so moved by any aggrieved person or member.

2) If any question arises as to whether a member of the District Council has become subject of any of the disqualifications mentioned in rule 12, the question shall be referred through the Secretary to the Government, by the Chairman, and if it relates to the Chairman, then by the Deputy Chairman, for decision to the Governor whose decision shall be final.

**14. Penalty for sitting and Voting before making oath or affirmation under rule or when not qualified or when disqualified -**

If a person sits or votes as a member of the District Council before he has complied with requirements of sub-rule (1) of rule 37 or when he knows that he is prohibited from so doing by the provisions of any law applicable to such members or by an order of any competent court of law, then he shall be liable in respect of each day on which he so sits or votes, to a penalty of two hundred fifty rupees to be recovered as a debt

due to the District Council, by the Secretary from such person's salaries or entitlement or otherwise, and the penalty so realised shall be credited to the District Fund of the District Council.

## CHAPTER - IV

## CHAIRMAN ETC. OF THE DISTRICT COUNCIL, OFFICERS, SECRETARY ETC.

**15. Chairman and Deputy Chairman -**

There shall be a Chairman and a Deputy Chairman of the District Council, who shall be elected from amongst the members and by the members having voting rights at the time of such election in the manner prescribed in these rules hereinafter.

**16. Vacation of offices Resignation or removal of Chairman and Deputy Chairman -**

A Member holding office as Chairman or Deputy Chairman of the District Council -

a) shall vacate his office or shall be deemed to have vacated his office, if he ceases to be a member of the said Council, or has been deprived of his voting right even temporarily by an order of a competent court.

Provided that if his voting right is restored back by a final order of such court, then he shall be deemed to have been re-elected as the Chairman or the Deputy Chairman, as the case may be, of the District Council.

b) may at anytime, by writing under his hand addressed, if such member is the Chairman, to the Governor and if such member is the Deputy Chairman, to the Chairman, resign from his office;

Provided that if both the Chairman and the Deputy Chairman wish to resign from their respective post simultaneously, then both shall submit such resignations to the Governor through the Secretary to Government;

Provided further that if any of the authorities mentioned above fails to forward any resignation received by him to the Governor within a week at the maximum, shall be liable to face legal consequences including temporary disqualification for sitting and voting in the Council-session as may be decided by the Governor.

c) may be removed from his office by an express resolution of the District Council passed by a majority of the members present of the District Council, and having voting rights.

Provided that a resolution for the purpose of clause (c) shall be moved in the manner laid down in rule 86.

**17. Performance of duties Of Chairman or Deputy Chairman, when his office is vacant -**

1) While the office of Chairman is vacant, the duties attached to his office shall be performed by the Deputy Chairman or if the office of the Deputy Chairman is also vacant, by such member of the District Council, as the Governor may appoint for the purpose in consultation with the State Government.

2) During the absence of the Chairman from any sitting or session of the District Council or otherwise including temporary incapacitation the Deputy Chairman or if he is also absent or similarity incapacitated, then such a member as may be determined under sub-rule (3) of this rule shall act as a Chairman.

3) At the commencement of the session after election of the Chairman and the Deputy Chairman, the Chairman shall nominate from amongst the members to form a panel of not more than two Chairpersons, and one of them in the order their names figure in the panel shall preside over the session in absence of both the Chairman and the Deputy Chairman, during the period the Chairman and the Deputy Chairman remain absent or incapacitated otherwise to preside.

4) A chairman as may be nominated under sub-rule (2) or (3) above, shall, when presiding over any session in the Council, have the same powers as the Chairman dejure is to enjoy when so presiding.

**18. Chairman or Deputy Chairman not to preside in certain cases -**

1) At any sitting of the District Council, while any resolution for the removal of the Chairman or Deputy Chairman from his office is under consideration, the Chairman or the deputy Chairman, as the case may be, shall not, though he is present, preside over the session, and the provisions of sub-rule (2) of rule 17 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Chairman or, as the case may be, the Deputy Chairman is absent.

2) When any such resolution for removal of the Chairman or the Deputy Chairman, as the case may be, from his office has been moved and is under consideration before the District Council, the Chairman or the Deputy Chairman against whom the resolution is under consideration, shall have the right to speak in his defence, or otherwise to take part in that proceeding and shall, notwithstanding anything contained in this rule, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

**19. Salaries, etc. of Chairman,Deputy Chairman and others-** There shall be paid to the Chairman, Deputy Chairman, and Members of the District Council, such salaries, allowances, and pension as may be fixed by the District Council by law-subject, to approval of the Governor.

**20. Secretariat of theDistrict Council -**

The District Council shall have its separate secretariat, consisting of a Secretary at its head, who shall be appointed by the Chairman of the District Council, and such other

officials and staff as may be decided by the Chairman in consultation with the Executive Committee of the District Council.

Provided that while fixing the strength of the Secretariat of the District Council, if any extra or additional financial implication is found unavoidable, then no such decision shall be taken without prior concurrence of the Governor.

**21. Conditions of service of Officers and staff of the District Council Secretariat -**

Subject to the previous approval of the Governor the District Council may make rules regulating the conditions of service of officers and staff appointed to the Secretariat of the District Council.

Provided that where such rules have not been made by the District Council, the conditions of service of such officers and staff of the District Council shall be regulated by orders to be issued by the Governor, and in the absence of such orders, by the relevant rules applicable to officers and staff of the State Government, subject to such restrictions or modifications as the Governor may direct in the case of a particular appointment or class or classes of appointment.

## CHAPTER - V

## EXECUTIVE COMMITTEE

**22. Formation of Executive Committee -**

1) There shall be an Executive Committee of the District Council with a Chief Executive Member at the head and nine other members of the Executive Committee to exercise the functions hereinafter specified.

2) The Executive Committee shall be formed by the largest legislature party having a majority of elected members in the District Council, the leader elected by such legislature party shall be appointed as the Chief Executive Member.

Provided that in case he is not an elected member, then unless such leader is elected as a member of the District Council within six months from the date of his appointment as such, he shall cease to be the Chief Executive Member and to continue as such.

3) Subject to sub-rule (2) the Chief Executive Member shall be appointed by the Governor, and other members shall be appointed by the Governor on the recommendation of the Chief Executive Member through the Secretary to the Government.

4) There shall be a Secretary to the Executive Committee who shall be designated as the Executive Secretary and such other Deputy and Under Secretaries as may be determined by the Executive Committee, with prior approval of the Governor.

Provided that not withstanding anything contained in these Rules, the Governor may, for the sake of better administration of the Lai Autonomous District and in consultation with of the Chief Executive Member, depute any officer of the State Government, not below the rank of Joint Secretary, to the District Council as the Executive Secretary.

5) the Governor may, if he considers necessary, cause the District Council to take up vote of confidence in the newly formed Executive Committee within thirty days from the date of its formation.

6) There shall be paid to the chief Executive Member and the Executive Members of the District Council such Salaries, allowances and pension as may be fixed by the District Council by law subject to approval of the Governor.

**23. Oath of office and Secrecy -**

Before a Member of the Executive Committee enters upon his office, the Deputy Commissioner or any officer authorised by him in this behalf shall administer to him

the oath of office and of secrecy according to the forms set out for the purpose in Appendix - I

**24. Vacation of office by Members of Executive Committee -**

1) A member holding as Chief Executive Member or a member of the Executive Committee,

(a) Shall vacate his office if he ceases to be a member of the District Council, subject to the Proviso to Sub-rule (2)

(b) May, at any time writing under his hand, submit his resignation, if such member is the Chief Executive Member, to the Governor through the Chairman who shall forward such resignation within 48 hours from the time of receipt of the same, and if such member is a member of the Executive Committee, to the Chief Executive Member. On his resignation being accepted by the Governor or the Chief Executive Member, as the case may be, such Chief Executive Member or other Executive Member, as the case may be, shall be deemed to have vacated the office as such.

2) When the Chief Executive Member vacates or resigns his office under sub-rule (1), the other members of the Executive Committee shall also cease to hold office as such and a new Executive Committee shall be constituted in accordance with provisions of rules 22 and 23.

Provided that until a new Chief Executive Member has been appointed and the Executive Committee reconstituted, the Governor may, notwithstanding anything contained in sub-rule (1) of rule 24 authorize any one member or more than one member of the District Council to carry on the duties of the Executive Committee, or may make such other arrangements as he may think proper for carrying on the executive functions of the District Council.

**25. Removal etc. of Members of Executive Committee -**

1) The Executive Committee shall be collectively responsible to the District Council and may be removed on a vote of no-confidence passed by a majority of the Members of the District Council present at a meeting specially convened for the purpose under rule 84 of these Rules;

Provided that subject to Sub-paragraph (2) of paragraph 16 of the Sixth Schedule to the Constitution, the Governor may assume to himself all the powers of the Executive Committee by placing it under suspension, in case the Chief Executive Member or any Member of the Executive Committee commits violation of any direction or order given under rule 5 of these Rules.

2) In case of removal of the Executive Committee, the Chairman shall forthwith submit a report to the Governor through the Secretary to the Government, and the Governor thereupon shall appoint the Chief Executive Member immediately in consonance with rule 22.

3) Member or Members of the Executive Committee shall hold office during the pleasure of the Chief Executive Member and may be removed by an order of the Chief Executive member, with intimation to the Governor. The Governor shall, on the recommendation of the Chief Executive Member communicated through the Secretary to the Government, appoint new Executive Member or Members to fill up the vacancy or vacancies, subject to the condition that a removed Member shall not be entitled to re-appointment as such.

**26. Staff of Executive Committee -**

The Executive Committee may, from time to time, determine and appoint number of officers and staff to be employed by it and may fix the salaries and

allowances to be paid to such establishment, in prior consultation with, and with prior approval of the State Government if it results in financial implication in excess of the budgetary allocation and the grants-in-aid.

**27. Conduct of Executive Functions of the District council**

1) The Executive functions of the District Council shall be vested in the Executive Committee.

2) All orders or instruments made or executed by the Executive Committee shall be expressed to be made by order of the District Council. Every such order or instrument shall be signed by the Chief Executive Member or any other member of the Executive Committee or any officer (s) authorised by the Chief Executive Member by an order in this behalf, and such signature shall be deemed to be the proper authentication of such order or instrument.

**28. Power and functions of the Executive committee -**

1) The Executive Committee shall dispose of all matters falling within its purview, except certain matters hereinafter specified which shall be referred the Governor for final approval.

2) The Specified matters required to be referred to the District Council as mentioned in sub-rule (1) shall be as follows :-

(a) Cases involving any important change in the administrative system of the Autonomous District or any important departure from accepted policy or practice.

(b) Proposals for making regulation, rules or laws as authorised under the provisions of the Schedule.

(c) Cases which may seriously affect, or are likely to affect the Lai Autonomous District or affect

or likely to affect relations with any such other District area;

(d) Cases affecting the relations of the State Government with the Autonomous District Council.

(e) All correspondence of importance with the state Government and the Government of India.

(f) All matters falling within the purview of the discretionary powers of the Governor under paragraph 20 BB of the Schedule when sought to be consulted under that paragraph by the Governor with the District Council.

(g) Appointments of all Gazette officers;

(h) Any other matter or matters which the Executive Committee may think proper to be placed before the District Council; and

3) All matters required to be placed before the District Council shall be sent to the Secretary in writing for placing before the said Council.

**29. Savings -**

Notwithstanding anything contained in rule 28, if at any time, except when the District Council is in session, and emergency arises which renders it necessary for the Executive Committee to take immediate action in respect of any matter or matters specified in clause (a) to (f) of sub-rule (2) of that rule, the Executive Committee may take such action thereon as the emergency appears to it to require but every such case shall be forthwith reported to the Governor and shall be laid before the District Council at its next session for confirmation of the action taken by the Executive Committee, together with the views or decisions of the Governor for such action as may be decided by the Council.

**30. Transaction of business of the Executive Committee**

1) Each member of the Executive Committee shall be entrusted with specific subjects, the allocation of the subjects being made by the Chief Executive member. The Executive Committee shall be collectively responsible for all executive orders issued in the name of the District Council in accordance with these Rules, whether such orders are authorised by an individual member of the Executive Committee on a matter pertaining to his subject or as a result of discussion at a meeting of the Executive Committee or otherwise.

2) One of the Members of the Executive Committee will be in charge of the District Fund referred to in these Rules as the member-in-charge of the Financial affairs of the District Council.

3) The duties and functions of such Member-in-charge will be as follows :-

   (a) He shall generally advise on all matters pertaining to all receipt and expenditure of the District Council.

   (b) He shall be responsible for all matters relating to financial procedure and the application of the principles of sound finance.

   (c) He shall prepare the Budget of the District Council and deal with all matters relating to budget procedure and the forms and contents of the financial statement.

   (d) He shall be responsible for the "ways and means" position of the District Council.

   (e) He shall be responsible for proper audit and accounts pertaining to the District Council, follow-up actions on the reports of the comptroller and auditor-general of India.

CHAPTER - VI

## ELECTION OF CHAIRMAN AND DEPUTY CHAIRMAN OF THE DISTRICT COUNCIL

**31. Election of Chairman -**

1) When either for the constitution of a new District Council or owing to vacancy in the office of a Chairman, election of the Chairman is necessary, the Governor shall fix a date for the holding of the election, and the Secretary shall send to every member notice of the date so fixed.

2) At any time before 3:00 P.M. on the day preceding the date so fixed any member may nominate another member for election as Chairman, by delivering or causing to be delivered in the manner hereinafter provided to the Secretary a nomination paper in such form as at Appendix - II signed by himself as proposer and by a third member as seconder.

3) The nomination paper shall be delivered to the Secretary either by the candidate himself, by the proposer or by the seconder in person.

4) In the case of a new Council, a protem Chairman appointed from the members by the Governor shall perform the duties of the office of Chairman pending the election of a Chairman, and shall preside over the first meeting of the District Council constituted under these Rules, who shall read out in the Council names of the members who have been duly nominated for election as Chairman, together with those of the proposers and seconders, and if only one member has been so nominated, shall declare that member elected as the Chairman of the Council. if more than one member have been so nominated the Council shall proceed to elect a Chairman by ballot, and the candidate obtaining the highest number of votes shall be declared elected. In case of equality of votes, it shall be

determined by exercising the casting vote of the protem Chairman.

Provided that a member contesting for election as Chairman shall not be appointed as the protem Chairman.

5) For the purposes of sub-rule (4) a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer and seconder have not, before reading out of the names by the person presiding, made and subscribed the oath or affirmation as members of the Council under the Rules.

6) Where more than two candidates obtain an equal number of votes, the protem Chairman shall select the Chairman by the drawing of lots.

7) A nomination paper may be withdrawn by a candidate or his proposer before the Council meets on the day fixed for the election of the Chairman.

8) Powers of the protem Chairman or the person presiding over the District Council for the purposes of this rules shall be same as laid down in sub-rules (3) & (4) of rule 10 of these Rules.

**32. Election of Deputy Chairman -**

1) When either at the beginning of a new District Council or owing to the existence of any vacancy in the office of the deputy Chairman at any time during the life of the District Council, the election of a Deputy Chairman is necessary, the Chairman shall fix a date for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

2) The procedure for the election of Deputy Chairman shall be the same as that for the election of the Chairman as provided for in rule 31 except that the meeting for the election of Deputy Chairman shall be presided over by the Chairman.

3) A nomination paper may be withdrawn by a candidate or his proposer before the Council meets on the day fixed for the election of the Deputy Chairman.

## CHAPTER - VII

## DISTRICT COUNCIL SESSION : CONDUCT AND BUSINESS THEREOF - GENERAL

**33. Summoning of the District Council -**

1) The District Council for its first meeting after the general elections shall be summoned by the Governor to meet at such time and place as he thinks fit, and the Secretary to Government shall inform the Deputy Commissioner and the Secretary, of the date, hour and place for such meeting of the Council.

2) For all subsequent meetings, subject to the provisions of sub-rule (4) the Chairman or in his absence the Deputy Chairman, shall summon the District Council to meet at such time and place as he thanks fit and the Secretary shall inform the Deputy Commissioner of the date, hour and place for each such meeting of the Council.

3) The Chairman shall cause a notice appointing the date hour and place for such meeting, signed by the Secretary of the District Council to be served on each member at least thirty days before the date fixed for the meeting.

4) The District Council shall be summoned to meet three times in a year and fourth months shall not elapse between its last sitting in one session and the date appointed for its first sitting in the next session.

Provided that in the event of an emergency, the Chairman of the Council, in consultation with the Chief Executive Member being the Leader of the House, may summon the District Council at shorter notice than what has been provided in sub-rule (4) and prior intimation

of every emergency session shall be given to the Governor, the Secretary to Government and the Deputy Commissioner.

Provided further that on receipt of a requisition signed by not less than two-thirds of the members of the District Council, the Chairman shall summon a special meeting of the District Council.

5) The Chairman or such other person who summons the District Council under sub-rule (1), (2) or (4) may also prorogue the Council.

6) Notwithstanding anything contained in this rule, nothing shall restrict the power of the Governor to summon a meeting of the District Council at any time as he may think fit in public interest.

**34. Hours of Sitting -**

1) The District Council shall ordinarily sit from 10:30 a.m.to 1:00 p.m. and from 2:00 p.m. to 4:00 p.m. on all week days except Saturday and Sunday.

Provided that the Chairman may, in his discretion, according to the ex-agencies of business, adjourn earlier or extend the hour of sitting.

2) A sitting of the Council shall be deemed to be duly constituted when it is presided over by the Chairman or any other member competent to preside over a sitting of the Council under the provisions of these Rules.

**35. Adjournment of the Council Session -**

1) The Chairman shall determine the time when sitting of the Council shall be adjourned sine die.

2) The Chairman shall have the power to adjourn a sitting of the Council whenever he deems necessary.

Provided that when the Chairman adjourns the Council Session for a particular time. It shall not exceed a period of one week.

Provided further that the Chairman may, if it appears expedient and on the advice of the Chief Executive Members being the Leader of the House, recall the sitting of the Council before the date or time to which it has been adjourned or at any time after the house has been adjourned sine die.

3) Notwithstanding anything contained in these Rules, where the Leader of the House i.e. the Chief Executive Member is of the view that an order of adjournment of the District Council Session by the Chairman substantially contravenes the provisions of these Rules and has the effect of impeding smooth functioning of the District Council for due disposal of its businesses, he shall make a request to the Chairman to reconsider his decision and if the Chairman agrees, he shall recall the sitting of the House on the day suggested by the Leader of the House, i.e. the Chief Executive Member.

4) If the Chairman refuses to reconsider his decision, it shall be the duty of the Leader of the House i.e. the Chief Executive Member to give notice of a motion with prior approval of the Governor for such motion, that such order of adjournment be inoperative and the House be proceed with the businesses before it and such notice shall be considered by the District Council on a date being the date earlier than the date to which the Council had been adjourned, to be specified by the Leader of the House i.e. the Chief Executive Member in such notice of motion.

5) It shall be the duty of the Secretary, on receipt of such notice, to circulate it to members and include such matter in the list of business for the said date, to be circulate to the members.

6) If such motion is carried, the District Council shall proceed with its business as if the order of adjournment referred to in sub-rule (3) of this rule were not at all made.

**36. Notices to Members and the order in which they would sit -**

1) On summoning of a session of District Council under rule 33, the Secretary shall served notices to its members specifying the place date and time for the session, at least thirty days before the date of commencement of the Session.

   Provided that when a session is called at short notice or emergency, such notices may be served on all members through special messengers.

   Provided further that a notice for the emergency session shall be issued at least ten days before the date of commencement of the session.

2) The members shall sit such order as the Chairman may determine.

**37. Oath or affirmation of members -**

1) Every member of the District Council as soon as constituted after the general elections, shall, before the President/Judicial Officer. Lai District Council Court or any other person appointed in that behalf by the Governor, an oath or affirmation according to the form set out for the purpose I the Appendix - III

2) A member who has not already made and subscribed an oath or affirmation in pursuance of the sub-rule (1) may do so at the commencement of a sitting as the Chairman may direct or on any day after giving previous notice in writing to the Secretary.

3) No member shall be entitled to take part in any proceedings of the District Council unless he has made and subscribed an oath or affirmation in pursuance of this rule.

4) There shall be a Roll of Members of the District Council, which shall be signed in the presence of the Secretary by every member after making and

subscribing the oath or affirmation but before taking his seat, and shall be the conclusive proof of making and subscribing of the oath or affirmation by a member.

**38. Voting in the District Council -**

1) Save as otherwise provided in these Rules, all questions at any sitting of the District Council shall be determined by a majority of votes of the members present and voting other than the Chairman, or person acting as such.

2) The Chairman or the person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

**39. Power of the District Council to act notwithstanding**
The District Council shall have power to act notwith-

standing any vacancy in the membership thereof, and no proceedings in the Council shall be invalid, notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

**40. Quorum -**

1) The quorum to constitute any meeting of the District Council shall be one-third of the total number of members including the person presiding over the Council.

Provided that in case of a fraction, any figure of decimal five and above shall be treated as a whole number and fractions less than that shall be ignored for the purposes of calculation under this sub-rule.

2) If at any time during a meeting of the District Council it is brought to the notice of the Chairman that there is no quorum. It shall be the duty of the Chairman or the person acting as such, either to adjourn or suspend the meeting until there is quorum.

**41. Language of the District Council -**

A member may address the District Council session in any of the languages spoken in the area over which the District Council exercises jurisdiction or in any of the recognised languages of the State.

Provided that if any member seeks to address the House in a language not intelligible to the majority of the members thereof, he shall have to make over in advance to the Secretary a copy of his speech in original as well as its translation in English. Which he proposes to deliver.

**Explanation -**

For the purposes of this rule, the expression 'recognised language of the State' shall include the following languages, namely, Mizo, English and Hindi.

**42. Rules to be observed by the members -**

When the District Council is in session, a member -

(a) Shall not read any book, newspaper or letter except in connection with the business of the House.

(b) While desirous of making any mention on any matter before the House, shall rise and speak from his seat and shall address the Chairman.

(c) Shall not interrupt any member while speaking by improper expression or noises in any other improper manner.

(d) Shall bow to the Chair while taking leaving his seat.

(e) Shall not pass between the chair and any member who is speaking.

(f) Shall not leave the House when the Chairman is addressing the house.

(g) Shall keep to his usual seat.

(h) Shall maintain silence while the Chairman is addressing the house.

(i) Shall not applaud when a visitor enters any of the galleries or the special box.

(j) Shall not, while speaking, make any reference to the visitors in any of the galleries.

(k) Shall not obstruct proceedings or businesses of the House or interrupt and shall avoid making running commentaries when speeches are being made in the House.

**43. Executive Members To observe -**

An Executive Member when a matter relating to his portfolio is under discussion in the House, shall not leave the House without prior permission of the Chairman.

**44. Members to speak when called by the Chairman -**

(1) When a member rises to speak, his name shall be called by the Chairman.

(2) If more members than one rise at the same time, the member whose name is so called shall be entitled to speak.

**45. Questions to be asked Through the Chairman -**

When for the purposes of explanation during discussion or for any other sufficient reason or reasons, any member has occasion to ask a question of another member on any matter then under the consideration of the House, he shall ask the question through the Chairman.

**46. Personal Explanation -**

A member may, with the permission of the Chairman, make personal explanation, although there is no question before the house, in which case no debatable matter may be brought for ward and no debate shall arise.

**47. Irrelevant motions or Repetitions -**

The Chairman, after having called the attention of the House as well as of the member who persists in irrelevant mention or in tedious repetitions either of his own explanation or of the arguments used by other members in debate, may direct him to discontinue his speech.

**48. Allegation of defamatory Or incriminatory nature Against any person -**

No allegation of a defamatory or incriminatory nature shall be made by a member against any Person unless the member has given previous intimation to the Chairman and also to the Executive Member concerned so that the Executive Member may be able to make an inquiry into the matter for the purpose of reply.

Provided that the Chairman may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.

**49. Use of Session Hall -**

1) The Session Hall shall not be used for any purpose other than the session of the Council.

2) Admission of persons, other than members, to any part of the Session Hall during the sitting of the Council shall be regulated in accordance with orders or permissions made by the Chairman or any officer authorised by him in this behalf.

Provided that the Chairman, whenever he thinks necessary, may order the visitors or press gallery to vacate immediately or as he may think fit.

**50. Limitations on debate -**

1) Subject-matter of every member's speech shall be strictly relevant to the subject under discussion before the District Council.

2) A member while speaking shall not -

(i) Reflect upon the conduct of the President of India or any Governor of a State or Administrator of a Union Territory, or any Court of Law in the exercise of its judicial functions.

(ii) use offensive expressions regarding the Parliament or the Legislature of a State or Union Territory.

(iii) refer to any matter of fact on which a judicial decision is pending.

(iv) make a personal charge against the Chairman or another member.

(v) exercise his right of speech, after due warning from the Chairman for the purpose of willfully and persistently obstructing the business of the District Council.

**51. Point of order -**

No proceedings of the District Council shall be deemed to be, or ever to have been invalid by reason of any rule not being, or not having been, complied with: but in case of any such non- compliance, any member may raise a point of order;

**52. Decision on points of order -**

1) Any member may at any time submit a point of order for the decision of the Chairman, but in doing so, shall confine himself to stating the point.

2) The Chairman shall decide all points of order which may arise and his decision shall be final.

**53. Power to order Withdrawal of members -**

1) The Chairman shall preserve order in the House and have all powers necessary for the purpose of enforcing his decision on all points.

2) he may direct any member whose conduct is in his opinion disorderly, to withdraw immediately from the session of the District Council, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting, if any member is ordered to withdraw for the second time in the same session, the chairman may direct the member to absent

himself from the meeting of the District Council for any period not longer than the remainder of the session, and the member so directed shall absent himself accordingly.

(3) The Chairman may, in case of grave disorder arising in the House of the District Council, suspend any sitting for such time as it may be deemed necessary in consultation with the Leader of the House, i.e. the Chief Executive Member;

Provided that such suspension should nor exceed one week at a time and a report in this regard is submitted to the Deputy Commissioner and the Governor.

**54. Allotment of time for official and non-official Business -**

The Chairman, in consultation with the Leader of the House i.e the Chief Executive Member, shall allot so many days as may in his opinion be possibly compatible with the public interest, for private member's business and may allot different days for the disposal of different classes of such business, while on other days no other business than official business shall be transacted.

Provided that the Chairman may, if he thinks so necessary, prescribe time limit for the speeches.

**55. List of Business -**

1) A list of business for each day of the sitting shall be prepared by the Secretary and shall be circulated to all members at least two days in advance of the sitting.

2) No business, not included in the list of business for the days, shall transacted at any meeting without the leave of the Chairman.

**56. Business outstanding At the end of the day -**

1) All business listed for any day and not disposed of on that day shall remain outstanding until the next day of the session available for such business.

2) Any business left over on termination of a session shall lapse unless it is included in the list of business on any day during the next session.

**57. Leave of absence -**

1) If a member finds at any time that he is unable to attend the meeting of the District Council for a period of thirty consecutive days computed in the manner provided in sub-rule (5) of rule - 11, he shall apply to the Chairman for the leave of the District Council for such absence.

2) Sub application shall be disposed of as it was a motion under Chapter - VIII of these Rules.

3) The Secretary shall inform the member, as soon as possible, of the decision of the Council on his application.

4) If a member is absent from the meeting without permission of the District Council for a period of thirty consecutive days or more, computed in the manner provided in sub-rule (5) of rule 11, the Chairman shall bring that fact to the notice of the District Council. the District Council shall then decide as to whether the seat of the absent member should be declared vacant in the manner provided in sub-rule (2)

5) If the District Council declares the seat of the member to be vacant, the Secretary shall communicate such declaration to the Governor, the Deputy Commissioner and the member concerned.

6) The Secretary shall maintain a list showing the attendance of each member and such list shall be made available for inspection by members.

## CHAPTER - VII

## QUESTIONS

**58. Time for questions -**

The first hour of every meeting shall be available for asking and answering of questions.

**59. Notice of questions -**

A member who wishes to ask a question shall give notice in writing to the Secretary at lease 15. (fifteen) clear days before the meeting of the District Council, at which he desires to put the question and shall, together with the notice, submit a copy of the question or questions which he wishes to ask.

Provided that the Chairman may, with the consent of the Chief Executive Member, allow a question to be put at a shorter notice.

**60. Power to disallow Questions -**

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

**61. Supply of list of Business/questions to the Governor-** The Chairman shall cause a list of business and questions to be supplied to the Deputy Commissioner and

if the Deputy Commissioner is of opinion that any question or part thereof relates to a matter falling outside the jurisdiction of the District Council, he shall request the Chairman in writing or otherwise, not to allow the question or part thereof to be answered or replied.

Provided that in the event of any differences of opinion arising between the Deputy Commissioner and the Chairman, the Deputy Commissioner shall refer the matter to the Governor, and pending the receipt of the orders to the Governor thereon, the Chairman shall not allow the question to be answered in the Council.

**62. Subject matter of Questions -**

1) Questions may be asked for the purpose of obtaining information on matters of public concern within the special cognizance of the matter to whom it is addressed. No question shall be asked in regard to any of the following subjects, namely -

   (a) Any matter which is under adjudication by a Court of law having jurisdiction in any part of the Union of India, and

   (b) Any matter relating to the conduct of any judge or any magistrate in the discharge of his duties.

2) If any doubt arises as to whether any question is or is not within the restriction imposed by sub-rule (1) the Chairman shall decide the point and his decision shall be final.

3) There shall be two types of questions namely-

   (a) Starred question which shall be answered orally by the concern Member of the Executive Committee. Any of the members may put supplementary questions to a starred question after being called by the Chairman, but such supplementary questions to have a particular question should not exceed normally five (5) in number.

   (b) Unstarred question which shall be answered with the support of printed or typed copies of answers, and shall be laid on the tables half an hour before the Chairman takes his seat.

   (c) Any member desiring to ask questions specified at (a) and (b) above , has to give separate notice of his questions belonging to starred or unstarred respectively.

   Provided that members shall be permitted to put any supplementary questions on an ordinary/unstarred questions with prior permission of the Chairman.

Provided also that the Chairman may disallow any supplementary question, if in his opinion, a sufficient or reasonable number of supplementary questions have already been put in respect of the same question.

**63. Form and content of Questions -**

In order that a question may be admissible, it shall satisfy the following conditions, namely -

(a) It shall not bring in any name or make any statement not strictly necessary to make the question intelligible;

(b) If it contains a statement by the member himself, the member asking it shall make himself responsible for the accuracy of the statement;

(c) It shall not contain arguments, inference, ironical expression or defamatory statement;

(d) It shall not ask for any expression of opinion or the solution of a hypothetical proposition;

(e) It shall not relate to the character or conduct of any person by name, except by designation in his official or public capacity.

(f) It shall not be excessive in length;

(g) It shall not be a request for action;

(h) It shall be precisely and definite expressed ; and

(i) It shall be asked with the object of eliciting information, pure and simple.

**64. Question of Controversies -**

On matters which are or have been the subject of controversy between the State Government and the District Council, not question shall be asked except as to a statement of facts.

**65. Chairman to decide Admissibility of question -**

The Chairman shall decide on the admissibility of a question in term of rule 63 and shall disallow any question which, in his opinion, is an abuse of the right

of questioning or is in contravention of the rules applicable to it.

**66. List of questions -**

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

**67. Matters to which they shall relate -**

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

**68. Questions of absent Members -**

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

**69. Members of the Executive Committee May ask for notice For supplementary Question -**

When a supplementary question is asked at any meeting of the Council and if Member-in charge asks for notice , the member who puts the question shall, if he desires to have an answer during the session, Supply the copy of the question to the Secretary. If the question is not disallowed by the Chairman, it will be immediately forwarded to the Executive Member concerned with the request that it may be answered as soon as possible within the session. If, nevertheless, the question is not answered during the session in which it is listed, it will lapse under rule 56.

CHAPTER - VIII

## MOTIONS

**70. Motions -**

1) A matter requiring the decision of the District Council shall be brought forward by means of a motion proposed by a member.

2) Votes may be taken by show of hands, or voices of division if any member so desires. The Chairman shall determine the method of taking votes by division provided that if any member so desires, the names of the members voting on either side shall be recorded.

3) The result of a division shall be announced by the Chairman and shall not be challenged.

**71. Discussion on a matter of public interest by motions-** Save as provided by these Rules, a motion on a matter general public interest public interest can be discussed only with the consent of the Chairman.

**72. Notice of motion -**

Notice of a motion shall be given in writing addressed to the Secretary.

Provided that no member shall, except with the permission of the Chairman, be permitted to send a notice of more than four motions during one session of the Council.

Provided further that if the number of motions admitted by the Chairman is more than one, the relative precedence of motions notices of which have been given by members, shall be determined by ballot in such manner as the Chairman may direct.

**73. Conditions of admissibility of motions -**

In order that such a motion may be admissible, it shall satisfy the conditions as are applicable to a question under rule 50 of these Rules.

**74. Decisions as to admissibility of motions -**

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

2) Any motions tabled by a member to discuss a statement of report made by any member of the Executive Committee may also be the subject-matter of the discussion.

**75. Identical motions -**

1) A motion shall not raise a question substantially identical with one on which the Council has given a decision in the same session. The Chairman's decision on the point whether the question is substantially identical with the previous one shall be final.

2) Where substantially identical motions stand in the names of two or more members, the Chairman, unless the members have agreed, shall decide whose motion or motions shall be moved and other motion or motions shall there upon be deemed to be withdrawn.

**76. Order of speeches -**

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

**77. Rules as to Amendments -**

1) An amendment shall be revelant to and within the scope of the motion to which it is proposed.

2) An amendment shall not be moved which has merely the effect of a negative vote.

3) After a decision has been given on an amendment to any part of the motion, an earlier part shall not be amended.

4) An amendment to a motion must not be inconsistent with the previous decision of the same motion given at any stage of the same Bill or motion.

5) The Chairman may refuse to put an amendment which is in his opinion, frivolous.

**78. Order of Amendments -**

1) When an amendment to any motion is moved, or when two or more such amendments are moved, the chairman shall before taking the sense of the House thereon, state or read to the Council the terms of the original motion of the amendment or amendments procedure.

2) It shall be in the discretion of the Chairman to put first to the vote either the original motion or any of the amendments which may have been brought forward.

**79. Division of motions -**

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

**80. Withdrawal of motions -**

1) A member who has moved an original motion or an amendment may withdraw the same and thereafter there shall be no further discussion on it.

2) If, at the time of putting the question on a motion or an amendment to the motion to the vote of the Council, the mover of the motion is absent, it shall be considered to have been withdrawn by him.

**81. Procedure where motion debated and not withdrawn -**

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

**82. Closure -**

At any stage in the debate upon any motion any member may request the Chairman to close the debate and put

the motion to the vote of the Council. When such a request has been made if the Chairman is satisfied-

(a) That the debate has already proceeded to a length which is consistent with the reasonable exercise of the right of free speech; and

(b) That the request is in accordance with the wish odftwo thirds of the members present, he may close the debate and put the motion to the vote.

Provided that notwithstanding anything contained in rule 70 (2), it shall not be necessary to record the names of the members who support or oppose a request made under this rule.

**83. Time -limit for Speeches -**

The Chairman may, if he thinks fit, prescribed a time-Limit for speeches.

**84. Motion of no-Confidence in the Executive Committee**

1) A motion expressing want of confidence in the Executive Committee or a motion disapproving the policy of the Executive Committee in regard to any particular matter may be made with the consent of the Chairman and subject to the restriction that the member making the motion shall present to the Secretary a written notice of the motion before the commencement of the sitting of the day.

2) If the Chairman is of opinion that the motion is in order, he shall read the motion to the Council and shall request those members who are in favour of leave being granted, to rise in their places, and if not less than one-fourth of the members present rise accordingly, the Chairman shall intimate that the leave is granted and that the motion will be taken on such day, not being more than two days and not less than twenty four hours from the time at which leaves is asked for, as he may appoint.

Provided that if exigencies of business require, the Chairman shall have the power to relax the rule and take up the motion earlier than twenty four hours.

3) If less than one-fourth of the members present rise, the Chairman shall inform the member that he has not the leave of the Council.

**85. Motion for raising discussion on matter before tribunals, commissions etc. -**

No motion which seeks to raise discussion on a matter pending before any statutory tribunal or authority performing any judicial or quasi-judicial functions or any

Commission or court of injury appointed to enquire into or investigate any matter shall ordinarily be permitted to be moved.

**86. Motion for removal of Chairman or Deputy Chairman**

1) A motion for removal of the Chairman or the Deputy Chairman from Office may be made subject to the restriction that the member making the motion shall present to the Secretary a written notice of the motion before the commencement of the sitting of the day.

Provided that if the motion is moved for removal of the Chairman, then the Deputy Chairman or in his absence the member in the serial no. 1 of the penal, shall preside over the meeting, and in no circumstances the Chairman shall preside over such meeting.

2) Any motion for removal of the Chairman or the Deputy Chairman from office shall be read to the District Council by the person presiding, who shall then request the members who are in favour of leave being granted to move the motion to rise in their places, and, if not less than one-fourth of the members present rise accordingly, the person presiding shall allow the motion to be moved and if less-than-one-fourth of the

members rise, the person presiding shall inform the member who has given the notice that he has not obtained the leaves of the Council to move it.

3) If the leave is granted for the motion to be moved, it shall be disposed of in accordance with the procedure laid down for the removal of the Executive Committee under-sub-rule (2) of rule 84 of these Rule.

**87. Special motions to get Precedence over other Motions**

1) Subject to the Conditions laid down in the rule 85, whenever any report or any matter of urgent public importance and of recent concurrence is brought before the House, any member can move a motion for the discussion of that matter and such motion shall get precedence over other motions.

2) The Chairman shall fix the time and date for discussion of such motion.

## CHAPTER - IX

## LEGISLATION

**88. Rules to be made by the District Council -**

All Rules which may be made by the District Council under sub-paragraph (7) of paragraph 2 of the Sixth Schedule with regard to matters specified in sub-paragraph (6) of that paragraph and also all Rules with regard to other matters which are under the rule making powers of the District Council shall be drafted by the Executive Committee of the District Council and shall be placed by the Chief Executive Member or any member concerned of the Executive Committee before the District Council for consideration and confirmation, and the District Council in session shall have the power to amend, reconsider or replace them, either in the Council or with the help of a Select Committee appointed by the Council.

**89. Rules to be signed by the Chairman -**

All Rules thus made and confirmed by the District Council shall be authenticated and signed by the Chairman of the Council. A copy of such Rules shall be submitted to the Governor for information through the Secretary to Government and also a copy thereof shall be sent to the Chief Executive Member and the Deputy Commissioner.

**90. Rules made by the District Council with Approval of Governor -**

All Rules which may be made by the District Council with the approval of the Governor shall be drafted by the Executive Committee and after being passed by the District Council with or without amendments, shall be submitted to the Governor for his approval, and while approving, the Governor shall have the powers to modify the same in consulattion with the Law&Judicial Department of the State Government.

**91. Publication of Rules made -**

All Rules made by the District Council and the Rules made otherwise with the approval of the Governor in the cases requiring such approval under any of the provisions of the Sixth Schedule, shall be published in the Gazette by the Secretary to Government, and on such publication only, the same shall come into force.

**92. Introduction of Bills -**

1) All proposals to make laws specified in Paragraph 3 of the Sixth Schedule and regulations, and to amend such laws shall be introduced in the District Council in the form of Bills.

2) Bills shall be introduced, on behalf of the Executive Committee, by any member of the Executive Committee and such Bills shall hereinafter be referred to as "Official Bills" and Bills introduced by any other

member of the District Council shall hereinafter be referred to as 'Private Member's Bills'.

3) Any member of the Executive Committee, subject to the provisions of rule 93, shall cause every official Bill with the statement of objects and reasons to be published in such manner as he may deem appropriate, within a period of not less than thirty days before the commencement of the session of the District Council in which the Bill is to be introduced;

Provided that the period of thirty days be waived by the order of the Chairman of the District Council, if he is satisfied that there is an urgency for doing so.

4) When a Bill has thus been published, it shall not be necessary to move for leave to introduce the Bill, and if the Bill is afterwards introduced, it shall not be necessary to publish it again.

5) No Bill in respect of any matter which requires previous approval of the Governor under any of the provisions of the Sixth Schedule shall be introduced in the District Council without prior approval of the Governor.

6) Bills in respect of any other matter may be introduced in the District Council without such prior approval;

Provided that copies of all such Bills, whether official or private member's shall be sent to the Governor and the Deputy Commissioner sufficiently in advance;

Provided further that the Governor shall have the powers to direct the District Council not to introduce any Bill as may appear to him to adversely affect the harmonious relationship between the State and the District Council and to adversely affect the public interest, peace and tranquility.

7) If it is found that any Bill refers to matters falling outside the jurisdiction of the District Council, the Governor may

direct that the Bill shall not be introduced in the District Council and the decision of the Governor in this matter, as under the second proviso to sub-rule(6), shall be final.

8) On receipt of the order of the Governor that a Bill shall not be introduced in the District Council, the Chairman of the District Council shall not allow the Bill to be introduce.

**93. Notice of motion for leave to introduce Bill -**

1) No private Member's Bill shall be introduced in the District Council unless the leaves of the District Council has been sought for and granted for the introduction of the Bill in the manner hereinafter laid down.

2) Any member other than a Member of the Executive Committee desiring to move for leave to introduce a Bill shall give notice of his intention and shall, together with the notice, submit a copy of the Bill and full Statement of Objects and Reasons to the Secretary.

3) The period of notice of a motion for leaves to introduce a Bill under this rule shall be thirty days before the opening of each session counting the opening day as the first and reckoning backward.

**94. Notice of Private Member's Bill-copy to Executive Committee -**

Whenever a member other than a Member of the Executive Committee gives notice of his intention to

move for leave to introduce a Bill, the Secretary shall forthwith send a copy of the Bill and Statement of Objects and Reasons to the Member of the Executive Committee, to whose Department or business the Bill relates.

**95. Publication of Bills -**

As soon as may be, after a Bill has been introduced, the Bill unless it has already been published, shall be published in such a menner as it may be deemed appropriate by the Chairman.

**96. Motion for leave to introduce a Bill -**

1) As soon as may be after the notice of a motion under sub-rule (2) of rule 93 has been received, the Chairman shall fix a date for the consideration of the motion by the District Council.

2) On the day appointed for the consideration of the motion, the member who has given notice of the motion shall move for leave of the Council to introduce his Bill.

3) If a motion for leave to introduce a Bill is opposed, the Chairman after permitting, if he thinks fit, a brief explanatory statement from the member who moved and from the member who has opposed the motion, may, without further debate, put the question thereon.

4) If such motion be carried, the Secretary shall read the title of the Bill, and the Bill shall thereupon be deemed to have been introduced in the Council.

**97. Motion after Introduction -**

At the time when a Bill is introduced or on some subsequent occasion, the Member in charge may make one of the following motions in regard to the Bill, namely-

(a) That it be taken into consideration by the Council either at once or at some further day to be then mentioned; or

(b) That it be referred to a Select Committee or

(c) That it be circulated for the purpose of eliciting opinion thereon;

Provided that if a member gives notice of a particular motion specified in clauses (a), (b) and (c), he shall not be permitted to move a different motion.

**98. Persons by whom Motion be made -**

1) No motion that a Bill be taken into consideration or be passed, shall be made by any member other than the Member-in-charge of the Bill and no motion that a Bill

be referred to a Select Committee or be circulated or re-circulated for the purpose of eliciting public opinion thereon, shall be made by any member other than the Member-in-charge except by way of amendment to a motion made by the Member - in-charge.

2) For the purposes of this rule, "Member-in-charge of the Bill' means, in the case of an official Bill, any member acting on behalf of the Executive Committee, and in any other case, the member who has introduced the Bill.

**99. Discussion on Bill's first reading -**

1) On the day on which any such motion is made, or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provision may be discussed and the details of the Bill must not be discussed further than is necessary to explain its principle.

2) At this stage no amendment to the Bill may be moved, but if the member-in-charge moves that the Bill-

   (a) be taken into consideration, any member may move as an amendment, that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon before a date to be mentioned in the motion; or

   (b) be referred to a Select Committee, any member may move, as an amendment, that the Bill be circulated for the purpose of eliciting opinion.

3) Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon has been carried in the Council and the Bill has been circulated in accordance with that direction, and opinions have been received thereon before the date mentioned in the motion, the Member-in-charge, if he wishes to proceed with the Bill thereafter, must move that the Bill be referred to a Select Committee unless the Chairman, in his discretion, allows a motion to be made that the Bill be taken into consideration.

**100. Composition of a Select Committee -**

1) The Member of the Executive Committee, who is concerned with the subject and the member who introduced the Bill, shall be members of the Select Committee.

2) Other Member of the Select Committee shall be appointed by the Chairman of the District Council.

3) The Member concerned of the Executive Committee shall ordinarily be the Chairman of the Committee.

4) The Secretary shall be Secretary of the Select committee.

**101. Procedure for the Select Committee -**

1) In the case of an equality of votes, the fact of such equality shall be recorded in the proceeding.

2) A select Committee may hear expert advice and representatives of special interests affected by the measures before them.

3) It may, for this purpose, require any person presiding within the limits of the District Council to attend before it as witness or to produce before it such papers and records, as it may think necessary, and thereupon a requisition in writing shall be sent to the person concerned, over the signature of the Chairman of the Select Committee.

4) A quorum to constitute a meeting of the Committee shall be fixed by the Chairman, while constituting such Committee.

5) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of members fixed by the Chairman is not formed, the Chairman of the Select Committee shall either suspend the meeting until the quorum is present or adjourn to some future day.

6) Where the Select Committee has been adjourned in pursuance of sub-rule (5) on two successive dates

fixed for the meeting of the Committee, the Chairman of the Select Committee shall report the fact to the Council through the Chairman of the District Council

7) In the case of an adjourned meeting of the Select Committee, no quorum shall be required.

**102. Reports by the -**

1) After the publication of a Bill in the manner herein before laid down, the Select Committee to which the Bill has been referred shall make a report thereon to the Chairman of the District Council.

2) Reports may be either preliminary or final

3) The Select Committee shall, in their report, state whether or not in their judgements the Bill has been so altered as to require republication.

4) It shall be stated in the report whether the Select Committee were unanimous or otherwise in their recommendations, and the whole report shall be signed by all the members of the Select Committee;

Provided that any member present in the meeting and signing the report desires to record a note of dissent, he may state so against his signature and such a note of dissent shall be attached to the report if furnished within the time as may be fixed by the Chairman of the Select Committee, which time shall not be less than 7 (seven) days after signing of the report.

**103. Publication of report -**

The Secretary, on receipt from the Select Committee, of a complete report (including notes or minutes of dissent, if any duly signed by the members of the Committee, with the Bill as amended shall cause the report and the amended Bill to be report with the amended Bill, shall be published in such manner as it may be deemed appropriate to the Chairman of the District Council.

**104. Presentation of report -**

1) The report of the Select Committee on a Bill shall be presented to the District Council by the Member-in-charge of the Bill.

2) On presenting a report, the Member-in-charge shall make any remarks, confine himself to a brief statement of fact.

**105. Procedure on report after presentation -**

1) After the presentation of the final report of the Select Committee on a bill, the Member-in-charge may move-

   i) That the Bill as reported by the Select Committee be taken into consideration, but any member may object to its being so taken into consideration, if a copy of the report has not been made available for the use of member for seven days and such objection shall prevail, unless the Chairman, in exercise of his discretion, allows the report to be taken into consideration ; or

   ii) That the Bill be recommitted either -

      (a) Without limitation, or

      (b) With respect to particular clauses or amendments only;

      (c) With instruction to the Select Committee to make some particular or additional provisions of the Bill.

2) If the Member-in-charge moves that the Bill be taken into consideration, any member may move, as amendment that the Bill be re-committed.

**106. Proposal of amendment -**

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

**107. Notice of amendment -**

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

2) The Secretary shall cause every notice of a proposed amendment to be made available for the use of each member.

**108. Order of amendments Second reading -**

An amendment shall ordinarily be considered in the order of the clauses to which they respectively relate.

**109. Submission of Bill Clause by clause -**

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

**110. Passing of Bills Third reading -**

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

2) If any amendment be made, any member may object to the passing of the Bill at the same meeting, and such objection shall prevail, unless the Chairman in his discretion, allows the Bill to be passed.

3) Where the objection prevails, the Bill shall be brought forward again at a future meeting and may then be passed with or without further amendment.

**111. Formal revision of Bill and submission to Chairman for authentication and to the Governor for assent -**

1) When a Bill has been passed, the Secretary shall,if necessary, renumber the clauses, revise and complete the marginal notes thereof and make such purely formal consequential amendments therein as may be required and a copy of the Bill shall be submitted to the Chairman and shall be signed by him.

2) After a Bill has been so authenticated by the Chairman, the Secretary shall send an authenticated copy to each of the following :-

i) The governor through the Secretary to Government for his approval or assent, as the case may be, where it is so required under any provisions of the Sixth Schedule ;or

ii) The Governor through the Secretary to Government for information, if the Bill does not require the approval of the Governor, being not so specified in any of the provisions of the Schedule:

iii) The Chief Executive Member for information.

iv) The Deputy Commissioner for information.

**112. Reconsideration of Bills returned by the Governor -** When a Bill which has been passed by the District Council and submitted to the Governor under rule 98

(2) (i) is returned by the Governor with a message to the District Council for reconsideration, the point or points referred for reconsideration or the amendments recommended shall be put up to the Council by the Chairman, and shall be discussed and voted upon in the same manner as amendments to a bill and it shall be presented to the Governor through the Secretary to Government for his approval or assent, as the case may be.

**113. Effect of Laws made by the District Council -**

When a Bill has been passed by the District Council, a copy thereof shall be signed by the Chairman and after having been assented to or approved by the Governor, wherever required under any provisions of the Sixth Schedule to Constitution of India, it shall be published by the Secretary to Government in the Official Gazette and on such publication shall have the force of law as provided for in paragraph 11 of the Sixth Schedule.

## CHAPTER - X

## RESOLUTIONS

**114. Notice of resolutions -**

1) A member who wishes to move a resolution shall give fifteen days notice before the opening day of the Council session of his intention, and shall, together with the notice, submit a copy of the resolution which he wishes to move.

Provided that the Chairman, with the consent of the Chief Executive Member, may allow a resolution to be entered on the list of the business at a shorter notice than fifteen days.

2) immediately on receipt of the notice of a resolution under sub-rule (1), the Chairman shall cause to send a copy of the resolution to the members.

**115. Power to disallow Resolutions -**

1) The Chairman shall have the power to disallow any resolution on the ground that it relates to matters falling outside the jurisdiction of the District Council.

2) When a resolution is so disallowed, the Secretary shall intimate the fact to the member concerned and to the Secretary to Government.

3) When a resolution or part of a resolution is so disallowed, such resolution or part of such resolution shall not be placed on the list of business.

**116. Restriction on the Subject for discussion -**

1) Every resolution shall be in the form of a declaration of opinion by the District Council indicating, whenever necessary, a line of action to be taken by the Council.

2) No resolution shall be moved on any matter falling outside the jurisdiction of the District Council and on any of the followings, namely -

(a) Any matter which is under adjudication by a court of law having jurisdiction in any part of the Union of India.

(b) Any matter relating to the conduct of any judge or magistrate.

3) Subject to the provisions of rules 101 and 112, the decision of the Chairman on the point whether any resolution is or is not within the restriction imposed by sub-rule (2) shall be final.

**117. Forms and contents of resolutions -**

Subject to the restrictions imposed by these Rules, any member may move a resolution relating to a matter of general public interest.

Provided that no resolution shall be admissible, which does not comply with the following conditions, namely-

(a) It shall be clearly and precisely expressed and shall raise a define issue; and

(b) It shall not contain arguments, inference, ironical expressions or defamatory statement, nor shall it refer to the conduct or character of persons except in their official or public capacity.

**118. Moving of resolutions or otherwise -**

1) A member in whose name a resolution appears in the list of business shall, when called upon, either -

(a) Decline to move the resolution, in which case he shall confine himself to a mere statement to that effect, or

(b) Move the resolution, in which case he shall commence his speech by a formal motion in the term appearing on the list of business.

2) If the member, when called upon, is absent, the resolution standing in his name shall be deemed to have been withdrawn.

Provided that on the authorization in writing of such absent member and with the permission of the Chairman, any other member may move his resolution.

Provided further that if such a resolution stands in the name of another member present in the meeting of the District Council, such member may be permitted by the Chairman to move that resolution.

**119. Limits of discussion -**

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

**120. Amendment of resolution -**

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

**121. Notice of Amendment -**

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

**122. Withdrawal of Resolutions -**

1) A member who has moved a resolution or amendment to a resolution shall not withdraw the same except with the leave of the Council.

2) No discussion shall be permitted on a motion for leave to withdraw a resolution or an amendment thereto, except with the permission of the Chairman.

**123. Resolution not Discussed -**

A resolution, of which notice has been given by a member and which has been admitted, if it is not discussed during the session, shall subject to the provisions of rule 43 be deemed to have been withdrawn.

**124. Copy of resolution to be forwarded -**

A copy of every resolution which has been passed by the District Council shall be forwarded to the Governor, through the Secretary to Government.

**125. Resolution on a matter of general public interest -**

Save in so far as is otherwise provided by these Rules, no discussion on a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions, except with the consent of the Chairman and of the Member of the Executive Committee in charge of the subject-matter of the resolution.

## CHAPTER - XI

## PROCEDURE

**126. Discussion on District Council Budget -**

1) The statement of the estimate receipts and expenditure pertaining to the Lai Autonomous District, which are to be credited to or is to be made from the Consolidated Fund of the State of Mizoram in respect of every financial year shall, as required under paragraph 13 of the Sixth Schedule, be placed before the District Council for discussion on such day in the preceding financial year as may be appointed by the Chairman

or such other person authorized by the Governor in this behalf. Immediately after the District Council Budget, the Chairman or the person so authorized shall send a copy of the Budget to the Governor as so as to enable him to finalise the District Council Budget and to take steps to show it separately in the Annual Financial Statement of the State to be laid before the Legislature of the State under Article 202 of the Constitution of India.

2) The provisions of rule 20 shall apply as regards the summoning of the District Council for the purpose envisaged in sub-rule (1).

**114. Annual Financial Statement -**

1) The Chief Executive Member or the Executive Member-in-charge of financial affairs shall in respect of every financial year cause to be laid before the District Council a statement of the estimated receipts and expenditure for that year which are to be credited to, or is to be made from the District Fund of the Lai Autonomous District (hereinafter referred to as the "District Council Budget")

2) All estimates of expenditure from the District Fund shall be submitted, in the form of demands for grants, to the District Council, and the District Council shall have the power to assent or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

3) No demand for grant shall be made except on the recommendation of the Chief Executive Member.

**127. Authentication of Schedule of authorized expenditure**

1) The Chief executive Member or the Executive Member in charge of financial affairs shall authenticate by his signature of a schedule specifying the grants made by the District Council under the preceding rule.

2) The Schedule so authenticated shall be placed before the District Council but shall not be open to further discussion or vote in the Council.

3) Subject to the provisions of the succeeding rule, no expenditure from the District Fund shall be made unless it is specified in the Schedule so authenticated.

**128. Supplementary Statement of expenditure -**

If in respect of any financial year further expenditure from the District Fund becomes necessary over and above the expenditure therefore authorized for that year, the Chief Executive Member or the Executive Member-in-charge of financial affairs shall cause to be laid before the District Council, a supplementary statement showing the estimate amount of that expenditure, and the provisions of the preceding rules shall have effect in relation to that statement and that expenditure as they have effect in relation to the District Council Budget and expenditure mentioned therein.

**129. Presentation of Budget -**

1)The District Council Budget, in respect of every financial year, shall be presented to the District Council on such day in the preceding financial year as the Chairman, in consultation with the Chief Executive member, may appoint.

2) The Budget should conform to the system of classification generally followed by the State Government or as may be advised by the Accountant General from time to time.

3) No discussion on the District Council Budget shall take place on such day not less than three days from the date on which it is presented.

**130. Demands for grants -**

1) A separate demand shall be made in respect of the grant proposed for each department or section of the District Council.

2) Each demand shall contain, first, a statement of the total grant proposed and then a statement of the detailed estimates under each grant, divided into items.

3) Subject to the provisions of these Rules, the District Council Budget shall be prepared and presented with necessary adaptations under the heads, sub-heads etc. as contained in the District Fund Rules.

4) A copy of such Budget shall be supplied to the members at least three days before the day on which the District Council Budget is presented.

**131. Discussion on District Council Budget -**

The District Council Budget shall be dealt with by the District Council in two stages, namely -

(a) a general discussion, and

(b) the voting of demands for grants.

**132. General discussion on Budget -**

1) On the day or days to be appointed by the Chairman subsequent to the day on which the Budget is presented and for such time as the Chairman may allot for the purpose, the District Council shall be at liberty to discuss the budget as a whole or any question of principle involved therein, but the budget shall not be submitted to the vote of the District Council.

2) The Executive Member-in-charge of Financial affairs shall have the general right of reply at the end of the discussion.

3) The Chairman may, if he thinks fit, prescribe a time limit for speeches.

**133. Voting on Demands -**

1) The voting on demands for grants shall take place on such days not exceeding one week as the Chairman may allot for the purpose.

2) Of the days so allotted, not more than a day shall be taken up by the Council for discussion of any one

demand. As soon as the maximum limit of time for discussion is reached, the Chairman shall forthwith put every question necessary to dispose of the demand under discussion.

3) On the last day of the days so allotted, the Chairman shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants and the consideration thereof shall not be anticipated by any motion for adjournment or be interrupted in any manner whatsoever nor shall any dilatory motion be moved in regard thereto.

**134. Vote on account Vote of credit and Exceptional grants-**

1) Notwithstanding anything contained in the preceding rules on any day or days subsequent to the presentation of the District Council Budget which may be appointed by the Chairman for the purpose, motions may be made for marking-

   (a) Any grant for meeting unexpected demand upon the resources of the Lai Autonomous District when on account of the magnitude of the indefinite character of the service, the demand cannot be stated with details ordinarily given in the District Council Budget.

   (b) An exceptional grant which forms no part of the current service of any financial year.

   (c) Any grant in advance in respect of the estimated expenditure for any part not exceeding three months of any financial year.

2) Such demand shall be dealt with by the District Council in the same way as if they were demands for grants and the provisions of rules 127, 130-133 shall, mutatis mutandis apply.

3) The Executive Member-in-charge of financial affairs shall first within the same financial year cause to be

laid before the District Council a statement of expenditure incurred out of a grant or grants made under sub-rule (1) and the approval of the Council shall then be obtained thereon.

**135. Motion at this stage -**

1) No motion for appropriation can be made except on the recommendation of the Chief Executive Member, expressly communicated to the District Council.

2) Motions may be made at this stage to refuse or reduce the total amount of a demand for grant or to omit or reduce the amount of any item or unit of appropriation composing the grant.

3) When tabling a motion for reduction, if it be for reduction or omission of an item, a member shall give full details of the reduction or omission proposed by him with reference to original provision in the District Council Budget.

4) When several motions for substantial reductions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the District Council Budget. Ordinarily, the largest reduction under a grant or an item of a grant will be taken up first and the smallest reduction last, but their arrangement may be altered by the Chairman at his discretion to expedite the business of the District Council.

5) In case any such motion or motions are carried by the Council, the Financial Statement shall be accordingly modified and finalised for the purpose of rule 128.

**136. Notice of motions -**

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

**137. Statement of Supplementary or additional grants -**

1) The Chairman, in consultation with the Chief Executive Member from time to time, allot a day or days for the presentation of a supplementary statement of expenditure and for discussion and voting on the demand thereof.

2) A demand may be presented to the District Council for an additional or supplementary grant in respect of any demand for grant to which the District Council has previously refused its assent, or in respect of the amount the District Council has previously reduced.

3) The consideration of the business stated in the foregoing sub-rules shall not, on the day or days allotted therefore, be anticipated by any motion for adjournment or be interrupted in any manner whatsoever, nor shall any dilatory motion be moved in regard thereof.

**138. Limitations -**

The District Council Budget shall not in principle exceed the total amount available by way of grants-in-aid from the State Government, and by way of special Grant, if any, from the Central Government under a special scheme, or otherwise, and also the revenue earnings anticipated or projected during the financial year under reference.

## CHAPTER - XII

## CONDUCT OF BUSINESS - MISCELLANEOUS:

**139. Proceedings of the District Council -**

1) The Secretary shall cause a full report of the proceedings of the District Council at each of its meetings, to be prepared as soon as possible after such meeting. He shall send a copy of such report signed by the Chairman to:

(a) The Governor through the Secretary to the Government,

(b) Chief Executive Member,

(c) Deputy Commissioner and

(d) All members of the District Council.

2) A copy of such report, when confirmed and signed by the Chairman, shall be the record of the proceedings of the District Council.

**140. Other duties of the Secretary -**

In addition to the duties specially entrusted by these

Rules, it shall generally be the duty of the secretary -

(a) To take charge of all records of the District Council.

(b) To keep the books of the District Council;

(c) To keep a list of business for the time being before the District Council.

(d) To make out from time to time a list of all Committee-sitting,

(e) To assist the District Council and all Committee in such manners as they may direct.

**141. District Council Committees and Powers of the Chairman -**

1) The Chairman may at any time, nominate a Committee of Privileges and the Business Advisory Committee. The Chairman shall be the Chairman of the Committees and the Secretary shall be the ex-officio Secretary of the Committee.

2) The size of such Committees and their powers and functions shall be as determined by the Chairman.

3) The Chairman shall have the powers to regulate the conduct of business in the District Council in all matters not provided for in these Rules.

CHAPTER - XIII

## ELECTION - GENERAL PROVISIONS:

**142. Holding of General Elections -**

1) A general election shall be held under these Rules for the constitution of the District Council of Lai Autonomous District, on the expiration of the duration of the existing District Council or on its dissolution, as the case may be.

2) The Governor shall, by notification in the official Gazette call upon every constituency, to elect a member in accordance with these Rules within such time as may be specified in such notification.

Provided that, if the Governor thinks fit, the said notification may be issued at any time not being more than six months prior to the date on which the duration of the District Council would expire in the ordinary course of events.

**143. Publication of results of the General Elections -**

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

**144. Casual vacancies -**

1) When the seat of an elected member of the District Council becomes vacant, the Governor shall, by notification in the official Gazette, call upon each Constituency elect a person to fill the vacancy within six months and these Rules shall apply to the procedure for the election of a member to fill such a vacancy.

2) If a vacancy occurs in the case of a nominated member, the Governor shall subject to the provisions contained in rule 7 (4) of these Rules, appoint a person having the necessary qualification under these Rules.

**145. Effect of disqualification -**

If any person having been elected or nominated is found to have been subject, at the time of this election or nomination, to any of the disqualifications prescribed in rule 12 or lacking in the qualifications prescribed in rule 10, the Governor may, if such disqualification has not been removed, declare, by notification in the official Gazette, such member's seat to be vacant.

## CHAPTER - XIV

1) Every person who is -

   (a) A citizen of India belonging to any Schedule Tribe;

   (b) An ordinarily resident in any constituency within the Lai Autonomous District;

   (c) Not below the age of eighteen years on the qualifying date,

   (d) Not of unsound mind and does not stand so declared by any competent court, and

   (e) For the time being, not disqualified from voting under the provisions of any law relating to corrupt or illegal practice or other offences in connection with election.

   Shall be entitled to vote at any election to the District Council of the Lai Autonomous District.

2) The expression "an ordinarily resident" used in sub-rule (1) shall have the same meaning as assigned to it by section 20 of the Representation of the People Act, 1950 (XLIII of 1950)

3) No person shall be entitled to be registered in the electoral roll for more than one constituency or for any constituency more than once.

4) For the purpose of this rule, "the qualifying date," as used in sub-rule (1) and in relation to the preparation or revision of every electoral roll under this chapter, means the 1st day of January of the year in which it is so prepared or revised.

**147. Electoral roll for every constituency -**

1) There shall be an electoral roll for every constituency for election to the District Council of Lai Autonomous District prepared in accordance with the rules hereinafter provided -

(a) The electoral roll of a constituency of the Mizoram Legislative Assembly prepared in accordance with the provisions of section 23 of the Representation of the People Act, 1950 (No.43 of 1950) in as much as it relates to the areas comprised within the constituencies of the District Council of Lai Autonomous District shall, as and when revised, be the electoral roll for the purposes of the general elections to the District Council.

(b) There shall be conducted a summary revision of the electoral rolls for inclusion, deletion, or correction of names in the electoral roll of the District Council preceding any election to the Council-constituencies/ constituency by such time frame as may be decided and notified by the Governor:

Provided that the entire process of revision of electoral rolls should be completed on or before the date fixed for filling of nomination-papers for the general elections to the District Council.

**148. Returning Officers -**

1) The Returning Officers for the constituencies in the District Council shall be the Deputy Commissioner, Lawngtlai while the Additional deputy Commissioner or S.D.O (C), Chawngte shall be the Additional or Assistant Returning Officer (S) for the purposes of elections to the

District Council, who shall perform all or any of the functions of the Returning Officer relating to the conduct of such elections and revision of the electoral rolls thereof.

Provided that no Additional or Assistant Returning Officer shall perform the functions of the Returning Officer, relating to the acceptance or scrutiny of nomination papers counting of votes or declaration and publication of results of any such election, unless the Returning Officer is unavoidably prevented from performing the same.

**149. Appointment of Additional and Assistant Returning Officer -**

Notwithstanding anything in the foregoing rule, the Governor may, by notification in the official Gazette, appoint such other officer or officers as Additional Returning Officer or Assistant Returning officer for the purposes of elections to the District Council, as may be deemed necessary.

**150. Decision of Returning officer to be final -**

If any difficulty or question arises as to the preparation

or of revision any electoral roll under these Rules, the same shall be decided by the Returning officer and his decision thereupon shall be final.

## CHAPTER - XV

## ELECTION- NOMINATION ETC. OF CANDIDATES:

**151. Filling of Nomination and steps to be taken there under -**

1) The Governor shall appoint for each constituency-

(a) A date or dates, not later than three weeks after the date of the notification under rule 142 calling upon each constituency to elect a member, for filling of nomination-papers by candidates and for scrutiny of such nomination papers ; and

(b) A further date or dates on which a poll shall, if necessary, be taken, and

The dates so fixed shall be notified in the constituency in such a manner as the Returning Officer may think fit.

2) On the date or dates so appointed for the filling of nomination papers by candidates, each candidate shall either in person or by his proposer or seconder, between the hours of 11:00 O'clock in the forenoon and 3:00 O'clock in the afternoon, deliver to the Returning Officer or such other person as may be authorized in this behalf by the Returning Officer, nomination paper completed in the form prescribed in Appendix IV and subscribed by the candidate himself as assenting to the nomination and by two other persons referred to in sub- rule (3) of this as proposer and seconder.

3) Any person whose name is included in the electoral roll of the constituency and who is not subject to any disqualification for being so included under these Rules, may subscribe as proposer and seconder of more than one candidate.

4) Every nomination paper delivered under sub-rule (2) shall contain a declaration in writing subscribed by the candidate that the candidate has appointed or does thereby appoint as his election agent for the election either himself or some other person who is not disqualified under these Rules for such appointment and no candidate shall be deemed to be duly nominated unless such declaration is made on the nomination paper.

Provided that notwithstanding the fact that more than one nomination paper have been presented by or on behalf of a candidate, only one such declaration by a candidate shall be necessary.

5) Every nomination paper shall also contain a declaration in writing subscribed by the candidate that he has selected a particular symbol from the list specified in appendix V of these rules and no candidate shall be

deemed to be duly nominated unless such declaration is made on the nomination paper.

6) All nomination paper which is not received before 3:00 O'clock in the afternoon on the date fixed by the Governor for the nomination of candidates, shall be rejected.

7) The Returning Officer or any other officer authorized by the Returning Officer in writing shall, on receiving a nomination paper under sub-rule (2), sign thereon a certificate stating the date on which and the hour at which nomination paper has been delivered to him, and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in the office a notice of all the nominations received containing same descriptions as contained in the nomination papers, both of the candidates and of the persons who have subscribed the nomination paper as proposers and seconders.

8) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered by him either in person or by his proposer or seconder to the Returning Officer at any time before the Returning Officer has completed the preparation of the list of valid nomination under sub-rule (4) of rule 153. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to re-nominate as a candidate for the same election.

9) The Returning Officer or any other person authorized in this behalf shall, on receiving a notice of withdrawal under sub-rule (8), as soon as may be, cause a notice of the withdrawal to be affixed in some conspicuous place in the office.

**152. Filing of nomination and deposit -**

1) At the time of delivery of a nomination paper under sub-rule (20 rule 151, each candidate shall deposit a sum of 1000/- (Rupees one thousand) in cash to the Returning Officer and no candidate shall be deemed to be duly

nominated unless such deposit has been made, and the office of the Returning Officer shall issue a proper receipt in duplicate of such deposit.

2) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, withdraw his candidature or if the nomination of any such candidate is refused, the deposit should be returned to the candidate and if any candidate dies before the commencement of the poll, any such deposit shall be returned to his legal representative.

3) If in a constituency, a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, is not declared elected and the number of votes polled by him does not exceed one-sixth of the total number of valid votes polled, the deposit shall be forfeited to the Government.

4) The deposit made by or on behalf of a candidate who is not elected, shall, if is not forfeit under sub-rule (3), be returned to the candidate as soon as may be after the publication of result of the election in the official Gazette, and the deposit made by or on behalf of a candidate who is elected shall be so returned as soon as may be after the publication of the result of the election in the official Gazette.

**153. Scrutiny of nomination -**

1) After 3:00 O'clock in the afternoon on the date fixed by the Governor for the nomination of candidates under sub-rule (1)of rule 151, the candidates, their election agents, one proposer and one seconder of each candidate and one person duly authorized in writing by each candidate but no other person may attend at such place as may be notified by the Returning Officer who shall give them all reasonable opportunities for examining the nomination papers of all candidates, which have been delivered within the time and in the manner laid down in rule 151.

2) (a) The Returning Officer shall then examine the nomination papers and shall decide on all objections which may be made to any nomination may, either on such objection or in his own motion after such summary inquiry, as he may think necessary, refuse any nomination on any of the following grounds -

(i) that the candidate is not qualified to be elected to fill the seat under these Rules

(ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) rule 151.

(iii) that there has been a substantial failure to comply with any of the provisions of rule151 or rule 152.

(iv) that the candidate or any proposer or seconder is not substantially identical with the person whose number or name appearing in the electoral roll is given in the nomination paper as the number or name of such candidate, proposer or seconder.

(v) that the signature of the candidate or any proposer or seconder is not genuine or has been obtained by fraud;

Provided that the Returning Officer shall not, refuse any nomination paper on the ground of a minor technical defect such as wrong spelling of name, and the like and shall accept any nomination paper in respect of which he is satisfied that the candidate is qualified to be chosen to fill the seat and has been proposed and seconded by persons who are qualified to do so.

(b) For the purpose of this rule, the publication of a certified copy of an entry made in the electoral roll of any constituency or holding of a voter's identity card issued by the concerned authority shall be the conclusive evidence of the right of any voter named in that entry to stand for election or to subscribe a nomination paper, as the

case may be, unless it is proved that the candidate or the proposer or seconder is otherwise disqualified.

3) (a) The Returning Officer shall endorse on each nomination paper his decision on accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reason for such rejection.

(b) The scrutiny shall be completed, if possible, on the day fixed for the nomination of candidate but if it cannot be completed on that day it may be adjourned to the following day or, if the following day is a holiday to the next working day.

4) On completion of the scrutiny of nomination papers, the Returning Officer shall forthwith examine the symbols chosen by the candidates, and if such symbols already assigned, he shall allocate the symbols in conformity, as far as possible, with the choices of the candidates, and, if necessary, by lot, and his decision in this respect shall, at the same be given a specimen thereof. The Returning Officer shall then prepare a list of valid nominations indicating therein the symbols assigned to each candidate and shall cause such list to be affixed in some conspicuous place in his office.

**154. Death of candidate Before poll -**

If a candidate who has been duly nominated under These Rules dies after the date fixed for the scrutiny of nominations and before the commencement of poll, the Returning Officer shall, on being satisfied of the fact of such death, countermand the poll in the constituency concerned and report the fact to the Governor, and all proceedings with reference to the election in that constituency shall be commenced afresh in all respects as it for a new election;

Provided that no fresh nomination shall be necessary in the case of a candidate whose nomination had been valid at the time of the countermanding of the poll.

**155. Effect of nominations -**

(1) If the number of candidates who have been duly nominated and who have not withdrawn their candidature exceeds that of the seats to be filled, the Returning Officer shall forthwith publish in the official Gazette, in such manner and in such places in the constituencies as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order the symbols assigned to each candidate and the names of sponsoring political parties and in case, not sponsored by any political party, then showing such candidate or candidates as independent, and a poll shall then be taken in the manner provided hereafter in the Rules.

(2) If the number of such candidates is equal to the number of seats to be filled, the Returning Officer shall declare all such candidates, if any, to be elected to fit as many of those seats and the poll shall be conducted in remaining Constituency/Constituencies in accordance with the notification issued under rule 151, to elect a person or persons to fill the remaining seat or seats.

## CHAPTER - XVI

## DISTRICT COUNCIL ELECTION : VOTING.

**156. Method of voting -**

(1) Voting at any election to a District Council shall be conducted by the Symbol system and the symbols to be utilized for the purpose shall be those as specified in Appendix - V to these Rules;

(2) At elections in every constituency where a poll is taken, votes shall be given by ballot in the manner hereinafter provided in these rules, and no votes shall be received by proxy.

(3) A ballot box shall be common for all the candidates and there shall be only one ballot box in use at a time and placed in the middle of the polling station in full view of the presiding officer and polling agents.

**157. Right to vote -**

1) Every person who is not disqualified under these Rules and who is, for the time being, included in the electoral roll of any constituency delimited for elections to the District Council shall be entitled to vote in that constituency.

2) No person shall vote at any election in any constituency if he is, for the time being, not entitled to vote under the provision of rue 146 of these Rules.

3) No person shall vote at any election in more than one constituency and if a person votes in more than one constituency, his vote in all such constituencies shall be void.

4) No person shall vote at any election in the same constituency more than once. Notwithstanding that his name may have been included in the electoral roll for that constituency more than once, if he does so, all his votes in that constituency shall be void.

5) No person shall vote at any election if he is confined in a prison whether under a sentence of imprisonment or transportation or otherwise or is in the lawful custody of the police.

**158. Hour of commencement and close of poll -**

1) The Governor shall, by notification in the Official Gazette, fix hours at which the poll shall commence and the hour at which it shall close on the date or dates fixed for the poll.

Provided that the hours fixed for the polling shall also be published in the constituencies in such manner as the Returning Officer may consider necessary.

2) The Returning Officer may, for sufficient cause and with the previous approval of the Governor, wherever possible, postpone the date or extend and period fixed for polling.

**159. Selection of polling Station -**

(1) The Returning Officer shall select for each constituency such number of polling stations as he may consider necessary and shall allot a distinctive number to each of them.

(2) Not less than seven days before the date or on the first date of the dates fixed for election the Returning Officer shall post at his office and publish in such manner as he may consider necessary, a list showing the polling stations as selected, the polling area for which each such station has been selected and the hours during which each such station shall remain open for the recording of votes.

(3) No person shall be permitted to record his vote except at the polling station of the area to which, according to the electoral roll, he belongs and within the fixed hours for which the polling station remains open.

**160. Appointment of Presiding Officer and Polling Officer**

(1) The Returning Officer shall appoint a Presiding Officer for each polling station and such other person (hereafter referred to as Polling Officer) to assist the Presiding Officer as he may consider necessary.

Provided that if a Polling Officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station to be the Polling Officer during the absence of the former and inform the Returning Officer accordingly.

(2) A polling officer may, if so directed by the Presiding Officer, perform all or any of the duties assigned to a Presiding Officer under these Rules.

(3) If the Presiding Officer, owing to illness or unavoidable cause is obliged to absent himself from the polling station his duties shall be performed by such Polling Officer as has been previously authorized by the Returning Officer to perform such duties during any such absence.

**161. Duties of Presiding Officer at polling station -**

(1) The Presiding Officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of voters to be admitted at one time and shall exclude all other persons, except -

(a) The Polling Officers, the candidate and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate or his election agent;

(b) The police officials or other public servants on duty and

(c) Such other persons as the Presiding Officer may from time to time admit for the purpose of identifying electors under rule 167.

(2) A contesting candidate or his election agent may appoint in prescribed from in Appendix VI one polling agent and two relief agents for each polling Station and every such appointment shall be made over to the polling agents and other agents for production to the Presiding Officer at the Polling Station.

Provided that in case of revocation of appointment of or death of any polling agent, the candidate or his election agent may make a fresh appointment in the manner specified above.

(3) The Presiding Officer shall close the polling at the hour fixed in that behalf under sub-rule (1) of rule 158 so as to prevent the admission thereto of any other voters than those already admitted within the polling station before it was as so closed, who shall be entitled to have their votes recorded.

(4) In emergencies, disturbance of the public peace or occurrences of any natural calamity etc., the Presiding Officer may, with the approval of the Returning Officer close the poll and announce the adjournment or postponement of the poll to a subsequent day. The Returning Officer shall immediately report the circumstances to the Governor for his approval.

**162. Fresh poll in case of Destruction etc. of Ballot box-**

(1) If at any election any ballot box or boxes is or are unlawfully taken out of the custody of the Returning

Officer or of any Presiding Officer or is or are in any way tampered with, or is or are either accidentally or intentionally destroyed or lost, the election to which such ballot box or boxes relates or relate, shall be void, but only in respect of the polling station or stations provided under sub-rule (1) of rule 159, at which such ballot box or boxes was or were used and no further.

(2) Whenever the polling at any polling station or stations becomes void under sub-rule (1), the Returning Officer shall, as soon as practicable after the act or event causing such violence has come to his knowledge, report the matter to the Governor and shall, with the previous approval of Governor, appoint a day for the taking of a fresh poll in such or every such polling station and fix the hours during which the poll will be taken, and shall not count the votes cast at such election until such fresh poll has been taken.

(3) In every such case as aforesaid, the Returning Officer shall take a fresh poll in such or every such polling station on the day so appointed by him, and shall notify the day so appointed and the hours of polling so fixed by him in such manner as he may consider necessary, and the provisions of these Rules or orders, if any, made there under shall apply to every such fresh poll as they apply to the original poll.

**163. Arrangement for Secrecy of Voting -**

(1) Each polling station shall be provided with necessary ballot boxes by the Returning Officer.

(2) There shall be no symbol pasted on the ballot box. Every ballot box used at a polling station shall bear labels, both inside and outside, marked with :

(a) Serial number, if any, and name of the constituency;

(b) Serial number and name of the polling station;

(c) Serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and

(d) Date of the poll.

(3) The Returning Officer shall provide each polling station with necessary ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the official mark on ballot papers by the electors.

(4) Outside and inside each polling station there shall be displayed at a conspicuous place by the Presiding Officer before the commencement of the poll, a notice showing the name of each candidate in English or local language issued by the Returning Officer together with the symbol assigned to him, at the entrance of the polling station.

**163. Ballot boxes to be locked up and sealed before commencement of poll -**

(1) Every ballot box shall be so constructed that the ballot papers can be inserted therein, but cannot be withdrawn there from, without the box being unlocked, and the Presiding Officer in any polling station, immediately before the commencement of the poll, shall show to all such polling agents and others as may be present at such station that the ballot box is empty, and shall then lock it up, and place his seal upon it in such manner as to prevent its being open without breaking such seal, and shall keep it so locked and sealed.

(2) Where it is necessary to use a paper seal for securing the ballot box, the Presiding Officer shall fix in each box a paper seal provided for the purpose. He shall also affix on such paper seal his own signature or seal, signatures or seals of such candidates or of such election or polling agents of the candidates, as may be present. He shall then secure and seal each box in their presence in such manner that the slit in the box for insertion of ballot papers

therein remains open, and it shall not be possible to open a ballot- box again without breaking the paper-seal so used in the ballot - box.

**165. Precautionary measures before recording of votes -** Before the polling station is open for the recording of votes, the Presiding Officer shall read to such persons as may be present, the provision of rule 215, 216 and 217 and shall explain the substance thereof in the language or languages as may be understood by such persons.

**166. Procedure before recording of votes -**

(1) Every voter, on entering the polling station, shall first approach the Polling Officer in charge of that part of the electoral roll in which the voter's name, address, his or her father's name, or her husband's name and such other particulars as appear on the roll, and having checked those with the roll, the Polling Officer shall call out the number, name and description of the voter as printed, and shall then place against the number of the voter in the roll a short horizontal line to denote that the voter has received the ballot paper to which he or she is entitled. No other mark shall be made on the roll.

(2) If a voter's name, address or any other particular given in the roll is found to be incorrect owing to misprint or clerical error, the Presiding Officer may interprete the entry in the roll so as to overlook any such clerical or printing error, but shall record the reasons in writing for so doing in each case.

(3) On the voter's name being called out, the Polling Officer in charge of ballot papers shall ensure that the distinguishing mark bearing the serial number, if any, of the constituency and the serial number of the polling station, is stamped on the top right-hand side corner just opposite to the serial number printed on the of the ballot paper (i.e. the side of it, which does not contain the names of the candidates). Then the Polling Officer shall fold the

ballot paper first in the middle of the ballot paper vertically, so that the name or names of the candidates are covered up with the fold. He shall fold the ballot paper and hand it over to the voter together with the instrument for marking the ballot paper and the Polling Officer shall thoroughly instruct the voter to fold the ballot paper in the same manner as done by him and to stamp only once the symbol of the candidate for whom he wishes to vote. The Polling Officer shall also mark on left forefinger nail of the voter with indelible ink.

**167. Persons to be present at the polling station to assist the Polling Officer in identifying voters -**

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

**168. The manner of recording votes after receipt of the ballot paper -**

A voter shall, on receiving the ballot paper and the marking instrument, go inside the polling compartment and record his or her vote by stamping it on the symbol or on within the column of the candidate's name for whom he wishes to vote, and then fold it in the same manner as it was indicated by the Polling Officer at the time of issue of the ballot-paper and come out of the polling compartment with the folded ballot paper and the instrument and insert the ballot paper into the ballot box and hand over the instrument to the Polling Officer.

**169. Recording of votes by infirm voters -**

If, owing to any physical infirmity or ignorance, an Elector is unable to recognize the symbol on the ballot paper without

assistance, the Presiding Officer shall permit the elector to take with him a companion.

**170. Ballot paper when -**

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

**171. Form of Ballot paper -**

Every ballot paper shall be in the form in Appendix - VII and shall contain the name and symbols of all the contesting candidates in English. The ballot papers shall be serially numbered, the serial number being printed on the foil and the counterfoil.

**172. Tendered votes -**

If a person representing himself to be a particular voter named on the electoral roll applies for the ballot paper after another person has voted as such voter, the applicant shall after duly answering such question as the Presiding Officer may ask, be entitled to cast a ballot paper in the same manner as any other voter. Such ballot paper (hereinafter referred to as a tendered ballot paper) and instead of being put into the ballot box, it shall be given to the Presiding Officer and endorsed by him with the name of the voter, constituency, and his number on the electoral roll, and shall be set apart in a separate packet and shall not be counted by the Returning Officer. The name of such voter and his number in the electoral roll and the name distinctive number of the polling station to which the roll relates shall be entered in a list in the form Appendix VIII which shall bear the heading "TENDERED VOTES LIST". The person tendering such ballot paper shall sign his or her name and address thereon or affix his or her thumb impression against the relevant entry in the list. The tendered ballot paper shall be in the form in Appendix - IX.

**173. Challenged votes -**

(1) If any candidate, election agent or polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of false personation, the Presiding Officer shall require such person to enter in the list of "Challenged votes" which shall be in the form in Appendix - X, his name and address, or if he is unable to write, to affix his thumb impression there-to, and may further require such person to produce evidence of identification.

Provided that no action shall be taken by the Presiding Officer under this rule unless a sum of Two Hundred rupees (Rs.200) has been deposited in cash to the Presiding Officer by the candidate or his/her agent for each challenge he or she makes.

(2) If the person so challenged refuses to comply with such requisition, he shall not be allowed to vote, but if he does so comply and on being questioned whether he is the person enrolled in the electoral roll in force and whether he has already voted at the present election in this constituency, answers the former question in the affirmative and the latter in the negative, he shall be allowed to vote after ha has been warned of the penalty for personation.

(3) If the Presiding Officer, after such inquiry on the spot as he thinks necessary, is of the opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to Government and his order in this respect shall be final.

(4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be refunded to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The Presiding Officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of challenged votes.

**174. Supply of duplicate Ballot paper -**

A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the Presiding Officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoiled paper and the latter shall together with its counter-foil be market as cancelled.

**175. Provision for voting by post by person on duty -**

Every Presiding Officer, Polling Officer, or Polling-agent who being entitled to vote in the constituency is duly appointed or authorized for duty in connection with any election to the District Council at a polling station at which he is not ordinarily entitled to vote, may apply to the Returning Officer for a certificate entitling him to record his vote by post at the polling station where he is employed on duty, and the Returning Officer shall, if satisfied that the application is in order, grant a certificate in the form prescribed in appendix - XI

**176. Method of voting by persons on duty -**

(1) A person is possession of a certificate in the form prescribed in rule 175 shall deliver it to the Presiding Officer of the station where he is employed on duty and the Presiding Officer shall there-upon issue to such person ballot paper duly stamped with the official mark and shall enter in the counterfoil of the ballot paper the name of the polling station at which such person would otherwise have been entitled to vote and his number in the electoral roll as given in the Returning Officer's certificate. If such person is entitled to vote in a constituency other than that in which he is on duty, the Presiding Officer shall also take such action as may be necessary to inscribe the name

of such constituency on the ballot paper including its counterfoil.

(2) Every person voting under the provision of sub-rule (1)shall record his or her vote as follows :-

(i) if the polling station at which the person is on duty being the same as the one in which he is entitled to vote, he or she shall record his or her vote in such station in accordance with the provisions of rule 168.

(ii) if the polling station at which the person is authorized or appointed for duty is not the same as the one in which he is entitled to vote, then the Presiding Officer shall along with the ballot paper issue to the person as many envelopes as there are candidates for the constituency in which he is entitled to vote, in each envelope having on its outside the symbol or the name of the symbol assigned to the respective candidate written. The person shall then go inside the polling compartment and place the ballot paper in the envelope, and close the envelope in a cover supplied to him by the Presiding Officer, and then hand over the cover to the Presiding Officer. The Presiding Officer shall, as soon as practicable after the close of the poll, dispatch the cover together with the certificate delivered to him under sub-rule (1) to the Returning Officer.

**177. Delivery of ballot etc. to the Returning Officer after the close of the poll -**

The Presiding Officer of each polling station, as soon as practicable after the close of the poll, shall in presence of the candidates or their polling agents who may be present, make up into separate packets or parcels and seal with his own seal and the seals of the candidates or their agents who may desire to affix their seals, the following, namely -

(i) each ballot box in use at each station un-open but with the key attached and the slit in the lid sealed up;

(ii) the unused ballot papers;

(iii) the tendered ballot papers;

(iv) the spoiled ballot papers;

(v) the marked copy of the electoral roll;

(vi) the counterfoils of the ballot papers;

(vii) the tendered votes' list;

(viii) the list of challenged votes;

(ix) the envelopes referred to in rule 176 (2) (ii);And shall deliver such packets or parcels or cause them to be delivered to the Returning Officer.

**178. Statement by the Presiding Officer After close of the poll -**

The packets or parcels as prepared under rule 177 shall be accompanied with a statement in the form given in the Appendix - XII by the Presiding Officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers issued, unused, spoiled and tendered and ballot papers dealt with under sub-rule (2) of rule 176.

## CHAPTER - XVII

## DISTRICT COUNCIL ELECTIONS : COUNTING OF VOTES.

**179. Appointment of time Place and date for Counting of votes -**

(1) The Governor shall appoint a time and place for the counting of votes, and the Returning Officers shall give notice thereof in writing to all candidates and their election agents.

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

**180. Persons who may Present at the Counting of votes-**

No person shall be allowed to be present at the counting of votes except the Returning Officer with Such other persons as he may appoint to assist him in counting the votes, the candidates' election agents and counting agents, as may be required, authorized in writing by the candidates who shall have the right to be present at the time of counting.

**181. Procedure to be followed at the counting of votes -**

(1) On the day and the time appointed under rule 179, the Returning Officer shall, before he commences counting of votes, read the provisions of rules 179 and 180 to such persons who may be present.

(2) The procedure for counting of votes shall be the same as normally followed in the counting of votes in the Assembly election of the State of Mizoram.

(3) If an equality of votes is found to exist between any two candidates, and the addition of one vote will entitle any of such candidates to be declared elected, the Returning Officer shall decide by drawing lots.

(4) The Returning Officer shall declare the candidate to whom the largest number of valid votes has been given, to be elected and grant to such candidate a certificate of election in the Form at Appendix - XIII. An acknowledgement receipt shall be offered for sending the same to the Secretary.

**182. Report of the result of election the Government and publication of the result in the Official Gazette -**

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

**183. Verification of Statement by the Presiding Officer -**

The Returning Officer shall not immediately open sealed packets of tendered votes, marked copy of the Electoral roll or counterfoil of the ballot papers. He shall first verify the statements submitted by the Presiding Officer under rule 178, and then only, after being satisfied, shall open or cause to open the sealed packets of tendered votes etc.

**184. Return by the Returning Officer -**

The Returning Officer shall then prepare and certify a return setting forth :-

(1) Result of the verification referred to in rule 183.

(2) The names of the Candidates for whom valid votes have been given.

(3) Number of valid votes given for each candidate;

(4) Names of candidates declared elected;

(5) Number of votes declared invalid, and

(6) Number of tendered votes given, and

Shall permit any candidate and his election agent or his authorized representative to take a copy of or an extract from, such return.

**185. Return to be sent to the Government -**

The Returning Officer shall, after reporting the result of the election under rule 182 forward the return mentioned in the preceding rule to the Secretary to the Government.

Copies of returns by the Returning Officer may be obtained from the Secretary to the Government on payment of a fee of Rs. 10/- (ten rupees) only.

## CHAPTER - XVIII

## DISTRICT COUNCIL -

## ELECTION AGENTS AND EXPENSES

**186. Election agent -**

As provided for in sub-rule (4) of rule 151, every person nominated as a candidate at an election, shall appoint some other person who is not disqualified for such appointment to be his election agent.

**187. Revocation of appointment of election agent -**

(1) The appointment of an election agent shall be revoked only in writing signed by the candidate and lodged with the Returning Officer and shall operate from the date on which it is so lodged.

(2) In the event of such a revocation or of the death of any election agent, whether it occurs before or during election, or after the election but before a return of the candidate's election expense has been lodged in accordance with the provisions of rule 189, the candidate shall appoint forthwith some other person to be his election agent, and shall give notice in writing of the appointment to the Returning Officer.

**188. Account of election Expenses -**

Every candidate or his agent shall keep an account of all expenses incurred in connection with his or her election.

**189. Return of election Expenses -**

(1) Within sixty days from the date of publication of the result of an election under rule 182, there shall be lodged with the

Returning Officer in respect of each person who has been nominated as a candidate for the election, a return of the election expenses of that person, duly signed by him or his agent.

(2) The return of election-expenses shall be in the Form given in Appendix -XIV and shall contain such particulars as prescribed therein. Every such return shall be accompanied by the candidate or his election agent, which shall, be in the form contained in the Appendix - XIV and shall be made on oath before a magistrate.

(3) Every such return shall also bear non-judicial stamps of Rs.5/- (Rupees five) only, without which the Returning Officer shall not accept the return.

(4) If a candidate or an election agent who is required to sign the return of an election expenses and declaration referred to in this rule is unable to write his name, then he may authenticate the same by making a mark as prescribed in rule 222.

(5) The Returning Officer shall report to the Governor within fifteen days from the date by which the return of election expenses of candidates ought to have been lodged with him whether or not the candidates and their election agents have complied with the requirements of rule, in the Form given in Appendix -XV.

(6) On receipt of a report under sub-rule (5), the Governor shall decide whether the disqualification under clauses (a) & (b) of sub-rule (4) of rule 15 has in fact been incurred in any election to fill a seat, with the result that the seat shall be declared by him as falling vacant.

**190. Inspection and copy of Return election expenses -**

When any return and declaration made in respect thereof have been lodged with the Returning Officer, he shall, as soon as may be, cause notice of the date on which the return and the declaration in question have been lodged and of the time and place at which they can be inspected, to be posted

in some conspicuous place in his office and to to be published in the Gazette, and any person shall, on payment of a fee of five rupees, be entitled to inspect any such return and declaration and on payment of a fee of rupees fifty only to obtain a copy or copies thereof or of any part thereof.

**191. Maintenance of record regarding such return of election expenses -**

The Governor shall cause to be prepared in the manner and maintained for such time, as he may direct, a record showing the names of all the election agents of each such candidate and the date in which the return of the election expenses of each candidate has been lodged with the Returning Officer.

**192. Maximum of election expenses -**

The maximum scale of election expenses (including the personal expenses of a candidate) which may be incurred by a candidate for any election in a constituency of the District Council shall not exceed Rs.25,000/- (Rupees twenty five thousand) only.

## CHAPTER - XIX

## DISTRICT COUNCIL ELECTION : DECISION ON DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

**193. Definitions -**

In this Chapter, unless the context otherwise requires,

(a) "agent" includes an election agent and any person who, on the trial of an election petition, is held by the Commissioner to have acted as an agent in connection with the election with the knowledge or consent of the candidate.

(b) "candidate" means a person who has been or claims to have been duly nominated as a candidate at an election and

includes a candidate who, with the election in prospect, has held himself out as a prospective candidate.

(c) "costs" means all costs, charges and expenses incidental to a trial of election petition;

(d) "electoral right" means the right of a person to stand or not stand as, or to withdraw from being a candidate, or to vote or refrain from voting at an election.

(e) "returned candidate" means a candidate whose name has been published under these Rules as duly elected.

**194. Election petition -**

Save as provided in rule 14 or in rule 145 no election shall be called in question except by an election petition presented in accordance with the provisions of the succeeding rules.

**195. Presentation of Election petition -**

An election petition against any returned candidate may be presented to the Governor -

(a) By any candidate or elector or any of the grounds specified in sub-rule (2), within sixty days from the date on which result of the election is published in the official Gazette;

**Explanation :-**

In this sub-rule, "elector" means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

(2) The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim for a declaration that he himself has been duly elected, but such declaration shall only be claimed on one or other of the following grounds :

(a) That in fact the petitioner received majority of the valid votes; or

(b) That, but for votes obtained for the returned candidate by corrupt or illegal practices, the

petitioner would have obtained a majority of the valid votes.

(c) That the returned candidate was disqualified for being elected as such member.

(3) An election petition shall be deemed to have been presented to the Governor when it is delivered to the Secretary to the Government.-

(a) by the person making the petition; or

(b) by the person authorized in writing in this behalf by the person making the petition, or

(c) by registered post.

**196. Contents of election Petition -**

(1) Every such petition shall contain a statement in material facts on which the petitioner relies and shall be signed by the petitioner.

(2) Every such petition shall be accompanied by a list signed by the petitioner setting forth full particulars of any corrupt or illegal practice which the petitioner has alleged, including as full statement as possible of the names and address of parties alleged to have been committed by corrupt or illegal practice and the date and place of the Commission of each such practice.

**197. Deposit of Security -**

At the time of presentation of the election petition the petitioner shall enclose with the petition a copy of the Government Treasury Challan showing the deposit of Rs.100/- (Rupees one hundred) only as security deposit towards the cost of the petition.

**198. Petition when to be dismissed -**

If the provisions of rules 195, 196 and 197 are not complied with, the Governor shall dismiss the petition in limned or at the outset.

**199. Appointment of Commissioner -**

(1) If an election-petition is not dismissed under rule 198, the Governor shall appoint as Commissioner for hearing and disposing of the petition, a person who is or has been an Additional District Magistrate or Civil Judge (Senior Division) and thereafter all applications and proceedings in connection there-with shall be dealt with and held by such Commissioner.

(2) When, in respect of an election in a constituency more petitions than one are presented, the Governor shall refer all those petitions to the same Commissioner who may at his discretion inquire into the petitions either separately or jointly as he may think fit.

(3) Where the election petitions relate to different constituencies of a District Council, the Governor shall refer all those petitions to the same Commissioner or may appoint one Commissioner in respect of petition or petitions from each constituency or a group of constituencies and the provisions of sub-rule (2) shall apply to the enquiry thereto.

**200. Hearing by Commissioner -**

(1) The Commissioner shall fix the date, time and place of hearing and shall cause a notice thereof to be served on the petitioner and on each respondent.

(2) As regards the procedure for hearing the petition, the Commissioner shall be guided by the spirit , not by the letters, of the Code of Civil Procedure, 1908 as amended from time to time.

Provided that he shall only be required to make such inquiry and to take so much evidence as may be considered sufficient in his opinion for the purpose of deciding the case, if so demanded by the parties.

**201. Withdrawal of petition -**

(1) An election petition may be withdrawn only with the permission of the Commissioner by filling an application

for withdrawal before the Commissioner by the petitioner himself under his verification and signature.

(2) When an application for withdrawal is made to the Commissioner, notice thereof fixing a date for hearing of the application shall be given to all the parties to the petition.

(3) No application for withdrawal shall be allowed if in the opinion of the Commissioner, such application has been induced by any bargain or ulterior consideration on the part of the petitioner.

(4) If the application is allowed.

(a) The petitioner shall, where the application has been made to the Commissioner, be ordered to pay the costs to the respondent, incurred thereof or such portion thereof as the Commissioner may direct;

(b) Any person who might himself have been a petitioner may, within fourteen days of the grant of such withdrawal, apply to be substituted as petitioner in place of the party withdrawing, and upon compliance of the conditions of rule 197 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may direct.

(5) When an application for withdrawal is granted by the Commissioner and no person has been substituted as petitioner in place of the party withdrawing under clause (b) of sub-rule (4), the Commissioner shall report the fact to the Governor.

**202. Abatement or substitution on the death of an election petitioner -**

(1) An election-petition shall abate only on the death of a sole petitioner or of the survivor of several petitioner, provided that where such sole petitioner was an officer empowered under clause (b) of sub-rule (1) of rule 195, the proceedings

may be continued by any other officer empowered in this behalf by the Governor.

(2) Any person who might himself have been a petitioner, and upon compliance with the requirement of rule 197 as to security, shall be entitled to be so substituted and to continue the proceedings upon terms as the Commissioner may think fit.

**203. Abatement or substitution on the death of a respondent such -**

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

**204. Recrimination -**

(1) at an enquiry into an election petition any candidate other than the returned candidate, claims the seat as for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate complaining of his election.

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of submission of the election petition, given notice of his intension to the Commissioner and make the deposit under rule 197.

(2) Every notice referred to in sub-rule (1) shall be accompanied with a statement and list of particulars required under rule 196 in the case of an election and shall be signed and verified in the like manner.

**205. Grounds for declaring an election to be void -**

(1) Subject to the provisions of this rule, if in the opinion of the Commissioner,

(a) The election of the returned candidate has been procured or induced, or the result of the election has been materially affected by any corrupt or illegal practice or

(b) Any corrupt or illegal practice has been committed in the interest of a returned candidate; or

(c) The result of the election has been materially affected by the improper acceptance or rejection of any nomination or by reason of the fact that any person nominated was not qualified or was disqualified for election, or by the improper reception or refusal of a vote or by any non-compliance with the provisions of the rules relating to the election, or by any mistake in the use of any prescribed form, or

(d) The election has not been a free election by reason of the large number of cases in which bribery or undue influence has been exercised or committed, the election of the returned candidate shall be void.

(2) If in the opinion of the Commissioner, and agent other than the election-agent of a returned candidate has been guilty of any corrupt or illegal practice but is satisfied -

(a) That no such corrupt or illegal practice was committed at the election by the candidate or his election agent, and every such corrupt, or illegal practices mentioned in the report were committed contrary to the orders, and without the consent or connivance of the candidate or his election agent;

(b) That the candidate and his election agent took all reasonable means for preventing the commission of such corrupt or illegal practices at the election;

(c) That the corrupt or illegal practice mentioned in the reports were of a trivial and limited character or took the form of customary hospitality which did not materially effect the result of the election; and

(d) That in all other respects the election was free from any corrupt or illegal practice on the part of the candidate or his agents, then the Commissioner may decide that the election of the returned candidate should stand valid.

(3) If a person not being entitled to do, votes more than once at the same election, all his votes shall be deemed for the purpose of this rule to be void.

**206. Report of the Commissioner and procedure thereon**

(1) At the conclusion of the inquiry, the Commissioner shall report whether the returned candidate, or any other party to the petition, who has under the provisions of these Rules claimed the seat, has been duly elected, and in so reporting shall have regards to the provisions of the rule 205.

(2) The report shall further include a recommendation by the Commissioner as to the total amount of costs which are payable and the persons by whom and to whom such costs should be paid.

(3) The report shall be in writing and shall be signed by the Commissioner. The Commissioner shall forthwith forward his report to the Governor who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Official Gazette and the orders of the Governor shall be final.

207. **Finding as to corrupt practices -**

Where any charge is made in an election petition of any corrupt or illegal practices, the Commissioner shall record in his report -

(a) A finding whether a corrupt or illegal practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt or illegal practice, and

(b) The names of the persons, if any, who have been found on the inquiry to have been guilty of any corrupt or illegal practices, with any such recommendations as the Commissioner may desire to make for exemption of any such persons from any disqualification, under these Rules;

Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause as to why his name should not be so recorded.

## CHAPTER - XX

## DISTRICT COUNCIL ELECTIONS : CORRUPT AND ILLEGAL PRACTICES

**208. Major corrupt Practices-**

The following shall be deemed to be corrupt practices for the purposes of election to the District Council, namely -

(1) Bribery, that is to say,

(A) any gift, offer or promise by a candidate or his agent or any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing -

(i) a person to stand or not to stand as, or to withdraw or not to withdraw from, being a candidate at an election, or

(ii) an elector to vote or refrain from voting at an election or as a reward to -

(a) A person for having so stood or not stood or for having withdrawn or not having withdrawn his candidature or

(b) An elector for having voted or refrained from voting;

(B) receipt of, or agreement to receive, any gratification, whether as a motive or a reward,

(i) by a person for standing or not standing as, orfor withdrawing or not withdrawing from being a candidate; or

(ii) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation : For the purpose of this rule, the term "gratification" is not restricted to pecuniary gratification or gratifications estimable in money and includes all forms of entertainment for reward, but it does, not include the payment of any expenses incurred bonafide at, or for the purpose of, any election:

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his election agent, with the free exercise of any electoral right.

Provided that without prejudice to the generality of the provisions of this clause, any such person as is referred to there-in, who

(i) threatens any candidate or elector, or any person in whom a candidate or an elector is interested, with any injury of any kind of social ostracism and the like, or

(ii) induces or attempts to induce a candidate, or an elector to believe that he, or any person in whom he is interested, will becomes or will be rendered an object of divine displeasure or spiritual censure.

Shall be deemed to interfere with the free exercise of the electoral right of that candidate or elector within the meaning of this clause;

Provided further that a declaration of public policy, or a promise of public action or the mere exercise of a legal right without any intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) Personation, that is to say, procuring or abetting or attempting to procure by a candidate or his election agent or by any other person with the connivance of a candidate or his election agent the application by a person for a ballot paper in the name of any other person, whether living or dead, or in a fictitious name or by a person for a ballot paper in his own name, in spite of the fact that he has already voted in the same or other constituency and thus he is not entitled to vote:

(4) Removal of ballot, that is to say, removal of a ballot paper from any polling station during polling hours by any person with the connivance of a candidate or his agent.

(5) Publication of false statement, that is to say, publication by a candidate or his election agent, or by any other person with the connivance of such candidate or his agent, of any statement of fact, which is false and which he neither believes to be true in relation to the personal character or conduct of any other candidate, being a statement reasonable calculated to prejudice the prospect of such other candidate's election.

(6) Use of Vehicles, that is to say, no Government vehicle including District Council's vehicles to be used by a candidate or his agents for the electioneering purposes.

**209. Minor corrupt Practices-**

The following shall also be deemed to be corrupt practices of minor nature for the purpose of election to the District Council, namely-

(1) Any act specified in rule 208, when done by a person who is not a candidate or election agent or a person acting with the connivance of a candidate or his election agent;

(2) Personation, that is to say, application by a person at an election for a ballot paper in the name of any other person, whether living or dead, or in fictitious name, or for a ballot paper in his own name, inspite of the fact that he has already voted in the same or other constituency and thus he is not entitled to vote.

(3) Bribery, that is to say, receipt of or agreement to receive any gratification, whether as a motive or a reward,

(a) By a person for standing or not standing as, or for withdrawing from, being a candidate or;

(b) By a person who-so-ever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

Explanation: For the purpose of this clause, the term "gratification" has the same meaning as it has for the purposes of sub-rule (1) of rule 208.

(4) False return, that is to say, making of any return of election expenses, which is false in any material particular, or making of a declaration verifying the truth of any such return;

(5) Use of or appeal to religious or national symbol, that is to say, a systematic appeal to vote or refrain from voting on the grounds of caste, race, community or religion or use of or appeal to religious and national symbols such as the national flag and emblem for furtherance of the prospects of a candidate's election.

**210. Illegal practices-**

The following shall be deemed to be illegal practices for the purposes of election to the District Council, namely-

(1) Incurring election expenses without authority, that is to say, incurring or authorization by any person other than a candidate or his agent, of expenses on account of holding any public meeting or upon any advertisement, circular, or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorized in writing to do so by the candidate.

(2) Hiring of liquor shops, that is to say, hiring, using or letting as a committee-room or for the purpose of any meeting to which electors are admitted or any building room or other place where intoxicating liquor is served to such electors or sold to the public.

(3) Issue of circulars etc. without address, that is to say, issuing of any circular, placard or poster having a reference to the election, which does not bear on its face the name and address of the printer and publisher thereof.

## CHAPTER - XXI

## DISTRICT COUNCIL ELECTION : OTHER ELECTORAL OFFENCES :

**211. Prohibition of public Meeting on the poll day etc.**

(1) 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;

(c) Propagate any election-matter to the public by holding, or by arranging the holding of, any musical concert or theatrical performance or any other entertainment or amusement with a view

to attracting the members of the public thereto, to any polling area during the forty-eight hours ending with the hour fixed for conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) In this rule, the expression 'election matter' means any matter intended or calculated to influence or effect the result of any election.

**212. Disturbance at Election meetings-**

(1) Any person who at a public meeting to which this rule applies, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months with fine which may extend to two thousand rupees, or with both;

Provided that an offence punishable under this rule shall be cognisable.

(2) This rule applies to any meeting of a political character held in any constituency between the date of issue of a notification under these Rules calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police personnel on duty reasonable suspects any person of committing an offence under sub-rule (1), he may, if required so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, the Police Officer may arrest him without warrant.

**213. Duty to maintain 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, except for some purpose authorized by or under any law, communicate to any person any information calculated to violate such secrecy

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

**214. Officers etc. at elections , not to act for candidate, or to influence voting-**

(1) No person who is a Returning Officer, or an Additional Returning Officer or an Assistant Returning Officer or a Presiding or Polling Officer at an election or an officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election to the District Council, shall in the conduct or the management of the election do any act, other than the giving of vote, for the furtherance of prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of any police force shall Endeavour :-

(a) to persuade any person to give his or her vote at an election, or

(b) to dissuade any person from giving his or her vote at an election, or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-rule (1) or sub-rule (2) shall be punishable with imprisonment which may extend to six months or with fine up to one thousand rupees or with both.

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

**215 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 area in any public or private place within a distance of one hundred meters of the polling station, namely

(a) Canvassing for votes.

(b) Soliciting the vote of any elector,

(c) Persuading any elector not to vote for any particular candidate,

(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 fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this rule shall be cognizable.

**216. Penalty for disorderly Conduct in or near Polling stations-**

(1) No person shall, on the date or dates on 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, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, annoyance so as to cause to any person visiting the polling station for the poll, or so as to interfere with or interrupt the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or willfully aids or abets the contravention of the provisions of sub-rule (1) shall be

punishable with imprisonment which may extend to three months or with fine up to five hundred rupees or with both.

(3) If the Presiding Officer of a polling station has sufficient reasons to believe that any person is committing an offence punishable under this rule, he may direct the police officer on duty 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.

**217. Penalty for misconduct At polling station-**

(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the Presiding Officer may be removed from the polling station by the Presiding Officer or by any police officer on duty or by any person authorized in this behalf by such Presiding Officer.

(2) The powers conferred under 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, he shall be punishable with imprisonment for a term which may extend to three months or with a fine up to five hundred rupees or with both.

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

**218. Penalty for illegal Hiring or procuring of Conveyance at election-**

If any person is guilty of any such practice as is specified in rule 208 (6) at or in connection with an election, he shall be

punishable with imprisonment which may extend to three months and with a fine.

**219. Breach of official duties duties in connection with election-**

(1) If any person to whom this rule applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be punishable with a fine which may extend to five hundred rupees.

(2) An offence punishable under sub-rule (1) shall be cognizable.

(4) The expression, namely, "persons to whom this rule applies" shall mean and include the Returning Officers, Additional Returning Officers, Presiding Officers, Assistant Returning Officers, Polling Officers and any other person appointed to perform any duty in connection with the receipt of nominations, withdrawal of candidatures, recording or counting of votes at an election, and the expression, namely, "Official duty" shall, for the purposes for this rule, be construe accordingly, but shall not include duties imposed otherwise than by or under these Rules.

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

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

(2) If the Presiding Officer 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 the police officer on duty to arrest such person and may search such person or cause him to be searched by a police officer.

(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.

**221 Other offences and penalties therefor-** .

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

(a) Fraudulently defaces, or destroys any nomination paper;

(b) Fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of a Returning Officer;

(c) Fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper or any declaration of identity, or any official envelope used in connection with voting by postal ballot.

(d) Without due authority, supplies any ballot paper to any person, or receives any ballot paper 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;

(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;

(g) Fraudulently or without 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;

(h) Having received a ballot paper, refuses to observe the procedure prescribed for voting the ballot - paper so issued;

(i) Being in the service of the Government, acts as an election-agent or a polling agent or a counting agent of a candidate at an election.

(2) Any person guilty of an electoral offence under this rule shall -

(a) If he is Returning Officer or an Additional or Assistant Returning Officer, or a Presiding Officer or Polling Officer at a polling station or any other official or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine up to two thousand rupees or with both.

(b) If he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine up to one thousand rupees or with both.

(3) For the purposes of this rule, a person shall 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 but the expression "official duty" shall not include any duty imposed otherwise than by or under these rules.

(4) An offence punishable under clause (b) of sub rule (2) shall be cognizable.

## CHAPTER - XXII

## DISTRICT COUNCIL ELECTIONS : MISCELLANEOUS

**222. Interpretation-**

In the foregoing chapters relating to elections, unless the context otherwise requires -

(a) "serial number of an elector in an electoral roll" shall include such particulars regarding the name of description of the electoral area with reference to which the said electoral roll has been prepared, as

will identify the entry relating to such electoral in that electoral roll.

(b) "sign" in relation to a person who is unable to write his name shall mean authenticating in the manner prescribed below:

A person who is unable to write his name shall, unless otherwise expressly provided in these Rules, be deemed to have signed an instrument or other paper if he has placed a mark on such instrument or other paper in the presence of the Returning Officer or the additional or Assistant Returning Officer or the Presiding Officer or such others as may be specified under these Rules and such officer on being satisfied as to his identity has attested the mark as being the mark of such person.

**223. Requisition of premises Vehicles, etc. for election Purposes-**

The provisions of sections 160,161, 162, 163, 164, 165, 166 and 167 of the Representation of the People Act, 1951(N0.XLIII of 1951) and of rules 98 and 99 of the Conduct of Elections Rules, 1961 shall apply mutatis mutandis in respect of elections to the District Council.

Provided that if the circumstances so demand, the Governor may apply other sections and rules of the said Act and Rules, on the recommendation of the Returning Officer.

## CHAPTER - XXIII

## GENERAL

**224. Jurisdiction of civil Courts barred-**

No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Returning Officer or by any other person appointed under these Rules, in connection with an election.

**225. Repeal and Savings-**

The Mizoram Autonomous District Councils (Constitutions and Conduct Of Business) Rules, 1974 with all amendments made up to the date of commencement of these Rules are hereby repealed.

Notwithstanding such repeal, any action taken or proceeding made under the repealed Rules shall be deemed to have been taken or made under these Rules.

**226. Expressions not defined -**

Any expression not defined in these Rules but occurring there shall be deemed to have the same meaning in which they are used in the Constitution of India.

**227. Overriding effect-**

In case of any conflict between the provisions contained in the Sixth Schedule to the Constitution and the provisions of these Rules, the former shall have the overriding effect.

APPENDIX - I
(See rule 23)

FORM OF OATH SECRECY FOR EXECUTIVEMEMBER OF THE DISTRICT COUNCIL

I,_____,
do swear in the name of God/solemnly affirm that I will not directly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as an Executive Member of the District Council except as may be required for the due discharge of my duties as such Executive Member.

Signature of the Executive Member.

APPENDIX - II
(See rule 31 (2))

FORM OF NOMINATION PAPER FOR THE ELECTION OF CHAIRMAN/DEPUTY CHAIRMAN.

I,_____
propose Pi/Pu _____ for the election of Chairman / Deputy Chairman of the Lai Autonomous District Council.

I have ascertained that Pi/Pu_____ is willing to serve as Chairman/ Deputy Chairman, if elected, and he/she does not suffer from any disqualification under the Rules.

Signature of Proposer.

I,_____ second the above proposal.

Signature of Seconder.

APPENDIX - III
[See rule 37 (1)]

FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER OF THE DISTRICT COUNCIL.

I, Pi/Pu_____, having been elected or nominated as a member of the Lai Autonomous District Council, do swear in the name of God/ solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.

Signature of Member

APPENDIX - IV

[See rule 151(2)]

NOMINATION PAPER

Name of the Constituency for which the candidate is nominated._____

Name of the candidate & postal address_____

Father's or Husband's name. _____

Age._____

Name of the constituency on the electoral roll of which the name of the candidate is included, and the Part no. of such electoral roll._____

Serial number of the candidate in The electoral roll of the constituency In which his name is included._____ _____

Name of proposer._____

Serial number of the seconder in the electoral roll of the constituency_____

signature of the proposer._____

DECALRATION BY PROPOSER

I, Pi/Pu_____ as above-named, propose to nominate Pi/Pu _____ as above- described, as a candidate for election to the Lai Autonomous District Council from _____MDC-constituency. His/ her particulars and address as given above are true to the best of my information and knowledge. He/she does not suffer from any disqualification under the rules.

Place _____

Date _____

(Signature of the propose)

DECLARATION BY SECONDER.

I, Pi/Pu _____ as above-named, do hereby second the nomination of Pi/Pu_____ as proposed above.

My name is entered at S.no_____ in Part No_____ of the electoral Roll for the _____ MDC Constituency.

Place_____

Date _____

(Signature of Seconder)

DECLARATION BY CANDIDATE.

I, _____ as abovenamed assents to this nomination and hereby declare that

(a) I have complete _____ years of age.

(b) That I am a candidate set up by the _____ Party.

(c) That the symbols I have chosen are, in order of preference, as follows. Viz.

(1) (2) (3)

(d) That I have appointed Pi/Pu _____ (name) of _____ (Address) to be election agent for the ensuring election. Neither myself nor my election-agent as proposed suffer or suffers from any disqualification under the Rules.

Place _____

Date_____

(Signature of candidate)

CERTIFICATE OF DELIVERY

(To be filled in by the Returning Officer or other authorized person)

Sl. No _____

This nomination paper was delivered to me at my office at_____ (date and hour)

Seal Returning Officer

CERTIFICATE OF SCRUTINY

(To be filled in by the Returning Officer or any other authorized person)

I have scrutinized the nomination paper in accordance with the Rules and found that they are respectfully qualified to stand for election, to propose and to second.

Date _____

Seal Returning Officer

APPENDIX - V
(See rule - 156)

LIST OF SYMBOLS.

1. Bicycle
2. Boat
3. Bulb (reserved for Mizoram People Conference Party)
4. Camel
5. Cart
6. Cock
7. Cup
8. Dao
9. Drum

10. Eagle about to fly
11. Ears of corn and sickle (reserved for Communist Party of India)
12. Elephant (reserved for Bahujan Samaj Party)
13. Fish
14. Flower
15. Haldhar within wheel (reserved for Janata Party)
16. Hammer, Sickle and Star [Reserved for Communist Party of India (Marxist)]
17. Hand (reserved for National Congress Party)
18. Hat
19. Head of Mithun
20. He-Goat
21. House
22. Hut
23. Lantern
24. Lion
25. Lotus (reserved for Bharatya Janata Party)
26. Pot
27. Rising sun
28. Scale
29. Spade
30. Sparrow
31. Spectacle
32. Star (reserved for Mizo National Party)
33. Tiger
34. Tree
35. Two Leaves.

APPENDIX - VI
[See rule 161 (2)]

FORM NO_____
APPOINTMENT OF POLLING AGENT
Election to Lai Autonomous District Council

I, _____a candidate/election agent of Pi/Pu _____ who is a candidate in the ensuring election to the Lai Autonomous District Council do hereby appoint Pi/Pu _____as a Polling agent /Relief agent to attend Polling station No._____ at/place fixed for the Poll _____ at _____ Village.
Date _____

Signature of
Candidate/election agent.

I agree to act as Polling agent/Relief agent.

Date_____ Signature
Polling agent/Relief agent

Signed before me.

Signature of Presiding Officer.

APPENDIX-VIII

(See rule 172)

TENDER VOTES' LIST

Me and number of Polling station :

……..

Me of Constituency/name of Voter/member Electoral roll

Signature of thumb
impression of Voter and
His/her address.

……

……..……

APPENDIX - IX

(See rule 172)

FORM OF TENDERED BALLOT PAPER

Polling Station No.

……..

Constituency ……..

Name of Voter ……

Number of Voter in electoral roll ……

Name of candidate for whom this is tendered ……

Date …… Signature of Presiding Officer.

## APPENDIX - X
(See rule 173)

LIST OF CHALLENGED VOTES.

| Sl.No. In the elec - toral roll | Name | Signature of voter, if literate, or thump impression | Signature & address of identifier' if any | Order of the Presiding Officer | Remarks |
|---|---|---|---|---|---|
| | | | | | |

## APPENDIX - XI
(See rule 175)

CERTIFICATE

Certified that Pi/Pu _____ is registered as an elector vide / no. _____ at Polling station _____in the _____constituency of the _____ District Council, and as he is prevented from voting at the said station by reason of his employment at the _____ polling station in the _____ constituency, I hereby authorize him to vote at the last named polling station.

Date _____

Signature of the
Returning Officer

## APPENDIX - XII
(See rule 178)

BALLOT PAPER ACCOUNT

| Sl.No | Particulars | Ordinary Ballot paper | Tendered Ballot Paper |
|---|---|---|---|
| | | | |

1. No. of Ballot papers received by the Presiding Officer.
2. No. of unused ballot paper returned
3. No. of spoilt ballot paper
4. No. of tendered ballot papers used.
5. No. of ballot papers dealt with under rule 176 92)
6. No. of ballot papers used.

[See rule 181 (4)]
Certificate of Election

I, _____
Returning Officer for the _____
MDC Constituency hereby certify that I have on Pi/Pu _____
of _____ to have been duly elected by the said constituency to be a member of the Lai Autonomous District Council and that in token thereof, I have granted to him this certificate of election.

Place _____ Signature of
Date _____ Returning Officer
For the _____
MDC Constituency.

APPENDIX - XIV
[see rule 189 (2)]

FORM NO._____

RETURN OF E;LECTION EXPENSES

Election to the Lai Autonomous District Council.

Name of candidate :_____
Name of constituency :_____
Date of election : _____

| Sl. No | Date on which expenditure incurred | Particulars | Amount | Name and address of of payer | Particulars of Vouchers (copies be enclosed) | Remarks if any |
|---|---|---|---|---|---|---|
| | | | | | | |

Certified that the above statements are true to the best of my knowledge and belief.

Place :_____
Date :_____ (Signature of the candidate/election agent)

Report to the Secretary to the government of Mizoram
District Council Affairs Department
Lodging of Election Expenses Accounts
Election to District Councils

_____ District Council.
Serial Number and Name of Constituency _____
Date of declaration of result _____
Last date for lodging of accounts of Election expenses _____
Name of elected candidate _____

| Sl. No. | Name (Party affiliation of Candidates) and address of | whether account s have been lodged | Date of lodging of accounts | whether lodged in time | Whether Lodged in the manner re- | If not, abrief statement of defect/lapsed noticed | Total expenses inccure as per the accounts filed |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

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

Returning Officer

NOTIFICATION

No.C.11018/1/97 - DCA (Loose) dt 16.10.2003. in pursuance of paragraph 11 of the sixth Schedule to the Constitution of India, the following Amendment Rules of the Lai Autonomous District Council, which received approval of the Governor of Mizoram is hereby published for General information, namely -

THE LAI AUTONOMOUS DISTRICT COUNCIL (Constitution, Conduct of Business etc) (Amendment) Rules, 2003/ vide/Governor of Mizoram's approval dt 8.9.2003)

P. CHALRABORTY,
Secretary to the Govt. of Mizoram,
District Council Affairs Deptt.

THE LAI AUTONOMOUS DISTRICT COUNCIL (CONSTITUTION, CONDUCT OF BUSINESS, ETC.) (AMENDMENT) RULES, 2003.

Further to amend the Lai Autonomous District Council (Constitution, Conduct of Business, etc.) Rules, 2002, (hereinafter called the "Principal Rules"), the District Council of Lai Autonomous District, in exercise of the powers conferred by Sub- Paragraph (7) of Paragraph 2 of the Sixth Schedule to the Constitution of India, read with Paragraph 20BB, and with approval of the Governor of Mizoram, makes the following amendment-rules, namely-

**1. Short title and Commencement-**

(1) These Rules may be called the Lai Autonomous District Council (Constitution, Conduct of Business etc.) (Amendment) Rules, 2003.

(2) They shall be deemed to have come into force on and from the date of their publication in the official Gazette.

**2. Substitution Rule 7-**

For Rule 7 of the Principal Rules, the following shall be substituted, namely -

"7 (1) The District Council shall consist of such number of members chosen by direct election from territorial constituencies in the Autonomous District and also nominated as specified in sub-paragraph (1) of Paragraph 2 of the Sixth Schedule.

(2) The composition of the District Council and the allocation of seats therein as between elected and nominated members shall be such as the Governor may, by notification in the official Gazette, determine from time to time.

(3) The constituencies for election to the District Council shall be territorial while the constituencies, respective extends thereof and the number of seats to be filled from such constituencies shall be such as may be determined by the Governor in the manner hereinafter prescribed.

(4) The members to be nominated by the Governor under these Rules, subject to the provisions contained in sub-paragraph (1) of paragraph 2 of the Sixth Schedule, shall be as recommended by the Chief Executive Member from amongst the persons having requisite qualification for being a member of the District Council.

Provided that while recommending the names, the Chief Executive Member shall recommend at least three names including the name of one woman, against each seat for nominated members, and furnish all documentary proofs in support of their qualification for such appointment."

**3. Amendment of Rule 10-**

In clause (c) of sub-rule (1) of Rule 10 of the Principal Rules, the expressions namely "by birth" shall be substituted by the expression, namely, "by birth or decent".

**4. Substitution of Rule 11-**

(1) For Rule 11 of the Principal Rules, the following shall be substituted, namely-

(1) No person shall be a member of the District Council of two or more Autonomous Districts and if a person is so elected a member of two or more District Councils, then at the expiry of twenty one days from the date of publication in the official Gazette of the declaration that he has been so elected or if such publication has been made on different dates, from the latest of such dates, then the person's seat in the District Council of all such Autonomous Districts shall become vacant unless he has previously resigned his seat in the District Councils of all but one of the Autonomous Districts. Such vacancies shall be notified by the Governor in the Official Gazette.

(2) If a person is elected to more than one seat in the District Council, then unless within twenty one days from the date of publication in the Official Gazette of the name of that person as having been so elected or where such publication has been made on different dates, such person resigns all but one of the seats, the remaining seat or seats shall become vacant and such vacancy or vacancies shall be notified by the Governor in the Official Gazette.

(3) In the event of any vacancy arising in a constituency under the circumstances contemplated in sub-rules (1) or (2) or as a result of a death of a sitting member, a bye-election shall be conducted for filling such vacancy or vacancies in the District Council within six months from the date of notification of the vacancy or vacancies in the Official Gazette.

(4) If a member of the District Council resigns his seat by writing under his hand addressed to the Chairman, his seat shall become vacant, and a bye-election to fill the vacancy shall be conducted within six months.

(5) If for a period of thirty days a member of the District Council remains, without the permission of the Chairman

of the Council, absent from all meetings thereof, the Chairman may declare his seat vacant, provided that in computing the same period of thirty days no account shall be taken of any period during which the District Council is prorogued or remains adjourned for more than three consecutive days.

(6) When a seat becomes vacant under the provisions of sub-rule (4) or (5), the Governor shall, by notification in the official Gazette declare it to be so vacant, and a bye-election shall be conducted for filling such vacancy or vacancies in the District Council within six months from the date of notification of the vacancy or vacancies in the official Gazette.

**5. Amendment of Rule 12-**

In Proviso to clause (a) in sub-rule (1) of Rule 12 of the Principal Rules, after the words "District Council", the following words shall be added, namely, " or a member of Legislative Assembly or a Member of Parliament."

**6. Amendment of Rule 13-**

(1) For sub-Rule (1) Rule 13 of the Principal Rules, the following shall be substituted, namely- "13 (1) The Governor may, for reasons to be recorded, remove any disqualification under this Chapter except under clause (h) of sub-rule (1) of Rule 12 and sub-rule (5) of Rule 12".

(2) After sub-rule (2) of Rule 13 of the Principal Rules, the following new sub-rule shall be added, namely- "(3) Before giving any decision on any such issue, the Governor may also take advice of the Advocate-General of Mizoram".

**7. Amendment of Rule 16-**

In clause (c) and Proviso to clause (c) of Rule 16 of the Principal Rules, the words "an express resolution," shall be substituted by the words "a motion".

**8. Amendment of Rule 18-**

In sub-rule (1) of rule 18 of the Principal Rules, for the word "resolution," the word "motion" shall be substituted.

**9. Amendment of Rule 25-**

Proviso to sub-rule (1) of Rule 25 of the Principal Rules shall stand omitted.

**10. Amendment of Rule 37-**

(1) In sub-rule (1) of Rule 37 of the Principal Rules, the words, namely, "Judicial Officer" shall stand omitted.

(2) In sub-rule (1) of Rule 37 of the Principal Rules, after the word and punctuation mark, namely, "Governor," and before the expression, namely, "an oath", the word "administer" shall be inserted.

**11. Substitution of Rule 90-**

For rule 90 of the Principal Rules, the following shall be substituted, namely :-

"90. All rules which may be made by the District Council with the approval of the Governor shall be drafted by the Executive Committee, and after being passed by the District Council with or without amendments, shall be submitted to the Governor for his approval. If the Governor cannot approve the rules, he may return it to the District Council for reconsideration under succeeding provision of Rule 112."

**12. Amendment of Rule 116-**

For sub-rule (3) of Rule 116 of the Principal Rules, the following shall be substituted, namely :-

"(3) Subject to the provisions of Rules 101,112 and 115, the decision of the Chairman on the point whether any resolution is or is not within the restriction imposed by sub-rule (2) shall be final."

**13. Amendment of Rule 148-**

In the sub-rule (1) of Rule 148 of the Principal Rules, for the expression, namely , "S.D.O. (C), Chawngte, "the expression, namely, "Sub-divisional officer (Civil), Lawngtlai" shall be substituted.

**14. Amendment of Appendix - VII**

In appendix - VII of the Principal Rules, for the word "Chawngte" the word "Lawngtlai" shall be substituted and for the names "K.K.Chakma" and "R.N.Chakma," the names "Liana" and "Thanga" respectively shall be substituted.

## NOTIFICATION

NO.A. 26020/1/93 - DCA, the 9th June, 2003. In pursuance of Paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules of Lai Autonomous District Council which received the approval of the Governor of Mizoram is hereby published for General information.

## 1. THE LAI AUTONOMOUS DISTRICT COUNCIL.

(Salaries, Allowances and pension of Members) Rules, 2003
(vide Governor of Mizoram's approval dt 20.5.2003)

P.Chakraborty,
Secretary to the Govt. of Mizoram,
District Council Affairs Department.

## THE LAI AUTONOMOUS DISTRICT COUNCIL (SALARIES, ALLOWANCES AND PENSION OF MEMBERS) RULES, 2003

A

RULES

To provide for the salaries, allowances and pension of members of the Lai Autonomous District Council.

Be it enacted by the Lai Autonomous District Council in the fifty second year the Republic of India as follows :-

**1. Short title and Commencement -**

(1) These Rules may be called the Lai Autonomous District Council (Salaries, Allowances and Pension of Members) Rules, 2003.

(2) It shall be deemed to have come into force with effect from the 23rd May, 2001.

**2. Definitions -**

In these Rules, unless the context otherwise require

(a) "Committee" means a Committee of the District Council.

(b) "Day" means a period of twenty four hours beginning a t midnight.

(c) "District Council" means District Council of the Lai autonomous District Council.

(d) "Family" in relation to a member means the Wife or Husband residing with him or her as the case may be, and children (including the legally adopted children and step children) wholly dependent on such Member.

(e) "Form" means a form appended to the second schedule;

(f) "he" and its grammatical variation stand for both man and women;

(g) "Member" means a member of the Lai Autonomous District Council and it does not include the Chief Executive Member Chairman, Executive Member and Deputy Chairman, but includes, for the purpose of pension including family pension only under Rules 12 and 14;

(h) "Period" of residence on duty" means the period during a member resides at place where a session of the District Council or a sitting of a committee is held or where any other business connected with his duties as such member transacted or for the purpose of attending such other business and includes, except in the case of member who ordinarily resides at the place where a session of the District Council or sitting of the committee is held or where any other business connected with his duties as such member is transacted;

(i) In the case of a session of the District Council, a period of such residence, not exceeding two days immediately preceding the commencement of a session and a period of such residence not exceeding two days immediately succeeding the date on which the District Council session is adjourned sine die;

(ii) In the case of a sitting of a committee or any other business, a period of such residence not exceeding one day immediately preceding the commencement of the business of the committee and other business and a period of such residence not exceeding one day immediately succeeding the conclusion of the business of the committee or other business;

(i) "Schedule" means a Schedule appended to this Rule;

(j) "Term of Office" in relation to a member means the period beginning with the date when such member takes his seat in the District Council and ending with the date on which his seat becomes vacant;

(k) "Usual place of Residence" in relation to a member means the place where the member personally resides within the Lai Autonomous District.

**3. Salaries of Members -**

A member shall be paid a salary of ten thousand rupees per mensem during the whole of his term of office.

**4. Daily allowances -**

A member shall be entitled to received (Daily Allowances of two hundred rupees for each day) of the journey performed for attending a session of the district Council or for meeting of a Committee and also for each day of the period of residence on duty.

**5. Constituency Allowances , Family Allowances , And entertainment Allowances.-**

A member shall be paid a constituency allowances of Rs.2500/- per mensem. Family allowances of Rs. 3500/- per mensem and entertainement allowances of Rs.2000/- per mensem.

**6. Residence, etc.-**

A member shall be entitled without any payment to the use and maintenance of a furnished residence throughout his term of office as a member and for a period of 15 days immediately thereafter, and so long as such residence is not provided for, be not more than Rs.2500/- per mensem; EXPLANATION :- For the purpose of these Rules "Maintenance" in relation to a residence includes –

(1) Provision of free supply of electricity and water;

(2) Provision of Telephone calls upto 2000 calls per month.

**7. Furnishing of Residence -**

A member who occupies own House shall be entitled (to receive a sum of Rs.20,000/- in the first year for furnishing and Rs.3000/- annually) for the subsequent year of the term.

**8. Personal attendant-**

A member shall be entitled to the service of the one Grade-IV staff as personal attendant of (a fix pay of Rs.3000/-) per mensem throughout his term of office, on co-terminus basis.

**9. Travelling Allowances-**

(1) There shall be paid travelling Allowances to eachmember in respect of every journey performed by him the purpose of attending a session of the District Council or a sitting to a Committee or for the purpose of any attending to any other business connected with his duties as a member from his usual place of residence to the place where the session or the sitting is to be held or the other business is to be transacted and for the return journey from such place to his usual place of residence at the rate of two hundred rupees per diem.

(2) where no Government accommodation is available outside the District, a member on official duty shall be entitled to re-imbursement of accommodation charge of a single room in a three star Hotel in addition to the daily Allowances subject to production of actual payment receipt.

(3) Notwithstanding anything contained in sub-rule (1) a member who performs a journey on official duty by road or by railway or by streamer or by air outside Mizoram shall be entitled to reimburse the actual fare of journey and daily allowance of Rs. 250/- per day.

Provided that a member shall be entitled to an advance of Travelling and daily allowances in respect of the tour undertaken by him on official duties.

**10. Special provision -**

In the special circumstances specified in the first schedule, the provisions of this rules shall apply subject to the provision of that schedule.

**11. Procedure-**

The provision of the second schedule shall apply in respect of all claims for salaries and allowances.

**12. Pension -**

(1) There shall be paid a pension to any person who has served for a period of five years or for any period shorter than five years as a member of the Pawi/Lai Autonomous district Council.

(2) The amount of pension payable shall be as follows :-

With effect from the date of commencement of this Rules and subject to other provisions of the rules, there shall be paid a life-long pension of Rs.4,000-(Rupees four thousand) per month with an annual increment of Rs 200/- (Rupees two hundred) upto a maximum amount of Rs.6,600 (Rupees six thousand six hundred) to every member for any period, whether for five years or less or more.

**13. Death gratuity-**

If a member dies during his/her term of Office his/her spouse living, his/her legal heir shall be paid a death gratuity a sum of one Lakh rupees.

**14. Family pension -**

(1) When a sitting or former member dies his spouse or if he had no surviving spouse at the time of his death, his other family of the first preference, if any, shall be paid a family pension of two thousand five hundred rupees subject to the limitation in sub-section (2)

(2) The period for which such family pension shall be payable to the widow or widower, son or daughter of a member shall be as follows :-

(a) In the case of a widow or widower upto date of death or re-marriage, which-ever is earlier;

(b) In the case of a son, until he attains the age of 25 years.

(c) In the case of an un-marriage daughter until she attains the age of 25 years or until she gets married, which ever is earlier;

Provided that the family of such member shall not be entitled to any pension under this Act, if they are entitled to the similar benefit under any other Act or rules.

**15. Travel by air -**

A member is entitled to travel by air on tour performing official duties within India.

**16. Medical treatment -**

A member and the members of his family shall be entitled free of charge to accommodation in Hospital recognized by the District Council and also to Medical Attendance Rules as amended from time to time, applicable to first grade Officer of the Government of Mizoram.

**EXPLANATION -**

If a member has more than one wife residing with him, the benefit conferred by these Rules shall be available only to such wife as may be nominated in this behalf by the Member.

**17. Grant of loans For construction or Purchase of building and Advance for purchase Of a motor Vehicle -**

(1) Subject to such conditions and limitation as may be prescribed by rules there may be paid to a member –

(a) a repayable loan for a sum of money not exceeding three lakhs rupees for construction of a building or purchasing a House, and

(b) a repayable advance for a sum of money not exceeding three lakhs rupees of the anticipated price, whichever be less for purchase of a motor vehicle.

(2) On the application for a building loan member shall execute a deed in the form prescribed by rules, undertaking to use the loan for the purpose for which it is sanctioned, rendering himself/herself and such property as may be specified in the deeds as security including the house purchased or built with the aid of the loan with interest due thereon.

Provided that no loan for building of the House shall be sanctioned unless the plot of land on which the house to be built is exclusively owned and possessed by the members applying thereof and is free from all encumbrances.

(3) On the application for advance for the purchase of a motor vehicle, a member shall execute a deed in a prescribed form undertaking to use the advance for the purpose for which it is sanctioned rendering himself/herself and the motor vehicle to be purchase liable for the re-payment of the advance with interest due thereon.

(4) (1) No transfer assignment or charge made or created after execution of the deed under sub-Rule (2) or (93) under this Rule in relation to the property specified therein or the house purchased or built with the aid of loan or advance as the case may be, shall be valid against the Government/district Council unless it has been made or created with the previous consent of the Government/district Council in writing.

(2) where a member having obtained a loan or advance under clause (a) or (b) or sub- rule (1) of this Rule, dies while holding office as such, the amount of the loan or any part thereof which would have occurred on the date of his/her death in accordance with the term and conditions of the grant of the loan or the advance

alongwith interest thereon shall be written off with the sanction of the authority as may be prescribed by the Govt./District Council from time to time.

**18. Repeal and Savings-**

(1) The Pawi Autonomous District (Salaries and Allowances of Members) Act, 1993 and all subsequent amendments thereof are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed shall, in so far as it is not inconsistent with the provision of the Rule, be deemed to have been or taken this Rule.

FIRST SCHEDULE

(See Rule – 9)

**1. Regulation of payment of Daily and Travelling Allowances -**

(1) Notwithstanding that a member has not taken his seat in the District Council to which he is elected or nominated, he shall be entitled to receive travelling allowances for the purpose of taking his seat in the District Council.

(2) For absence for a period of two days or more during a session of the District Council or a sitting or a Committee for visiting any place in the afternoon, his travelling or daily allowances will be admissible.

**EXPLANATION –**

If a member comes back on the second day, whether in the forenoon or in the afternoon his absence shall be treated as being less than two days.

(3) The term "during a Session" or a sitting of a committee occurring in sub-Para (2) of the First Schedule does not include the period of two days immediately preceding the commencement of the business and one day immediately succeeding the conclusion of business of the Committee.

(4) Travelling Allowances for return journey to the usual place of residence shall be admissible to a member who leave the

place of the session of the District Council or a sitting of a Committee during the continuance of such session or sitting within two days after the conclusion of business of the session or the sitting as the case may be, before finally returning to his usual place of residence.

(5) All case regarding the admissibility of travelling allowances to a member who arrives at the place where a session of the District Council or a sitting of a committee is held without the knowledge of the postponement of the session or sitting including case of such members who arrives after the session or sitting is adjourned suddenly, shall be determined by the Chairman of the District Council having regard to the circumstances of each case. In case the member has performed such journey at his own expenses, he shall have to satisfy for the same as follows "Certified that I have not performed any part of the journey by a conveyance provided at the expenses of the District Council."

(6) Where a member is provided with free boarding and lodging at the expense of any District Council, he shall be entitled to receive only one half of the daily allowances admissible to him under Rule 4. If only boarding or lodging is provided he shall be entitled to receive three-fourth of the daily allowances admissible to him under that Rule.

## SECOND SCHEDULE

(See Rule-11)

**Procedural Provision -**

(1) Every Member shall, as soon as possible after he is elected declare in form 'A' appended to Second Schedule his usual place of residence to the Secretary to the District Council and any subsequent change in the usual place of residence so declared shall be notified in the said form to the Secretary to the District Council.

(2) A Member who claims any travelling or other allowances under this Rule shall support his claim by a Certificate in the following form namely :-

"Certified that no Travelling Allowances in respect of the journey or the daily allowances for the period mentioned in this bill has been or will be claimed from any other official source."

(3) Where no part of the journey is performed by a conveyance provided at the expense of the District Council the following Certificates shall be furnished namely :-

"Certified that I have not performed any part of the journey by a conveyance provided at the expense of the District Council."

(4) Ordinarily, any non-Government dues out-standing against a Member shall not be recovered from his salaries and Allowances but where such dues are not account of certain service rendered to him in the course of his duties as a Member, such as when he is on tour with a committee, and the arrangement for such service have been made by or at the instance of semi-Government institution of private parties at the request of officer of the District Council, and where such member, in spite of repeated request had failed to make payment of such dues recovery thereof may be effected from the salaries or daily allowances bills of such member.

FORM A

My usualplace of residence is_____

or

I have changed my usual place of residence from _____
To _____ due to _____
_____
(here state the reason)
I may hence-forward be allowed travelling allowances from
_____

Signature _____
Constituency _____
Date _____

FORM B

DEPARTURE AND RETURN JOURNEY CERTIFICATE

The Certificate may kindly be filled, signed and returned to the Secretary, Lai Autonomous District Council, as soon as possible, after the completion of the return journey-

(1) Certified that I have not performed the journey under rule 9 of Lai Autonomous District (Salaries Allowances and Pension of Members) Rule,2000, leaving

_____(Place on the _____

_____(Date) arrive at _____

_____(Place) on the _____

_____(Date)

(2) Certified that I have not performed any part of journey other than the journey by a conveyance provided at the expense of the District Council.

Certified that I actually travelled by air from _____

To _____ (Place)

To _____ (Place)

By _____ day/night service

Payment of the supplementary bills is required at_____(Station)

Station _____

DATE THE _____

(Strike out if not applicable)

MEMBER
Lai Autonomous District Council,
Constituency _____

## STATEMENT OF OBJECTS AND REASONS :

The Salaries and Allowances of Members under the provision of the Lai Autonomous District ( Salaries and Allowances of Members ) Act, 1993 are considered in-adequate to meet the present demand in view of the rapid increase of the price index. It is, therefore, felt necessary to increase the salaries, allowances and other facilities and privileges of the Members of the District Council.

This bill seeks to repeal the aforesaid Act.

Hence this Bill

Manghmunga Chinzah,
Chief Executive Member,
Lai Autonomous District Council,
Lawngtlai.

## CERTIFICATE OF AUTHENTICATION

Certified that this Bill was passed by the Lai Autonomous District Council on 7.8.2001. And in authentication whereof I put my signature on this 22nd on Day of April, 2002 Anno Domini.

T. Ngunsanga,
Deputy Chairman,
Lai Autonomous District Council,
Lawngtlai.

Assented the Rules on this
23rd day of May, 2001.

(A.R. KOHLI)
Governor
Mizoram.

NOTIFICATION

No.A.26020/1/93-DCA, the 9th June, 2003. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules of Lai Autonomous District Council which received the approval of the Governor of Mizoram is hereby published for General information.

1. The Lai Autonomous District Council ( Salaries and allowances of Chairman and Dy.Chairman ) Rules, 2003 (Vide Governor of Mizoram's approval dt. 20.5.2003)

P.Chakraborty,
Secretary to the Govt. of Mizoram,
District Council Affairs Deptt.

# THE LAI AUTONOMOUS DISTRICT COUNCIL ( SALARIES AND ALLOWANCES OF CHAIRMAN & DEPUTY CHAIRMAN ) RULES,2003

A
RULES

To provide for the salaries and allowances of the Chairman and Deputy Chairman of the Lai Autonomous District Council.

Be it enacted by the Lai Autonomous District Council in the Fifty-Second year of the Republic of India as follows :-

**1. Short title and Commencement-**

(1) These Rules may be called the Lai autonomous Council (Salaries and allowances of the Chairman and the Deputy Chairman) Rules, 2003.

(2) It shall be deemed to have come into force with effect from the 23rd May, 2001.

**2. Definitions -**

In these Rules, unless the context otherwise requires :-

(a) "Chairman" means the Chairman of the Lai Autonomous District Council;

(b) "Deputy Chairman" means the deputy Chairman of the Lai autonomous District Council;

(c) "District Council" means the District Council of the Lai autonomous District Council.

(d) "Family" in relation to the Chairman and the Deputy Chairman means the wife residing with him and the legitimate children and step-children wholly dependent on him and where the husband has more than one wife, only one wife shall be included in his family;

(e) "Government" means the Government of Mizoram;

(f) "He" and its grammatical variation stand for both man and woman;

(g) "Travelling Allowances" means the allowances granted to the Chairman and the Deputy Chairman under these Rules to cover the expenses which he incurs in travelling in the interest of public services;

(h) "Schedule" means the schedule appended to this Rule.

**3. Salaries of Chairman and Deputy Chairman-**

There shall be paid to the Chairman and the Deputy Chairman a salary of rupees ten thousand each per mensem.

**4. Sumptuary Allowances and other allowances-**

There shall be paid to the Chairman and the Deputy Chairman a sumptuary allowances of four thousand five hundred rupees each per mensem, family allowances of four thousand five hundred rupees each per mensem and the entertainment allowances of four thousand rupees and three thousand five hundred rupees respectively.

**5. Resident and Furnishing of Residence-**

The Chairman and the Deputy Chairman shall be entitled without any payment to the use and maintenance of a

furnished residence throughout their term of office and for a period of fifteen days immediately thereafter; and so long as such residence is not provided he shall be entitled to a residence for which (rental charge shall not be more than three thousand five hundred rupees per mensem) and there, shall be made available a sum of Rs. 40,000/- (rupees forty thousand) only for furnishing residence for the first year and Rs.5,000/- (Rupees five thousand) only annually for the subsequent years.

**EXPLANATION :**

"Maintenance" in relation to a residence includes :-

(i) Provision of electricity and free water supply.

(ii) Provision of free Telephone calls and

(iii) Payment of local rates and taxes.

**6. Conveyance Allowances and Use of motor vehicle-**

The Chairman and the Deputy Chairman shall be entitled to the free use of motor vehicle, the entire cost of maintenance and propulsion alongwith the service of chauffeur which shall be borned by the District Coucnil.

**7. Travelling and Daily Allowances-**

Subject to the provision of the Schedule the Chairman and the Deputy Chairman shall be entitled to :

(a) Travelling allowances for the transport of personal effect of himself and his family in respect of journey to Lawngtlai from his usual place of residence for the purpose of assuming office and demitting office.

(b) Travelling and Daily allowances in respect of tour undertaken by him in the discharge of his official duties whether by land or by air.

**8. Medical-**

The Chairman and the deputy Chairman and the members of their family shall be entitled free of charge to accommodation in Hospital, Nursing Homes and clinic

recognized by the District Council and also to medical treatment, consultation fees and diet charges with one Medical attendant in case he is admitted to a Hospital.

**9. Chairman and Deputy Chairman Not to draw Allowances as Member of District Council-**

No person in respect of a salary or allowances under this Rule shall be entitled to receive any sum out of the funds provided by the district Council by way of salary or allowances in respect of their membership of the District Council.

**10. Notification respecting Election of Chairman and Deputy Chairman to be conclusive evidence thereof-**

The date on which any person becomes or ceased to be a Chairman or Deputy Chairman shall be published in the Mizoram Gazette and any such notification shall be conclusive evidence of the fact that he become, or ceased to be Chairman or Deputy Chairman on that date for the purpose of this Rule.

**11. Discretionary Fund-**

The Chairman shall be provided every year in the Budget a discretionary fund of the same amount with that of the Chief Executive Member and the Deputy Chairman equal to the amount provided for the executive Member.

**12. Household staff-**

The Chairman and the Deputy Chairman shall be entitled to Grade –IV Staff of three and two numbers respectively of his choice as household staff on a fixed pay of Rs. 3000/- the appointment of them shall be co-terminus without yearly increment.

**13. Repeal and Saving-**

(1) The Lai autonomous District (Salaries and Allowances of Chairman and Deputy Chairman) Act, 1993 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the act so repealed shall, in so far as it is not inconsistent with the provision of this Rule be deemed to have been done or taken under this rule.

THE SCHEDULE

(See Rule -7)

**1. Travelling on duty-**

When travelling on duty by railway or by road or steamer or by air a Chairman or a Deputy Chairman shall be entitled to reimburse the actual fare of journey including incidental charge and daily allowances of Rs. 250/- within Mizoram and Rs.300/- outside Mizoram.

**2. The Travelling Allowances on Journey for Assuming and Demitting of office-**

In respect of Journey to Lawngtlai from his usual place of residence for assuming or from Lawngtlai to his usual place of residence on demitting office, a Chairman and a Deputy Chairman is entitled to travelling allowances, towards the cost of transporting himself of his family and family's effects.

**3. Travelling by air-**

(1) The Chairman or the Deputy Chairman may in public interest, perform journey on tour by air in public tour transport service.

(2) On the cancellation of a journey to official reason, a Chairman or a deputy Chairman shall be entitled to be reimbursed by the the District Council any deduction made by the air transport services when refunding the fare on account of cancellation of the air passage.

(3) The Chairman or the deputy Chairman who does not utilize the free transport service between the air booking centre and the airport may also recover in respect of journey to and from the airport actual travelling expenses or road mileage as for journey on duty by road whichever is less.

**4. Accommodation-**

Where no Government accommodation is available Chairman or deputy Chairman on Official duty shall be entitled to re-imbursement of accommodation charge of double room in a three Star Hotel subject to production of actual payment receipt.

**5. Advances-**

(1) The Chairman or the Deputy Chairman shall be entitled to :-

(a) An advances of travelling allowances towards the cost of transporting, themselves and the member of their families and their family's effect in respect of the journey to Lawngtlai from their usual place of residence for assuming office; and

(b) In respect of journey from Lawngtlai to their usual place of residence outside Lawngtlai on relinquishing office; and

(c) An advance of travelling and daily allowances in respect of the tour undertaken by them in the discharge of their official duty whether by land, sea or air.

(d) These advances will be adjusted in the first travelling allowances Bill submitted thereafter.

STATEMENT OF OBJECT AND REASONS :

The salaries and allowances of Chairman and deputy Chairman under the provision of the Lai Autonomous District (Salaries and allowances of the Chairman and deputy Chairman) Act, 1993 are considered inadequate to meet the present demand in view of the rapid increase of the price index. It is therefore, felt necessary to increase the salaries, allowances and other facilities and privilege of the chairman and deputy Chairman of the District Council.

The Bill seeks to repeal the aforesaid Act. Hence this bill.

Manghmunga Chinzah,
Chief Executive Member,
Lai Autonomous District Council,
Lawngtlai.

CERTIFICATE OF AUTHENTICATION

Certified that this Bill was passed by the Lai Autonomous District Council on 7.8.2001 and in authentication whereof I, put my signature on this Fourteenth day of august Two Thousand one Anno Domini

B. Thanchunga,
Chairman,
Lai Autonomous District Council,
Lawngtlai.

NOTIFICATION

No. A. 26020/1/93-DCA, the 9th June, 2003. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules of Lai Autonomous District Council which received the approval of the Governor of Mizoram is hereby published for general information.

**1. THE LAI AUTONOMOUS DISTRICT COUNCIL**

(Salaries, and allowances of CEM and Ems) Rules, 2003
(vide Governor of Mizoram's approval dt.20.5.2003)

P.Chakraborty,
Secretary to the Govt. of Mizoram,
District Council Affairs Department.

**THE LAI AUTONOMOUS DISTRICT COUNCIL (SALARIES AND ALLOWANCES OF CHIEF EXECUTIVE MEMBER AND EXECUTIVE MEMBERS) RULES, 2003**

A
RULES

To provide for the salaries and allowances of the Chief Executive Member and the other Executive Members of the Lai autonomous District Council.

Be it enacted by the Lai Autonomous District Council in the Fifty Second year of the Republic of India as follows :-

**1. Short title and commencement-**

(1). These Rules may be called the Lai Autonomous District Council ( Salaries and Allowances of the Chief Executive Member and Executive Member ) Rules,2003.

(2) It shall be deemed to have come into force with effect from the 23rd May, 2001.

**2. Definition-**

In these Rules, unless the context otherwise require –

(a) "Chief Executive Member" means the Chief Executive Member of the Lai autonomous District Council;

(b) "Executive Members" means the Executive Members of the Lai autonomous District Council;

(c) "District Council" means the District Council of the Lai Autonomous District Council;

(d) "Family" in relation to the Chief Executive Member and the Executive Member means the wife residing with him and the legitimate children and step-children wholly dependent on him and where the husband has more than one wife, only one wife shall be included in his family;

(e) "He" and its grammatical variation stand for both man and woman.

**3. Salaries of Chief Executive Members and Executive Members-**

There shall be paid to the Chief Executive Member and Executive Members a salary of ten thousand rupees per mensem.

**4. Sumptuary Allowances, family allowances and entertainmentAllowances-**

There shall be paid to the Chief Executive Member and Executive Members a sumptuary allowances of four thousand five hundred rupees each per mensem, family allowances of four thousand five hundred rupees each per mensem and

entertainment allowances of four thousand five hundred rupees and three thousand five hundred rupees respectively per mensem.

**5. Residence and Furnishing of residence-**

The Chief Executive Member and the Executive Members Shall be entitled without any payment to the use and maintenance of a furnished residence throughout their term of Office and for a period of fifteen days immediately thereafter; so long as such residence is not provided he shall be entitled to residence for which rental charge shall not be more than three thousand five hundred rupees per mensem and there shall be made available a sum of Rs. 40,000/- ( Rupees forty thousand) only for furnishing residence in the first year and Rs.5,000/- (Rupees five thousand) only annually for the subsequent years.

**EXPLANATION –**

"Maintenance" in relation to a residence includes :-

(1) Provision of electricity and free water supply

(2) Provision of free Telephone calls

(3) Payment of local rates and taxes.

**6. Conveyance Allowances and use of motor vehicle-**

The Chief Executive Member shall be entitled to the free use of motor vehicle, the entire cost of maintenance and propulsion along with the service of a chauffeur which shall be borned by the District Council.

**7. Travelling and Daily allowance-**

Subject to the provision of the Schedule; the Chief Executive Member and the Executive Members shall be entitled to –

(a) Travelling allowances for the transport of personal effect to himself and his family in respect of journey to Lawngtlai from his usual place of residence for the purpose of assuming office and demonstrating office.

(b) Travelling and daily allowances in respect of tour undertaken by him in the discharge of his Official duties whether by land or by air.

**8. Medical facilities-**

The Chief Executive Member and the Executive members and the Members of their facilities shall be entitled free of charge to accommodation in Hospitals, Nursing Homes and Clinics recognized by the Council and also to medical treatment consultation fees and diet charges with one medical attendant in case he is admitted to Hospital.

**9. Chief Executive Members and Executive Members not to draw allowances as Members of District Council-**

No person in receipt of a salary or allowances under this Rules shall be entitled to receive any sum out of the funds provided by the District Council by way of salaries or allowances in respect of their membership of the District Council.

**10. Notification Respecting election of Chief Executive Member and Executive Members to be conclusive evidence thereof.-**

The date on which any person become, or ceased to be a Chief executive Member or Executive Member shall be published in the Mizoram Gazette and any such notification shall be conclusive evidence of the fact that he become, or ceased to be Chief Executive Member or Executive Member on the date of all the purpose of this Rule.

**11. Discretionary Fund-**

The Chief Executive Member shall be entitled to discretionary fund the amount of which shall be determined by the executive Committee from time to time.

**12. Household Staff-**

The Chief Executive Member and the executive Members shall be entitled to Grade-IV staff of three and two members respectively and fixed pay of Rs.3,000/- Pm. The appointment of them shall be co-terminus without yearly increment.

**13. Repeal and Savings-**

The Lai Autonomous District Council (Salaries and allowances of the Chief Executive Member and the other Executive Members) Act, 1993 is hereby repealed.

Provided that any order made or anything done or any action taken by the District Council and under the act so repealed or under any general order ancillary thereto, shall be deemed to have been made, done or taken under the corresponding provision of this Rule.

Notwithstanding such repeal, anything done or any action taken, the order or notification so repealed shall, in so far as it is not inconsistent with the provision of this Rule deemed to have been done or taken under this rule.

THE SCHEDULE

(See Rule-7)

**1. Travelling on duty-**

When travelling on duty by rail or by road or by steamer or by air, a Chief executive Member or Executive Member shall be entitled to reimburse the actual fare of journey including incidental charges and daily allowances at the rate of Rs. 250/- within Mizoram and Rs.300/- outside Mizoram.

**2. Travelling Allowances for assuming and demitting office-**

In respect of journey to Lawngtlai from his usual place or residence of demitting office, a Chief Executive Member and Executive Member is entitled to travelling allowances towards the cost of transporting himself and the members of his family and family's effects.

**3. Travel by air-**

(1) The Chief Executive Member of Executive Members may in public interest, perform a journey on tour by air in public air transport services.

(2) On the cancellation of journey due to official reason, a Chief Executive Member or Executive Members shall be entitled

to be reimbursed by the District Council any deduction made by the air transport services when refunding the fare on account of cancellation of the air passage.

(3) The Chief Executive Member or executive Members who does not utilized the free transport service between the air booking centre and the airport may also recover in respect of journey to and from the airport actual traveling expenses or road mileage as for a journey on duty whichever is less.

**4. Accommodation-**

Where no Government accommodation is available, the Chief executive Member or executive Members on official duty shall be entitled to re-imbursement of accommodation charge of a double room in a Three Star Hotel subject to production of actual payment receipt.

**5. Advances-**

(1) The Chief Executive Member of Executive Members shall be entitled to –

(a) An advance of travelling allowances to towards the cost of transporting themselves and the Members of their families and their family's effect in respect of the journey to Lawngtlai from their usual place of residence for assuming office; and

(b) In respect of journey from Lawngtlai to their usual place of residence outside Lawngtlai on relinquishing office; and

(c) An advance travelling and daily allowances in respect of the tour undertaken by them in the discharge of their official duty whether by land, sea or air.

2. These advance will be adjusted in the first travelling allowances Bill submitted thereafter.

## STATEMENT OF OBJECT AND REASONS

The salaries and allowances of the Chief Executive Member and the Executive Members under provision of the Lai Autonomous District (Salaries and Allowances of the Chief executive Member and the other

Executive Members) Act, 1993 are considered in-adequate to meet the present demand in view of the rapid increases in the price index.

It is, therefore, felt necessary to increase the salaries, allowances and other facilities and privileges of the chief executive Member and the other Executive Members of the Lai Autonomous District Council to meet demand.

This Bill seeks to repeal the aforesaid Act.

Hence this Bill.

Manghmunga Chinzah,
Chief Executive Member,
Lai Autonomous Disrict Council,
Lawngtlai

CERTIFICATE OF AUTHENTICATION

Certified that this bill was passed by Lai Autonomous District Council on 7.8.2001 and in authentication whereof I put my signature on this fourteenth day of August two thousand one Anno Domini.

B.Thanchunga,
Chairman,
Lai Autonomous District Council,
Lawngtlai.

**NOTIFICATION**

No.C.31018/2/91 - DCA/L, the 18th October, 2004. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulation of the Lai Autonomous District Council, which received approval of the governor of Mizoram is hereby published for General information.

1. **THE LAI AUTONOMOUS DISTRICT COUNCIL**

**(Professions, Trades, Callings and Employments Taxation) (first Amendment) Regulation, 2004 (Vide Governor of Mizoram approval dt. 9.10. 2004)**

P.Chakraborty
Secretary to the Govt. of Mizoram
District Council Affairs Department.

**THE LAI AUTONOMOUS DISTRICT COUNCIL (PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS TAXATION) (FIRST AMENDMENT) REGULATION, 2004.**

A
BILL

To amend the Lai Autonomous District Council (Professions, Trades, Callings and Employments Taxation) Regulation, 2009.

Be it enacted by the Lai Autonomous District Council in the Fifty-Fifth year of Republic of India as follows :-

**1. Short title, extend and Commencement -**

(1). This Regulation may be called the Lai Autonomous District Council (Professions, Trades, Calling and Employment Taxation) (First Amendment) Regulation, 2004.

(2). It shall have the like extent as the Principal Regulation.

(3) It shall come into force on and from the 1st day of April, 2004.

**2. Amendment and Section -**

In the Principal Regulation, for Section 8 the following Sub-section (4) shall be inserted between sub-section (3) and the Proviso, namely :- "(4) If any person fails to make a return as required by Section 7 or fails to comply with

the term of notice issued under sub-section (2), the assessing authority shall, by an order in writing, assess to the best of his judgement, the person and determine the tax payable by him."

**3. Amendment of the Schedule -**

(1). For entry No 7 (2) of the Schedule annexed to the Principal Regulation, the following shall be substituted, namely :-

"7.(2) owner of mechanical -

| | | |
|---|---|---|
| (a) | Motor repair works | Rs. 2000 P.a. |
| (b) | Two/Three Wheeler repair works | Rs. 1000 P.a. |
| (c) | Electrical or electronic repair works | Rs. 1000 P.a. |
| (d) | Furniture Works | Rs. 2000 P.a. |

(2). For entry No.7 (3) of the Schedule annexed to the Principal Regulation, the following shall be substituted, namely :-

"7 (3) Owner of private boarding School

| | | |
|---|---|---|
| (a) | Having below 50 boarders | Rs. 1000 P.a. |
| (b) | Having above 50 boarders but does not exceed 100 boarders | Rs. 2000 P.a. |
| (c) | Having above 100 boarders | Rs. 2500 P.a. |

## STATEMENT OF OBJECTS AND REASONS

The existing rate of tax under entry No 7 (2) and (3) in the Schedule of the Lai Autonomous District Council (Professions, Trades, Callings and Employments Taxation) Regulation, 2000 is considered comparatively low in view of the rising gross income of owners of boarding schools, derived from boarding fees paid by the boarders. It is, therefore considered necessary to increase the existing rate of professional tax payable by the private owners of boarding schools.

Hence the bill.

B.Thanchunga,
Chief Executive Member,
Lai Autonomous District Council,
Lawngtlai.

CERTIFICATE OF AUTHENTICITY

Certified that the bill was passed by the Lai Autonomous District Council in its emergency session held on 24.5.2004. in authentication thereof, I put my signature on this _____ day of_____ 2004. Anno Domini.

Manghmunga Chinzah,
Chairman,
Lai Autonomous District Council,
Lawngtlai.

## THE LAI AUTONOMOUS DISTRICT (TRADING REGULATION) RULES, 2004.

In exercise of the powers conferred under Section 20 of the Lai Autonomous District (Trading) Regulation, 2002 the Executive Committee of the Lai Autonomous District Council is pleased to make the following Rules for the purpose of carrying out the provisions of the aforesaid Regulations.

1. **SHOR TITLE, EXTENT AND COMMENCEMENT -**

(1) These rules may be called the Lai Autonomous District (Trading Regulation) Rules, 2004.

(2) They shall have the like extent as the Regulation.

(3) They shall come into force on and from the date of publication in the Mizoram Gazette.

**2. DEFINITIONS -**

In these rules unless the context otherwise requires :-

(a) "District" means the Lai Autonomous District.

(b) "Executive Committee" means the Executive Committee of Lai Autonomous District Council.

(c) "Form" means form appended to these rules.

(d) "Government" means the Government of India or the State Government of Mizoram.

(e) "Licence" means a licence issued by the Lai Autonomous District Council for the purpose of trading within the District.

(f) "Licensee" means a person or persons holding valid licence under the Regulation.

(g) "Licensing Authority" means any Officer or Officers authorised in this behalf by the Executive Committee.

(h) "Regulation" means the Lai Autonomous District (Trading) Regulation, 2002.

(i) "Section" means section of the Regulation and sub-section shall be construed accordingly.

**3. MODE OF SUBMISSION OF APPLICATION -**

All application for Trade Licence under sub-section (2) of section 4 shall be submitted to the Licensing Authority in Form - I on payment of Rs. 10/- as application fee which is non-refundable.

**4. VERIFICATION :-**

Subject to sub-section (3) of Section 5, the Licensing Authority shall be necessary verification in regard to the antecedents, character and qualification of the applicant.

Provided that if the Licensing Authority see any objectionable matter the application, he may ordinarily refuse to take verification or reject application.

5. **QUALIFICATION TO HOLD LICENCE -**

(1) The person or persons shall be a resident within District.

Provided that temporary licence may be issued to a non-resident citizen If, the person desired to carry on trade within the District.

Provided further that if the person is non-tribal, he or she should be two years valid Inner Line Permit.

(2) The person or persons shall not hold any office of profit under Government or under any other Local Authority subject to the control of the said Government.

**6. TYPE OF TRADE LICENCE -**

On and from the commencement of these rules, there shall be the following types of Trade Licence :-

(1) "Dealer Licence" is a licence granted for the purpose of trade within the District and automatically permitted to import goods from outside District. The licence be valid for two years and renewable on payment of such fee as prescribed in rule 8. "Note :- Manufacturing, Producing and Repairing works of all kind be included in this category."

(2) "Retail Licence" is a licence granted for the purpose of trade within the District and not permitted to import goods from outside the District. The licence shall be valid for one Calendar year and renewable on payment of such fee as prescribed in rule 8.

(3) "Temporary Licence" is a licence granted for temporary trade within the District. The licence valid for 6 (six) months and renewable on payment of such fee as prescribed in rule 8.

**7. GRANT OF LICENCE -**

(1) If, an application for dealer licence is not rejected, the Licensing Authority may after obtaining permission from the Executive Committee, issue a dealer licence in FORM -II, subject to payment of Rs. 3,000/- by the applicant as dealer licence fee.

(2) If, an application for retail licence is not rejected, the Licensing Authority may after obtaining permission from the Executive Committee issue a retail licence in FORM-III, subject to payment of Rs, 1,000/- by the applicant as retail licence fee.

(3) If, an application for temporary licence is not rejected, the Licensing Authority may issue temporary licence in FORM-IV, subject to payment of Rs.500/- by the applicant as temporary licence fee.

**8. RENEWAL OF LICENCE -**

The licence should be submitted for renewal at least seven (7) days before its expiry to the Licensing Authority, Failing which late fee of Rs.50/- per month shall be imposed as penalty. The following fees shall be paid for renewal of licence.

(1) For dealer licence Rs. 3,000/- per annum

(2) For retail licence Rs. 1,000/- per annum

(3) For temporary licence Rs. 500/- per annum

Provided that no licence shall be renewed unless the licenses cleared off all the taxes, fees and fines (if any) payable from his trades.

**9. ACCOUNT BOOKS -**

Accounts Book mentioned under section 11 shall be maintained in FORM -V The licensing Authority may direct the licensee to maintain such other Account Books in addition to it.

**10. SPECIAL PROVISION -**

(1) The Executive Committee may :-

(a) By order fixed the rate of price of any goods or commodities which are to be sold under the licence.

(b) From time to time increase or decrease all the fees payable under these rules.

(2) If the licencee desired to employ assistant in the trade, the person concerned and the trader should make an application jointly to the Licensing Authority. On receipt of such application the Licensing Authority after obtaining permission from the Executive Committee may, grant Work Permit to the person concerned in FORM - VI subject to payment of Rs. 500/- as permit fee.

Provided that if the person concerned is a non tribal, He / She should produce at least six months valid Inner Line Permit.

**11. DELEGATION OF POWER -**

(1) The Licensing Authority shall exercise such power delegated to him by the Executive Committee or the Regulation, 2002 and the rules made thereunder.

(2) The inspecting staff shall exercises such power delegated to him/them by the Executive Committee or the Licensing authority.

**12. REMOVAL OF DOUBT AND DIFFICULTY -**

If any doubt or difficulty arises in giving effect to the provisions of the Regulation, the Executive Committee may, as occasion may require or which appears to it necessary, by order do anything not in consistent with the Regulation or these rules, which appears to it necessary for the purpose of removing such doubt and difficulty.

**13. TERMS AND CONDITIONS :-**

(1) The licensee shall not sublet his licence.

(2) No goods and commodities other than those permitted in the licence shall be allowed to be transected.

(3) The licensee shall confine his trading operation only to the area specified in the licence.

(4) The licensee may be required to submit such returns as may be prescribed by the Licensing Authority.

(5) The licensee shall comply with the price or rate of goods and commodities fixed by the Executive Committee under sub-rule (1) of rules 9.

(6) No persons other than those permitted in the licence shall be allowed to be employed.

(7) Failure to comply with any condition of the licence and the provisions of the Lai Autonomous District (Trading) Regulation, 2002 and to these rules may entail cancellation of the licence.

## STATEMENT OF OBJECTS AND REASONS

As provided under Section 20 of the Lai Autonomous District (Trading) Regulation, 2002 it is felt necessary to make these rules to provide forms, rate of fees and the purpose of carrying out the provisions of the Regulation as well as for better administration on trade within the District.

Hence the bill

VL.Hminga,
Executive Member (Rev)
Lai Autonomous District Council.

## CERTIFICATE OF AUTHENTICATION

Certified that the bill was passed by the Lai Autonomous District Council on 1st September, 2004.

And in Authentication whereof I put mu signature in this 6th day of September, two Thousand four Anno Domini

Manghmunga Chinzah,
Chairman,
Lai Autonomous District Council
Lawngtlai.

APPENDIX
FORM - I
(See rule 3)

APPLICATION FORM

1. Name of the applicant :_____
2. Father's name :_____
3. Home Address :_____
4. Present Address :_____
5. Whether old or new trader Within the Lai Autonomous District :_____
6. Type of Trade Licence applied for :_____
7. Nature of business :_____
. Name of assistants intended to be employed :_____

1)_____
Name_____
S/o_____
Temporary Add_____
PermanentAdd_____

The above statement is true to the best of my knowledge and belief.

Date_____
Place_____

Signature of the Applicant

Remarks of the District Council authorities

1. (a) Granted/Rejected.
2. (b) Reasons, if rejected.

Licensing Authority

FORM - II

(See rule 7(1))

FORM OF LICENCE GRANTED UNDER RULE 7 (1) OF THE LAI AUTONOMOUS DISTRICT (TRADING REGULATION) RULES, 2004.

Photos

Dealerlicence No._____of_____

This is to permit Shri/Shrimati _____ S/o D/o W/o_____Resident of _____Town/ Village_____and place specified below subject to the fulfillment of the conditions in this behalf under the Regulation and the rules made there-under.

The licensee shall strictly follow the conditions laid down in the aforesaid term and conditions printed overleaf and in the event of non compliance of any section of the Regulation and the rules made there-under the licence shall be cancelled. This covers only one specific location. For opening any branch at another place, a fresh licence will be required.

1. Nature of trade :_____
2. Place of Trade :_____
3. Name of goods and Commodities Permitted to trade 1):_____ :_____ 2) :_____ 3) :_____
4. Validity :_____
5. Name of assistants Permitted to be Employed 1) :_____ 2) :_____ 3)_____ :

6. Certified the trader has deposited Rs.3000/- as licence fee vide receipt No._____of_____

(Round Seal)

Signature of
Licensing Authority
with Seal

Place _____
Date _____

TERMS AND CONDITIONS

(to be printed overleaf).

I accept the above conditions.

1. Signature of Licensee _____
2. Name _____

FORM - III
(See rule 7 (2) )

FORM OF LICENCE GRANTED UNDER RULE 7 92) OF THE LAI AUTONOMOUS DISTRICT (TRADING REGULATION) RULES, 2004.

Photo

Retail licence No. _____of_____
This to permit Shri/ Shrimati _____
S/o D/o W/o _____
Resident of_____Town/Village_____
District _____State_____ to trade in the goods and commodities and place specified below subject to fulfillment of the conditions in this behalf under the Regulation and the rules made there - under.

The licensee shall strictly follow conditions laid down in the aforesaid term and conditions printed overleaf and in the event of non compliance of any section of the Regulation and the rules made there-under the licence shall be cancelled. This licence covers only one specific location and valid for one Calendar year.

1. Nature of trade :_____
2. Place of Trade :_____
3. Name of goods and Commodities Permitted to trade 1):_____ :_____ 2) :_____ 3) :_____
4. Validity of the licence :_____
5. Name of assistants Permitted to be 1) :_____ 2) :_____

Employed 3)_____

5. Name of assistants 1) :_____
Permitted to be 2) :_____
Employed

3)_____

6. Certified the trader has deposited Rs.1000/- as licence fee vide receipt No._____of_____

(Round Seal)

Place _____ Signature of
Date _____ Licensing Authority
with Seal

TERMS AND CONDITIONS
(to be printed overleaf).

I accept the above conditions.

1. Signature of Licensee _____
2. Name _____

FORM - IV
(See Rule 7 (3) )

Form of temporary Licence granted under rules 7 (3) of the Lai Autonomous District (Trading Regulation) Rules, 2004.

Temporary licence No._____ of _____

This is to permit Shri/Shrimati_____ S/o/D/o_____ Resident of _____ Town Village _____ District State _____ to trade in goods and commodities and place specified below :-

1. Name of goods and commodities permitted to trade :_____
2. Validity of permit :_____

3. Place (Area) of Trade Permitted :_____

(Round Seal)

Place _____ Signature of
Date _____ Licensing Authority
with Seal

## FORM - V
(See Rule 9)

FORM OF ACCOUNT BOOK TO BE MAINTAINED UNDER RULE 9 OF THE LAI AUTONOMOUS DISTRICT (TRADING REGULATION) RULES, 2004.

For the Month of : _____

1. Name of Trader _____
2. Licence No _____

| | | | | |
|---|---|---|---|---|
| 3. | Stock in hand at the beginning of the Month | S/No | Name of Commodities | Quantity |
| | | 1. | | |
| | | 2. | | |
| | | 3. | | |
| | | 4. | | |
| | | 5. | | |
| | | 6. | | |
| | | 7. | | |
| | | 8. | | |
| | | 9. | | |
| | | 10. | | |
| 4. | Description of Commo-dities recei-vedduring the Month | S/No | Name of Commodities | Quantity |
| | | 1. | | |
| | | 2. | | |
| | | 3. | | |
| | | 4. | | |
| | | 5. | | |
| | | 6. | | |
| | | 7. | | |
| | | 8. | | |
| | | 9. | | |
| | | 10. | | |

| | | | | |
|---|---|---|---|---|
| 5. | Details of Commodities sold during the Month | S/No | Name of Commodities | Quantity |
| | | 1. | | |
| | | 2. | | |
| | | 3. | | |
| | | 4. | | |
| | | 5. | | |
| | | 6. | | |
| | | 7. | | |
| | | 8. | | |
| | | 9. | | |
| | | 10. | | |
| 6. | Stock position at the end of | S/No | Name of Commodities | Quantity |
| t | he Month | 1. | | |
| | | 2. | | |
| | | 3. | | |
| | | 4. | | |
| | | 5. | | |
| | | 6. | | |
| | | 7. | | |
| | | 8. | | |
| | | 9. | | |
| | | 10. | | |

7. Total Earning (gross) during — Rs._____

(Rupees_____) only.

8. Total Deposit of cash to the Bank Account during the Month. — Rs._____

(Rupees _____) only

The above state are true to the best of my knowledge and belief.

Place _____ Signature _____

Date _____ Name of_____
Lisensee or His / Her
Authorised Agent.

Checked & Found Correct.

Licensing Authority with Seal.

Counter Signed

Market Inspector, with Seal.

FORM - VI

(See Rule 10 (2) )

FORM OF WORK PERMIT GRANTED UNDER RULE 10 (2) OF THE LAI AUTONOMOUS DISTRICT (TRADING REGULATION) RULES, 2004.

Photo

Permit No _____ of _____

This if to Permit Mr / Mrs _____

S/o, D/o _____

Resident of _____ Town / Village _____ District / State to be employed by _____ S/o_____

Address _____ in his personal business / construction manufacture work at _____ (Name of place) Sponsored by _____ (if any) for a period of _____

(This permit is valid for 6 months only)

Licensing Authority

NOTIFICATION

No.H.12018/42/94-LJD/72, the 8th April, 2005. The following Act of the Mizoram Legislative Assembly which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram (pension for members of the Defunct Mizo District Council and of the Defunct Pawi - Lakher Regional Council) (Third Amendment), Act 2005. (Act No.8 of 2005)

(Received the assent of the Governor of Mizoram on the 23rd March 2005.)

AN
ACT

To further amend the Mizoram (Pension for members of the Defunct Mizo District Council and of the Pawi- Lakher Regional Council) Act, 1994 (hereinafter referred to as the principal Act)

It is hereby enacted by the Mizoram Legislative Assembly in the fifty fifth year of Republic of India as follows :-

**1. Short title and Commencement -**

(1) These Act may be called the Mizoram (Pension for members of the Defunct Mizo District Council and of the Defunct Pawi - Lakher Regional Council (Third Amendment) Act, 2005.

(2) it shall come into force from the date of publication in the Mizoram Gazette.

**2. Amendment of section 3 of the Principal Act. -**
The existing sub-section (3) of Section 3 of the Principal Act shall be substituted by the following :

" (3) where any member entitled to pension under section 3 (1) is also entitled to any other pension in his capacity as a retired member of the Legislative Assembly of Mizoram or of the parliament or otherwise, such person shall be entitled to receive the pension under section 3 (1) in addition to such other pension."

**3. Amendment of section 3 A. -**

In section 3 A of the Principal Act, proviso to clause (c) of sub section 2 shall be deleted.

Sd/-
P.Chakraborty,
Secretary to the Govt. of Mizoram
Law, Judl. & Par. Affairs. Aizawl.

NOTIFICATION

No. A.26020/1/93-DCA, the 1st December, 2008. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Amendment Rules made by Lai Autonomous District Council and as approved by the Governor of Mizoram is hereby published for general information, namely :-

The Lai Autonomous District Council (Salaries, Allowances and Pension of Members) (Amendment) Rules, 2006 [ vide Governor of Mizoram approval dt 10.9.2008.

C.Chalsawithanga,
Under Secretary to the Govt. of Mizoram,
District Council Affairs Department.

**THE LAI AUTONOMOUS DISTRICT COUNCIL (SALARIES, ALLOWANCES AND PENSION OF MEMBERS)(AMENDMENT) RULES. 2006**

To further amend the Lai autonomous District Council (Salaries, Allowances and Pension of members) Rules, 2003 hereinafter called the "Principal Rules" to provide for the Salaries, Allowances and Pension of Members of the Lai Autonomous District Council in Mizoram.

It is hereby enacted by the Lai Autonomous District Council in the fifty seven years of the Republic of India as follows :-

**1. Short title and commencement -**

(1) These rules may be called the Lai Autonomous District Council (salaries, Allowances and Pension of Members) (Amendment) Rules, 2006.

(2) They shall be deemed to have come into force with retrospective effect from 1st April, 2005.

**2. Amendment of Rule 12 -**

In the Principal rules, for sub-rule (2) of Rule 12 the following shall be substituted, namely :-

(1) The amount of pension payable shall be as follows :-

(a) There shall be paid Rs.4,500/-(Rupees four thousand five hundred) only per month to a member who had been elected nominated once for 5 (five) years or for any period shorter than 5 (five) years.

(b) There shall be paid Rs.6,000/- (Rupees six thousand) only per month to a member who had been elected three terms or more before the commencement of these rules.

(c) Where any person has been re-elected after the commencement of these rules for another term. Whether he has completed the term or not, he shall be entitled to an additional pension of one thousand five hundred rupees.

(2). (a) The pension shall be increased by 5 (five) percent annually simple rate.

(b) in no case shall the pension payable to Member exceed ten thousand rupees.

(3) Where any person entitled to pension under sub rule((2) of Rule 12.

(a) Is elected to the Office of the President or Vice President of India or is appointed to the Office of the (Governor of any State or the Administrator of any Territory.

(b) Becomes a Member of an Autonomous District Council. Or

(d) Is employed on a salary under the Central Government or any State Government or any Corporation owned or controlled by the Central Government or any State Government of any Local

Authority or becomes otherwise entitled to any remuneration from such Government. Corporation or Local Authority.

Such person shall not be entitled to pension under sub-rule (2) of rule 12 for the period during which he continues to hold such office or as such Member, of is so employed, or continues to be to hold such office or as such Member, or is so employed, or continues to be entitled to such remuneration.

Provided that where the salary payable to such person for holding such office or being such member or so employed. Or where the remuneration referred to the clause (c) payable to such person is, in either case, is less than the person payable to him under sub rule (2) of rule 12, such person shall be entitled only to receive the balance as pension under that sub rule.

(4) Where any person entitled to pension under sub rule (2) of rule 12 is also entitled to any other pension, such person shall be entitled to receive pension under sub rule (2) of rule 12 in addition to such pension.

Provided that if any doubt arises as to the interpretation of any of the provision of these Rules, the decision of the Autonomous District Council Chairman shall be final

CERTIFICATE OF AUTHENTICITY

Certified that the Bill was passed by the Lai Autonomous District Council in its Session and in authentication thereof, I put my signature on this seventh day of November 2008. Anno Domini.

Manghmunga Chinzah,
Chairman,
Lai Autonomous District Council,
Lawngtlai, Mizoram.

NOTIFICATION

No.DCA/R-17/86/P, the 16th May, 2006. In a pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulation of the Lai Autonomous District Council, which received approval of the Governor, Mizoram is hereby published for general information, namely -

THE LAI AUTONOMOUS DISTRICT COUNCIL
(Revenue Assessment) (First Amendment)
Regulation, 2006 (Which received assent of the Governor of Mizoram on the 22nd September, 2006)

P.Chakraborty,
Secretary to the Govt. of Mizoram,
District Council Affairs Department.

THE LAI AUTONOMOUS DISTRICT COUNCIL
(REVENUE ASSESSMENT) (FIRST AMENDMENT)
REGULATION, 2006.

A
REGULATION

To amend the Lai Autonomous District Council (Revenue Assessment) Regulation, 2000.

Be it enacted by the Lai Autonomous District Council in the Fifty - Fifth year of Republic of India as follows :-

**1. Short Title Extend and Commencement -**

(1) This Regulation may be called the Lai Autonomous District Council (Revenue Assessment) (First Amendment) Regulation, 2006.

(2) It shall have the like extent as the Principal Regulation.

(3) It shall come into force on and from the date of publication in the Mizoram Gazette.

**2. Amendment of sub-Section (1) of section 4 -**

In the Principal Regulation, for sub section (1) of section 4, the following shall be substituted, namely :-

"4 (1) Building other than those belonging to the Government and the District Council and such other buildings which the Executive Committee may, by order, exempt shall be assessed to an annual tax of Rs. 50/- as House Tax."

**3. Amendment of section.7-**

In the Principal Regulation, for section 7, the following shall be substituted, namely :-

"7 Lai Ram Ngunkuai of Rs. 50/- annually shall be levied from person or persons other than House Tax Payer within the District unless exempted by the Executive Committee.

Provided that the application of this Section shall be exempted on tourist persons".

**4. Amendment of sub-Section (1) of Section 10. -**

In the Principal regulation, for sub-section (1) of Section 10. The following shall be substituted, namely :-

"10. (1) All the taxes assessed shall be collected from the month of April and shall be completed in the month of next February every year".

**5. Insertion of section 12 A to the Principal Regulation**

In the Principal Regulation, the following new section 12. A., shall be inserted, namely :-

"12.A. POWER OF THE EXECUTIVE COMMITTEE :-

The Executive Committee shall have the power to review the rate of taxation and fees payable under the Regulation after a lapse of every five years.

Provided that such rate of taxation of fees payable as increase or decrease shall be notified in the Mizoram Gazette".

NOTIFICATION

No. C. 11020/1/2006-DCA/L, the 17th August, 2007. In pursuance of paragraph 11 of the sixth Schedule to the Constitution of India, the following Regulation of the Lai Autonomous District Council, which received approval of the Governor of Mizoram is hereby published for general information, namely :-

THE LAI AUTONOMOUS DISTRICT COUNCIL (Revenue Assessment) (Second Amendment) Regulation, 2006 (which received assent of the Governor Mizoram on the 13.8.2007).

Sd /-
P.Chakraborty,
Secretary to the Govt. of Mizoram,
District Council Affairs Department.

THE LAI AUTONOMOUS DISTRICT COUNCIL
(REVENUE ASSESSMENT) (SECOND)
AMENDMENTREGULATION, 2007

A
REGULATION

To amend the Lai Autonomous District Council (Revenue Assessment) Regulation, 2000 (hereinafter referred to as the Principal Regulation)

Be it enacted by the Lai Autonomous District Council in the Fifty-eight year of Republic of India as follows :-

**1. Short Title, Extend and Commencement**

(1) This Regulation may be called the Lai Autonomous District Council (Revenue Assessment) (Second Amendment) Regulation, 2007

(2) It shall have the like extent as the Principal regulation.

(3) It shall come into force on and from the date of Publication in the Mizoram Gazette.

**2. Amendment of section 5** :

For Section 5 of the Principal regulation, the following shall be substituted namely :-

"5. (1) Mutation and transfer fee:

The following fees shall be levied as mutation and transfer fee :-

(a) For Agriculture Land Rs. 100/- per Hectare.

(b) For Non- Agriculture Land Re.1.00/- per sqm.

Provided that mutation and transfer fee in the case of inheritance from Paternal or Maternal property on production of heirship certificate or valid will or gift between Members of family which consists of husband, wife, son, daughter, grandson, grand daughter and grand parents, shall be levied Rs. 100/- as its fee.

3. Amendment of Section 6:

In the Principal Regulation for section 6, the following shall be substituted, namely :-

(1) In Sub-section (1) of Section 6, the word "floor" shall be substituted by the word, "apartment".

(2) In Sub-Section (2) of section 6, the word "floor" shall be substituted by the word "apartment"

(3) In Sub-Section (3) of Section 6, the word, "Kutcha house" shall be substituted by the words, "Ordinary House".

(2) mortgage Registration fee:

Every mortgage of land to any financial Institution by the land owner shall be registered in the office of the Lai Autonomous District Council on payment of Re. 0.50% from the value of the mortgaged amount as its Registration fee".

## STATEMENT OF OBJECT AND REASON

It is felt necessary to make this amendment to provide levying power on certain fees, to collect more revenue for the Council fund.

Hence the Bill.

Sd/-
Lalthlamuana,
Executive Member (Rev),
Lai Autonomous District Council,
Lawngtlai.

## CERTIFICATE OF AUTHENTICATION

Certified that the bill was passed by the Lai Autonomous District Council on 29th November, 2006.
An in Authentication whereof I put my signature in this Second day of July Two thousand seven Anno Domini.

I assent to this Regulation

Sd/-

Lalhmingthanga Chinzah,
Chairman
Lai Autonomous District Council,
Lawngtlai.

Sd/-
M.M.Lakhera
Governor

13th August, 2007

# THE LAI AUTONOMOUS DISTRICT (VILLAGE COUNCIL) ACT 2007

To provide for the establishment of Village Council and their powers and for other matter relating to village administration, public health and sanitation etc.

And whereas Clause (f) of sub-paragraph (1) of paragraph 3 of the sixth Schedule to the Constitution of India, the District Council for an autonomous District is empowered to make law with respect to the establishment of Village Council and their power and any other matter relating to village administration, public health and sanitation etc.

Now, therefore, in exercise of the said powers and all other powers enabling it in that behalf, the Lai Autonomous District Council is pleased to make the following Act in the Fifty-eight year of republic of India as follows :-

## CHAPTER I

**1. Short title, extent and commencement :-**

(1) This Act may be called the Lai Autonomous District (Village Council) Act, 2007

(2) It shall extent to the whole of Lai Autonomous District.

(3) It shall come into force on the date of publication in the Mizoram Gazette.

**2. Definition :-**

In this act, except where it is expressly provided or the context otherwise requires :-

(1) 'Collective Works' means a community work done by the village jointly for the common good.

(2) 'District' means the Lai Autonomous District as provided in Part-III of the table appended to Paragraph 2 0 of the Sixth Schedule to the Constitution of India.

(3) 'District Council' means the Lai Autonomous District Council.

(4) 'Executive Body' means the Executive Body of the village Council.

(5) 'Executive Committee' means the executive Committee of the Lai Autonomous District Council.

(6) 'Governor' means the Governor of Mizoram.

(7) 'Judicial function' means the judicial function of the Village Council.

(8) 'Khaw Upa' means a village headman appointed to look after a Sub-Village under the authority of the Executive Committee in consultation with the village concerned.

(9) 'Legislative function' means the legislative function of the Village Council.

(10) 'Member' means a member of a Village Council.

(11) 'President' means a President of a Village Council elected by the majority of members of a Village Councilor appointed as such by the Executive Committee.

(12) 'Schedule tribes or tribes' means such tribe or tribes as are specified by the President of India under Article 342 (1) of the Constitution of India as modified by law made by Parliament from time to time in so far as the specification pertains to the State of Mizoram.

(13) 'Secretary' means the secretary of a Village Council.

(14) 'Tlangau' means the Village announcer.

(15) 'Vice President' means a Vice President of a Village Council. Elected by majority of members of Village Council or appointed as such by the Executive Committee.

(16) 'Village Council' means a Village Council constituted under the provisions of this Act.

(17) 'Voter' means a person who is entitled to vote at any election to the Lai Autonomous District Council.

## CHAPTER II

## ESTABLISHMENT OF VILLAGE COUNCIL

**3. Constitution of Village Council :-**

(1) There shall be a Village Council in each Village within the jurisdiction of the District Council of the Lai autonomous District.

(2) A Village Council shall be composed of members according to the number of houses it contains as specified below :-

For a Village having 50-120 houses 3 elected members and 1 nominated member.

For a Village having 121-240 houses 5 elected members and 1 nominated members.

For a Village having 241- above 5 elected members and 2 nominated members

(3) The elected members as provided above shall be elected on the basis of adult suffrage and in accordance with the Rules made by the Autonomous District Council under this Act. The other nominated members shall be appointed by the Executive Committee of the lai Autonomous District Council on the recommendation of the President of the Village Council concerned.

**4. Qualification for membership :-**

A person shall not be qualified for being elected as and for being a member of the Village Council if :-

(1) He/she is not a member of Schedule tribe or a permanent resident of the Lai autonomous District.

(2) He/she has not attained the age of 25 years.

(3) He/she is not a voter where he/she is not a permanent resident and where he/she seeks election.

(4) He/she is a member of any other Village Council.

(5) He/she is of unsound mind and stands so declared by a competent court or authorities.

(6) Before or after the commencement of this Act, he/she has been convicted of an offence under the existing law of the Lai autonomous District Council or under any other law for the time being in force in India, unless a period of three years has elapsed since he/she conviction, and if imprisoned.

(7) He/she is not a citizen of India.

(8) In case the executive Committee thinks necessary one Khaw Upa (Village Headman) shall be appointed in sub-Village in consultation with the concerned Village Council President, a person so appointed should qualify for membership under section 4 of this act. Provided that any member of a Village Council who has transferred his/her vote from where he/she has been elected shall not be entitled to continue his/her membership and the seat shall be declared vacant.

**5. Removal of members :-**

(1) Any members of a Village Council, who due to serious illness cannot attend the meetings of the Village Council and is not likely to recover from his/her illness for the whole term of that Village Council, the President of that Village Council shall submit a report to the executive Committee. The Executive Committee on receipt of such reports, shall make an inquiry and may take action as it thinks proper on the basis of the inquiry.

(2) Any member of the Village Council, who due to serious disregard of his/her duty as a member does not attend the meeting of the Village Council for three consecutive meetings, may be removed from his membership. Such decision for the removal of member shall be made by the majority of members in the full sitting of that Village Council and shall be forwarded to the Executive Committee for approval. On such decision being approved, his seat shall be declared vacant.

(3) The Executive Committee shall have the power to disallow any member to attend the meeting of the Village Council for a specified period not exceeding three months, if he/she is found to be undesirable for willful disobedience or misconduct in the discharge of his/her duties as a member. Such member shall not be entitled to enjoy remuneration during the period he/she is not allowed to attend the meeting as member.

**6. Term of Village Council :-**

(1) Every Village Council unless sooner dissolved, shall continue for three years from the date of its first meeting appointed by the Executive Committee.

(2) The Executive Committee shall have the power to extend the term by not more than six month at a time.

**7. Tenure of membership for elected and nominated member :-**

(1) All the elected members of the Village Council shall hold office during the life of the Village Council. A member nominated to a village Council under the provision of sub-section (3) of section 3 shall hold office during the pleasure of the Executive Committee.

8. Vacation of office by the Executive Body :-

(1) The President or the Vice President of the village Council may be removed on a vote of no-confidence passed by majority of members of a Village Council at the meeting specially convened for the purpose. For removing the President or the Vice President of the Village Council, a motion expressing want of confidence in the conduct of the President or the Vice President as the case may be, duly signed by the majority of the members of the Village Council shall be submitted to the Executive Committee of the Lai Autonomous District Council at any time before the commencement of any meeting of the Village Council.

(2) Members of the Village Council desiring to move a motion of no-confidence against either the President or the Vice-President of a Village Council should submit such demand in writing signed by them to the Executive Committee of the District Council coupled by making physical appearance.

(3) The Executive Committee or officer authorized in this behalf shall then fixed a date within ten (10) days from the date of physical appearance to take up the motion if their demand is found satisfactory enough.

(4) A motion shall be decided by taking votes of the members who shall vote by rising hands or secret ballot. If the motion of no confidence is passed by the majority of members, the person presiding over the meeting shall declare in the meeting that the President or the Vice-President against whom the motion is moved from his office, if the motion fails for want of the required number of votes, the person against whom the motion was moved shall continue his office at the first instance, the person presiding over the meeting shall not be entitled to vote, but shall have the right to exercise his casting vote in case of equality of votes.

(5) Provided that if the motion is moved for the removal of the President of the Village Council, the Vice President of the Village Council shall preside over the meeting, and if the motion is moved for the removal of the Vice-President, the President of the Village Council shall preside over such meeting.

(6) In the event of removal of the President or Vice president, as the case may be, the President or the Vice President of the same Village Council, shall be elected within two days counting from the date of removal of either the President or the Vice President by the Village Council members. Such election shall be presided over by the President, if election is for the Vice President, and by the Vice-President if the election is for the President.

(7) Secretary of a Village Council shall keep record of such reports and submit in writing to the Executive Committee immediately failing which disciplinary action as the Executive Committee deems fit shall be taken against him/her.

Provided that in case of failure in the election of either the President or the Vice President, as the case may be, the Executive Committee shall assume to itself powers and functions of the Village Council, and may appoint any employee of the Lai Autonomous District Council to exercise such power and function in this behalf, for a period not exceeding three months at the first instance.

Provided that a period of three months may be extended to another three months at every occasion by a fresh public notification till a new President or Vice-President as the case may be, is elected without dissolving the Village Council.

Provided further that in the opinion of the Executive Committee, a situation has arisen in which the election of the President and the Vice President of the Village Council can not be held in the Village Council the Executive Committee shall take action to dissolve the Village Council for the purpose of holding fresh election.

**9. (a) Executive Body :-**

(1) There shall be a President, a Vice-President and a Secretary in each Village Council to form an Executive Body in which the executive function shall be vested.

(2) The President and the Vice President of the Village Council shall be elected by the members of Village Council from amongst themselves by a majority of votes.

(3) There shall be a Secretary of the Village Council who may be appointed or dismissed by the Executive Committee on the advice of the President of Village Council, and shall function as a Secretary, but as not a member of the Village Council.

(4) Neither the President nor the Vice President of the Village Council shall be eligible to hold office of the Secretary of the Village Council under any circumstances.

(5) Every member and the Secretary of the Village Council may, at any time by writing under his hand, submit his resignation to the Executive committee through the President of the Village Council, who shall immediately forward to the concerned authority of the Executive Committee. The Executive Committee shall arrange to elect or appoint as the case may be, a substitute as soon as possible.

(6) The President may, at any time by writing under his/her hand, submit his/her resignation to the Vice President of the Village Council who shall without delay forward to the Executive Committee and until the Executive Committee accept the resignation, he/she shall continue to discharge the duties of the President.

(7) The Vice President of the Village Council May, at any time writing under his/her hand submit his/her resignation to the President of the Village Council who shall without delay forward to the Executive Committee and until the Executive Committee accept the resignation, he shall continue to discharge the duties of the Vice- President.

(8) If at any time, for any reason there is a vacancy of seat in the Village Council, it shall be reported forthwith to the Executive Committee either by the President or the Secretary of the Village Council.

(9) If for any reason, the office of the President be comes vacant, the Executive Committee shall cause the vacancy to be filled as soon as possible. In the meantime, the duties of the office shall be performed by the Vice President of the Village Council.

(10) If at any time, for any reason, there is a vacancy of seat in the Village Council, it shall be reported forthwith to the Executive Committee either by the President or by the Secretary and the Executive Committee shall make arrangement to fill up the seats as provided by the Election Rules of the Village Council.

(b) Legislative Functions :-

(1) A Village Council shall have the power to make Rules for the normal administration of the Village in accordance with the needs of the village.

(2) Rules made by the Village Council shall be in keeping with the culture, custom and practices of the village community.

(3) Rules made by the Village Council shall be submitted to the Executive Committee for approval and until approved by the Executive Committee in its full sitting such have no effect.

(c) Judicial Functions :-

(1) There shall be a Village Court in each village for the trial of suit and cases failing within the customary laws and practices of the Village community.

(2) Until Rules are made in its behalf by the District Council, the Village Council of a village shall function as the Village Court of the village for the trial of suit and cases between parties all of whom belong to the village.

(3) A Village Court shall normally trial suit and cases of the nature falling within the customary laws of the village community.

(4) Every Village Court shall have the power to trial thefts and petty crimes in which the punishment may extend to a maximum of Rs 500 (Rupees five hundred) only.

(5) Appeal from a Village Court shall lie to the Sub-ordinate District Council Court.

**10. Dissolution of Village Council :-**

The Executive Committee may, by public notification appoint a commission under this Act consisting of not more than three persons to be appointed from amongst officers of the District Council to inquire the affairs of a Village Council if it is considered too in-efficient or is unable to carry on the Village administration or is acting in a manner pre-judicial to the interest of the State or, is found to have been indulging in corrupt practices in matter of village administration and such a commission shall, after proper inquiry, submit each report of findings along with its recommendations to the Executive Committee within a period of time specified by the Executive Committee.

The Executive Committee may order either;

(a) Suspension of the Village Council for a period of three months at a time which may be extended for an- other three months or

(b) Dissolution of the Village Council for fresh election.

When order is made under (a) above, the Executive Committee shall assume to itself all power and functions of the Village Council and may authorize in this behalf any employee of the Lai District Council to exercise this function during the period of suspension.

When a Village Council is dissolved under (b) above, fresh election shall be held within six months. Provided that pending of election of Village Council the Executive Committee may authorize any employee of the Lai Autonomous District Council as specified above.

**11. Duties and Function of the Village Council :-**

Subject to such Rules except those may specifically be prescribed in such behalf by the Executive Committee duties and functions of Village Council shall be;

(1) Cleaning of Village road and path.

(2) Sanitation and conservancy in the village area and the prevention of public nuisance.

(3) Construction, maintenance and improvement of public wells and tanks for the supply of water to the village for drinking washing and bathing purposes.

(4) Opening of and regulating, burial and cremation grounds for disposal of dead bodies of human beings, and allocation of places for disposal of dead animals and other offensive matter.

(5) Taking of curative and preventive measure in respect of an epidemic.

(6) Construction, maintenance and improvement of village communication, drain and water ways.

(7) Control of village grazing grounds, location of glazier Khuties within the village area, village common and other communal property.

(8) Regulating the construction of new buildings or houses, or the extension or alteration of any such existing ones.

(9) Anti Malaria and Anti Kala Azar measure and enforcement of vaccination.

(10) Registration of births and deaths and maintenance of register for the purpose.

(11) Registration of marriage.

(12) Supplying local information as and where require to the District Council or the State Government.

(13) Measures necessary for the preservation of public health and for improving the sanitation conservancy of drainage of the village area.

(14) Measures of public utility calculated to promote the moral and material well-being of the villagers.

(15) Planting of trees at the sites of public places, on village roads and paths and taking care of them.

(16) Working and maintenance of public radio sets for the benefit of the villagers.

(17) Establishment and maintenance of libraries, reading rooms, social and cultural clubs or other places for recreation and games.

(18) Popularization of sports including indigenous sports, folks dances, folk song and organization and celebration of national and other local festival.

(19) Any other functions and powers as may be delegated by the District Council from time to time.

(20) Regulation and order of collective works.

(21) The Village Council may allot a particular region or area within the boundaries of each Village for jhum and subsidiary cultivation each particular year, and the distribution of the jhum and the subsidiary plots shall be done in accordance with the laws frame by the District Council under Paragraph 3 (1) (d) of the Sixth Schedule of the Constitution of India.

(22) Creation of Safety Reserve :-

Every Village shall have safety reserve for the protection of fire etc. And no one shall be allowed to cut tree or to have gardening and agriculture activity within the safety reserve. Proper boundary of the safety reserve area shall be demarcated and reported to the concerned department for

record. Any violation of trespass into the safety reserve in a manner prejudicial to the safety of reserve shall be punishable with a fine which may extend to Rs.1000 (Rupees one thousand) only.

(23) Creation of Supply Reserve :-

The Village Council shall create or maintain a supply reserve for the village. The reserve shall be accessible for collection of materials for construction of houses etc. The Village Council shall be generally held responsible for the proper and maintenance of this reserve.

(24) The Village Council shall have the power to prohibit the use of explosive or poison for the purpose of fishing or killing animals or birds. In the event of violation of the above provisions within the jurisdiction of the village, and the3 Village Council of that village fail to take notice and does not report the matter to the District Council. The village concern shall be held responsible and shall be liable to punishment with a fine as provided in sub section (22) For each of any of the above duties and functions, the Village Council may appoint a separate Committee which shall be responsible for implementing its decisions.

**12. Regulation of collective Works :-**

(1) Each Village Council shall have powers to exempt any person or persons from collective works on the ground of illness and other reasonable causes at its own discretion. The reason for the exemption shall be recorded in writing. No person who is sixty years of age or above shall be compelled to do any collective works.

(2) Any person below fifteen years of age shall not be allowed to represent in the collective works.

(3) The President and the Secretary of a Village Council shall have a list of persons performing collective works and shall see that each household is represented.

(4) Any disputes arising out of the performance of collective works shall be settled by the Executive Committee and such decision shall be final and binding on all concerned.

Any other matter connected with the collective works and which are not provided for in this Act shall be regulated by the District Council, and all the decision shall appropriate.

**13. Sanitation :-**

Each Village Council shall be responsible for the sanitation of the village. A sanitation committee shall be appointed by the Village Council if necessary.

**14. Collective of Taxes :-**

(1) The Executive Committee or any officer authorized by it in this behalf, shall either appoint tax collector or allot the works of the collection of taxes to suitable persons, specifying their duties and any other matters connected with the collection of taxes.

(2) Collection of taxes shall be done strictly in accordance with the rule or under the instructions and the direction given by the Executive Committee or any Officer of the District Council authorized by the Executive Committee in that behalf.

## CHAPTER - III

## CONDUCT OF BUSINESS

**15. Meeting of the Village Council :-**

(1) The President of the Village Council shall preside over all the meetings. He shall summon the meetings of the Village Council whenever necessity arises, or if and when two-third of the members in writing request him to do so.

(2) The quorum to constitute a meeting of the Village Council shall be two-third of the members.

(3) All proposals and questions shall be decided by a majority of votes.

(4) The President or any members presiding the meeting shall not have at the first instance but shall have an exercise a casting vote in the case of equality of votes.

(5) The President shall summon the meeting at least once in two months and sixty days shall not elapse between the date of the last meeting and the next meeting.

(6) The Secretary and Tlangau shall also attend the Village Council meeting but shall not have vote.

**16. Maintenance of Order :-**

The President shall preserve order and have all powers necessary for the purpose of enforcing decision during the meeting as follows :-

(1) He may direct any member whose conduct is, in his opinion, disorderly, to withdraw immediately from the day's meeting. The member ordered, in this manner, shall comply with the order at once.

(2) If any member is ordered to withdraw for a second time from a meeting of the same meeting of the Village Council, the President may suspend the member for the remaining period of the same meeting.

(3) If any member fails to carry out the directions given to him under sub-section (1) or Sub-section (2), the President shall report, in writing, the conduct of the member to the Executive Committee. On receipt of such report, the Executive Committee may, if it deems necessary suspend the member for any period considered reasonable.

**17. Village Council Fund :-**

There shall be a fund for every Village Council, a fund to be called 'Village Council Fund'. Any collection authorized by Law, other than revenue and taxes made in a village for the good of the people shall be paid into the said fund. The Secretary shall keep the Village Council fund and the accounts which shall be opened for inspection as and when any member of a Village Council considers necessary.

**18. Responsibility of the President :-**

(1) The President shall cause notice and instructions for prevention of dangers such as outbreak of fire, epidemic, etc. In the Village to be proclaimed by engaging Tlangau and whenever notices, orders circulars or letters are received for re-distribution from the District Council to pass into the other village, he shall forthwith cause it to be sent through the Secretary.

(2) The President shall be responsible for the compliance of all orders and notifications issued either by the District Council or any State Government's department authorities through the office of the District Council.

(3) The President cause all such orders and notifications to be read out by the Secretary in the meeting of the Village Council and if it is necessary, to be brought to the knowledge of the public, it shall be given over to the Secretary for publication by the Tlangau.

(4) The Secretary shall be responsible for the proper and up-to-date maintenance of all books and records.

**19. Duties of the Secretary :-**

(a) He shall record all the proceedings of the Village Council as well as the Village Court and such records shall be signed by the President. He shall publish all orders, notifications and records as may be necessary and such orders, notifications and records shall be signed by the President.

(b) On receipt of any orders, notices, circulars or letters from the District Council or from any authorities in the State Government for service for onward transmission to other village, the Secretary shall cause it to be served or transmit to any other Village Council as may be directed and he shall be responsible to carry out such direction.

(c) He shall keep all books and records of the Council and of the Village Court. He shall send all such books and records to the Executive Committee as may be required by it, with it own signature and of the President.

(d) All books and records shall be kept ready to be examined once in a year by the Officer of the District Council or any member of the Village Council so appointed in this behalf.

(e) He shall keep the Village Council Fund and the accounts as provided in section 17.

**20. Village site :-**

(1) Without the written permission of the Lai Autonomous District Council, no such village or temporary village shall be made or set up at any site within the Lai District area.

(2) A Village Council shall not shift the site of a village to a new site without the previous approval of the Lai Autonomous District Council.

(3) The Executive Committee or any Officer authorized by the Lai Autonomous District Council may evict any person or persons having in occupation of un-authorized sub-village or temporary village, after serving on such person or persons, individually of a notice shall vacate the area within a period of one month.

(4) Failure to vacate the area within the time fixed in the notice, the Executive Committee or any Officer of the District Council authorized in that behalf, may impose a fine not exceeding Rs,1,000/- per month to each family for the un-authorized occupation after the service of the notice.

(5) The order of the Executive Committee or of the officer under Sub-section (3) and (4) above, shall be deemed to be an appropriate cause of the competent Civil Court for the purpose of evicting un-authorized occupation from the area to which this section applies.

**21. Allotment of House site or Land :-**

(1) No person shall be allowed to construct a house for any purpose without the written permission of the Executive Committee or Officer authorized in this behalf.

(2) The Village Council should be consulted before the house or any building is constructed.

Provided that nothing restricted the power of the Executive Committee from allotting any house site or sites for constructing house or houses for any purposes, or land for jhumming or gardening purposes within the territorial jurisdiction of a village.

Provided further that in doing so the Executive Committee shall consult with the village concerned.

**22. Boundaries and jurisdiction of Village :-**

In fixing the boundaries of the village, the Executive Committee may appoint Boundary Commission and the report and finding of the Commission shall be laid before the Council in Session.

**23. Tlangau :-**

(1) There shall be one or two Tlangau for each Village Council as determined by the Executive Committee.

(2) The President shall have a power to appoint or dismiss the Tlangau but such case shall be reported to the Executive Committee for approval.

(3) The duties of Tlangau shall be as follows :-

(a) He shall bring into the notice of the public all orders and notification the Village Council may direct to be notified.

(b) He shall summon all parties and other person required by the Village Council or Village Court to attend is meeting.

(c) The Secretary of Village Council may also direct the Tlangau to bring to the notice of the public any other matter not necessarily connected with the affairs of the Village Council or any Officers of the Lai District Council on duty.

(d) If at any time emergency requires the gathering of the public in the interest of the Village, any member of the Village Council may, without the previous approval of the President, direct the Tlangau to summon all the Village.

(e) The Tlangau shall carry notice to all the member of the Village Council for all Meeting of the Village Council summoned by the President.

**24. Remuneration of Member :-**

The District Council from time to time shall, have the power to determine entitlement of the Remuneration and privileges of President, Vice-President, Members, Secretary, Tlangau and Khaw Upa.

**25. Power to make Rules :-**

Subject to the approval of the Governor, and the Executive Committee may make Rules for the carrying out of any of the provisions of this Act.

**26. Removal of doubt and difficulty :-**

If any doubt or difficulty arises in giving effect of the provisions of this Act, the Executive Committee may, as occasion may require by order do anything not in consistent with the provisions of this Act or Rules made there under which appear to it necessary for the purpose of removing such doubt and difficulty.

**27. Repeal and Saving :-**

(1) The Pawi Autonomous District Council (Village Council) Act. 1974, and the Lai Autonomous District (Village Council) (Amendment) Act, 1993 are hereby repealed.

(2) Notwithstanding such repeal, any action taken or proceeding made under any previous of the Acts repealed therein shall be begin be deemed to be the action taken or proceedings made by this Act.

NOTIFICATION

No.C.31012/5/2011-DCA, the 7th June, 2012. In pursuance of paragraph 11 of the Sixth schedule to the Constitution of India, the following rules of the Lai Autonomous District Council, which received approval of the His Excellency the Governor of Mizoram on 18.6.2008 is hereby published for general information, namely :-

P.Singthanga,
Secretary to the Govt. of Mizoram,
District Council Affairs Department.

"THE LAI AUTONOMOUS DISTRICT COUNCIL (LAND HOLDING AND SETTLEMENT) (AMENDMENT)ACT,2008.

AN

ACT

To amend the Lai Autonomous District Council (Land Holding and Settlement) Act, 2002 (hereinafter referred to as the Principal Act.

Be it enacted by the Lai Autonomous District council in the Fifty Ninth year of Republic of India as follows :-

**1. Short title, extend and Commencement.**

(1) This Act may be called the Lai Autonomous District Council (Land Holding and Settlement) (Amendment) Act, 2008.

(2) It shall have the like extend as the Principal Act.

(3) It shall come into force from the date of publication in the Mizoram Gazette.

**2. Amendment of section 2.**

In the Principal Act, under clause 9 k of section 2, the words, "for the purpose of this Act" shall be inserted between the words "includes" and "an Institution'.

**3. Amendment of Section 3.**

(1) In the Principal act, for sub-section (4) of section 3, the following shall be substituted, namely :-

(4) "Permit Holder" is a person to whom a permit has been given for construction of a house or other non agricultural purposes such as stone Quarry, Shop, Market. The permit shall be valid for three years only if the permit holder does not make use of the permit within that period.

(2) In the Principal Act, for sub-section (5) of Section 3, the following shall be substituted, namely :-

(5) "Pass Holder" is a person to whom a pass has been given for mixed farming. The pass shall be valid for three years only, if the pass holder does not make use of the pass within that period."

**4. Insertion of new sub-section (6) under section 3.**

In the Principal act, under Section 3, the following new sub-section (6) shall be inserted, namely :-

(6) No pass or permit shall be issued to any person who is not a permanent resident of the locality".

B.Lalhuma,
Executive Member i/c Revenue,
Lai Autonomous District Council,
Lawngtlai.

NOTIFICATION

No.C.31012/5/2001-DCA, the 22.5.2006. In pursuance of paragraph) 11 of the Sixth Schedule to the Constitution of India; the following Rules of the Lai Autonomous District Council, which received approval of the Governor of Mizoram is hereby published for general information namely-

The Lai Autonomous District Council (Land Holding and Settlement) Rules, 2006 (vide Governor of Mizoram's approval dt. 15.5,2006).

P.Chakraborty,
Secretary to the Govt. of Mizoram,
District Council Affairs Department.

THE LAI AUTONOMOUS DISTRICT (LAND HOLDING AND SETTLEMENT) RULES, 2006

to provide for carrying out the provisions of the Lai Autonomous District (Land Holding and Settlement)- Act, 2002.

In exercise of the power conferred under section 30 of the Lai Autonomous District (Land Holding and Settlement) Act, 2002, the Executive Committee is pleased to make the following rules for the purpose of carrying out the provisions of aforesaid Act, namely :-

CHAPTER -I

PRELIMINARY

**1. Short tittle and extent and commencement-**

(1) These Rules may be called the Lai Autonomous District (Land Holding and Settlement) Rules, 2006.

(2) They shall have the like extent as the principal Act.

(3) They shall come into force on and from the date of publication in the Mizoram Gazette.

**2. Definition-**

In these Rules, unless the context otherwise requires -

(a) "Act" means the Lai Autonomous District (Land Holding and Settlement) Act, 2002;

(b) "Council" means Lai Autonomous District Council;

(c) "Executive Committee" means the Executive Committee of the Lai Autonomous District Council;

(d) "Classification" means the classification of land into different grades made by the Executive Committee from time to time under these rules;

(e) "Farm" means tract of land (leased or rented) used for cultivation and pasturage along with a house or building;

(f) "Form" means forms prescribed by these rules;

(g) "Section" means section of the Act;

(h) "Vacant Land" means any land which has not been alloted to any one, whether occupied or unoccupied and over which nobody has acquired any right under the Act, and shall not include any land within the State or District Council Reserved Forest, if any and any land actually covered by public roads;

(i) "Valuation" means the rate of value of different grades of land fixed by the Executive Committee from time to time under these rules,

## CHAPTER-11

## ALLOTMENT AND SETTLEMENT

**3. Power of the Executive Committee-**

The Executive Committee shall be the final authority for allotment and settlement of lands under these rules. The Executive Committee or any officer authorised by it, in writing in this behalf, may dispose of any vacant land

and not land under pass or permit, by granting settlement, lease or limited lease as prescribed by these rules, provided that the Executive Committee or officer authorised in this behalf shall have the power to reserve any vacant land from settlement, lease or limited lease. The Executive Committee of member in charge may from time to time order any land under pass or permit to be settled under the Act and under these rules.

**4. Delegation of power to the Revenue Officer-**

The Executive Committee may appoint designate any officer under the District Council to be officer in charge in this behalf and may authorise or delegate to such officer all or any of the powers conferred by the Act and by these rules, and may specify their jurisdiction.

**5. Field staff-**

The Executive Committee may appoint field staff on this behalf as may be, necessary or may use the existing Council staff as such fields staff to make necessary verification, survey, measurement and demarcation of land as prescribed under these rules.

**6. Allotment-**

Allotment of vacant land shall be done in accordance with section 3 of the Act and there shall be two kinds namely, permanent and temporary. Permanent allotment shall be made by issue of land settlement certificate in respect of private land and normal lease in respect of Government or Association. Temporary allotment shall be made by issue of limitted lease certificate,

**7. Application-**

Application for allotment shall be submitted to the Executive Member in charge or to the Officer appointed or authorised in this behalf stating clearly whether the application is for temporary or permanent allotment or is for house site or agriculture purpose.

**8. Survey measurement and Demarcation of land-**

(1) On receipt of an application, for settlement or lease limitted lease as the can may be the Executive Member in charge or revenue officer shall cause the land to be surveyed, measured and demarcated, unless he sees reasons to reject the application summarily. A sketch map showing the length and breadth in feet or metre and in hactare or bigha and the boundary description of the land shall be made in the survey and submitted to the revenue officer. The Executive Member incharge or revenue officer shall also ascertain whether the land applied for is appropriate for allotment and free from encumbrances.

(2) The Executive Committee may order summary survey, if it deems necessary for settlement, lease, limited lease subject to revision. In such case, the Executive Committee may prescribe writing the manner for such summary survey.

**9. Disposal of application-**

After receiving the survey report and making such further investigation as may be necessary and settling any dispute that may have arisen, the Executive Committee or the revenue officer shall either grant settlement, lease or limited lease or reject the application or allow it in part as deemed fit, when land settlement lease or limited lease is granted, registration and issuing of certificate of land shall be done under rule 21.

**10. Power for giving priority to application-**

If more than one person apply for the same vacant land, the Executive Member in charge or revenue officer authorised in this behalf shall have the discretionary power to give priority to any of the applications as he deems fit and proper taking into consideration genuine requirement of the application.

**11. Standard size Plot of land-**

No land for Agriculture purposes exceeding 5 hectares, and 600 Sq mtrs, for House site shall be allotted or settled without prior permission of the Executive Committee.

**12. Determination of access area Previously allotted-**

(1) If and when a land previously allotted under settlement, don-ation, pass or permit shall be settled under the Act in accordance with these Rules. Survey, measurement, demarcation of the land shall be done under rules 8, and if the occupied land is found in excess of the area given in the settlement, donation, pass or permit, such area shall be excluded in the new settlement, lease or limited lease or may be included on payment of redemption fee by the new settlement, lease or limited lease holder at such rate as fixed by the Executive Committee.

(2) Subject to rule 8 (2), when a land previously allotted under periodic patta or donation is to be settled under the Act in accordance with these rules. Verification and survey shall be done under rule 8 and if the land already occupied is found in excess of the area it may be included in the new settlement, lease or limited lease on payment of redemption fee as fixed by Executive Committee.

**13. Determination of fixation of redem ption rate-**

(a) The Executive Committee or officer authorised in this behalf shall determine the extent of excess area that may be included in the settlement on payment of the redemption fee and shall fix the rate per square metre for such redemption.

(b) The Executive Committee or officer authorised in this behalf may also grant an extension of the area after a certificate of land settlement, lease or limited lease has been issued. In such cases, the extended holder shall pay redemption fee for it.

**14. Land Settlement with Non-Tribal-**

No land shall'be settled with Non-Tribal persons except with prior permission of the Executive Committee.

**15. Certificate, Terms and conditions and other forms-**

The certificate of land settlement, land lease and limited lease with terms and conditions and other forms are prescribed in Appendix A, B&C respectively. Provided that the Executive Committee shall have the power to revise them from time to time.

## CHAPTER- III

## REGISTRATION

**16. Registration-**

When any settlement, lease or limited lease is granted under rule 9 of these rules, the same shall be entered in the general register on payment of registration fee fixed by the Executive Committee and such payments, as redemption fee and any other necessary payments, if any. Provided that the Executive Committee any revise the rate of registration fee from time to time. No settlement, lease or limited lease shall be registered unless the holder pays off all such necessary payments and fixes all the boundary pillars as necessary.

**17. General Register-**

General register of land record under Section 20 of the Act shall be maintained as shown in Appendix-D.E.

**18. Maintenance of General Register-**

The register shall be maintained by the revenue officer or by any others authorised in writing in this behalf by the Executive Committee.

**19. Language used in the General register-**

These registers shall ordinarily be written in Lai language.

**20. Power of Executive Committee to prescribe new register-**

The Executive Committee may prescribe new Register, in addition to the existing ones and may alter the prescribed forms and parts of the general register.

**21. Issue of certificates of Land Settlement etc-**

On completion of registration, a certificate of land settlement, land lease or limited lease as the case may be, which serves as a certificate of registration, shall be issued to the settlement, lease or limited lease holder on payment of the fixed by the Executive Committee for the certificate, in addition to the registration fee.

**22. Issue of certified copies of the certificate-**

Certified copies of thc certificates may be issued to the settlement holder or lease on payment of fee fixed by the Executive Committee in case of loss of the certificates or any other purpose.

**23. Alteration of Registration-**

If a settlement holder or a leases wants to alter his registration by way of extension of the area under rule 13 he shall apply for the same and if extension is granted to him, under rule 13 and if nothing is found against his doing so in the terms and condition of his certificates the alteration shall be made in the register and in his certificate in payment of (mutation) fee fixed by the Executive Committee in addition to any other neccesary payment, such as redemption fee etc.

## CHAPTER IV

## CLASSIFICATION, VALUATION OF LAND

**24. Classification of land-**

(1) Classification of land : The Executive Committee shall by notification from time to time classify the land within town area into three grades, namely : A, B and C. The classification shall be based on suitability of the area for commercial centre or its having good road and any other such consideration.

(2) Classification of Agricultural land: The Executive Committee shall, by notification from time to time, classify the Agricultural land into various grades as it deems fit. The classification shall be based on the suitability of the area for commercial purposes or its having good road and on such other consideration.

**25. Land Valuation-**

(1) Valuation of town land:- The Executive Committee shall, by notification from time to time fix the value of the land per Sq, metre under different grades in towns. In fixing the value; the existing market rate shall be taken into consideration.

(2) Valuation of Agriculture land:- The Executive Committee shall, by notification from time to time, fix the value of the land per Sq. metres or Bighas for the different grades of land. In fixing the value, the current market rate shall be taken into consideration. Provided that such valuation shall be revised by the Executive Committee after a lapse of every five years.

**26. Fixation of Land Revenue-**

(1) The Executive Committee shall from time to time, fixed the rate of land revenue per Sq. metre or per Bigha on. area basis for each grade.

(2) The Executive Committee may also fix the rate of land revenue at the same rate as it deems fit in the case of land lease within town and rural area.

**27. Application of valuation-**

The value of the land fixed by the Executive Committee from time to time shall be used for the purpose of compensation, mortgage and such other purposes.

## CHAPTER-V

## ASSESSMENT OF LAND REVENUE

**28. Asssesment of Land Revenue-**

Land revenue shall be assessed in accordance with the value fixed by the Executive Committee for each grade and for land lease, and the total amount of land revenue payable per annum together with the other taxes payable besides land revenue as mentioned under rules 26 shall be shown in the certificate of land settlement or land lease.

**29. Payment of other Taxes-**

A person shall be exempted from payment of House tax, if the house is situated within the land settled, but shall not be exempted from payment of other taxes assessable within his land, such as stall tax, shop tax and other such taxes. The unexempted taxes shall be shown in the certificate of land settlement or land lease.

**30. Land revenue when due-**

As soon as the assessment list it signed by the officer authorised in this behalf, the land revenue entered in the assesment list falls due and shall be paid to the collector. Time for payment is up to the end of current financial year.

**31. Arrear and defaulter-**

If land revenue is not paid by the end of current financial year, it shall be an arrear and the person liable for it shall become a defaulter.

**32. Notice to defaulter-**

As soon as land revenue becomes arrear, a notice of demand for payment of the same shall be served to the defaulter asking him to pay the arrear within one month from the date of receipt of the notice with a

warning at an Additional charge as fixed by authority from time to time by way of penalty shall be levied on him as prescribed under rule 33 in default of payment

**33. Penalty for defaulter-**

If the defaulter fails to pay the arrear within the time specified in the notice, equal amount of the arrear shall be levied on him as penalty, which shall be paid with the arrear within three months from the date of receipt of the levying orders. The order if levying the additional charge shall be served to the defaulter with a warning that the arrear and the additional charge shall recovered by attachment and sale of his property of land as provided under rule 34 in default of payment.

**34. Recovery of arrear by attachment-**

If the defaulter fails to pay the arrear and the additional charge within 3 months from the date of receipt of the levying the arrear with the additional charge shall be recovered by attachment and sale of his property.

## CHAPTER— VI

## CANCELLATION, EVICTION & DEMOLITION

**35. Cancelation when arrear cannot be recovered-**

If the arrear of land revenue with additional charge cannot be recovered within the prescribe time the certificate of settlement, lease or limited lease may be cancelled by the Executive Committee or Officer authorised in this behalf.

**36. Eviction ad Demolition of asset on or Cancellation-**

(a) When a person whose certificate of land has been cancelled under Rule 35, or when a person who has

no pass or permit or permission of any form is found to have extended the area of his occupied land without pcrmission or when a person is found existing building on erected a new building againts the public interest in the opinion of the authority under these rules, the Executive Member incharge or revenue officer may evict such person or order such extension or new building to be demolished by serving notice to that effect specifying a date during which the person concerned, shall vocate the site or demolish the extension of building.

(b) If the person concerned fails fo vacate the site or fail to demolish the building or its extension as the case may be as per clause (a) within the time specified thereof, the Executive Member in charge or the officer duly authorised may order for the eviction or demolition by force, or cancel the land settlement certificate. In such cases, a requisition for the service of the police may be sent to the Deputy Commissioner who will generally comply with such requisition.

## CHAPTER—VII

## MISCELLANEOUS

**37. Revenue Court-**

(1) There shall be three official members under Revenue Court mentioned in sub-section (1) of section 21 of the Act.

(2) The members mentioned under sub-section (1) above shall be appointed by the Executive Committee from time to time amongst the revenue officer of the District Council.

**38. Declaration of town or sub-town-**

The Executive Committee shall have the power to decide any village within the District as “town” or “sub-town”, and such declaration shall be notified in

the Mizoram Gazette.

Provided that before declaring town or sub-town necessary verification survey measurement, boundary declaration shall be done under rule 8.

3**9. Power of the Executive Committee for reservation within the land settled-**

The Executive Committee shall have the power for reservation in favour of the District Council or the state as the case may be, of all collection of water running or stagnant, stone quaries and of all mines, mineral, oils, natural gas, petroleum and of all burried treasure with full liberty to search for and work.

**40. Allotment of ear-marked land-**

"Prescribed manner" mentioned under section 15 of the Act shall have the same meaning with the manner prescribed under rule 6 of these rules.

**41. Limited lease of Fisheries, Farm etc. -**

Any collection of water running or stagnant declared by the Executive Committee to be fishery or any land for farm. Such fishery or farm declared by the Executive Committee shall be leased for a fixed time under limited lease with such terms and conditions prescribed under these rules. The leasing out shall be done other by public auction or in any other manner as the Executive Committee deem fit and by issueing a certificate of limited lease of fishery or farm.

APPENDIX 'A'

FORM-I

LAI AUTONOMOUS DISTRICT COUNCIL

LAND REVENUE AND SETTLEMENT DEPARTMENT

CERTIFICATE OF LAND SETTLEMENT

(See, Rule .15)

No. LS ..... of. .....

This Certificate setting the land prescribed here under as recorded in the General Registrar is granted under Section 3 (1) of the Lai Autonomous District (Land Holdiug and Settlement) Act, 2002.

1. Name :.....
2.Father's Name :.....
3.Address :.....
4.Purpose for the Land is granted :.....
5.Location of the Land :.....

| Grade No. | Alloted Area | Alloted land value Rs. .. per Sq. Mtrs | Tax payable - P.C of Land value per Annum | Minimum Ceiling | REMARK |
|---|---|---|---|---|---|
| | | | | | |

DESCRIPTIONS OF THE BOUNDARY

The Holder of this Certificate has entered into an agreement with the Lai Autonomous District Council to pay Land Revenue as may be fixed by the Executive Committee or Officer so authorised from time to time and thereby acquired the status of settlement holding under section 3 (I) of the Lai Autonomous District (Land holding and Settlement) Act, 2002. He has the right to use the land in accordance with the terms and condition of the Certificate.

FORM—II

TERMS AND CONDITIONS OF SETTLEMENT.

1. The holder of this certificate shall pay annually the Land Revenue as shown in the Certificate, the Revenue may at any time be increased or decreased by the Executive Committee in accordance with the Act and Rules as may be made and amended from time to time or as the land be reclassificd by the Executive Committee of the Lai Autonomous District Council or by Officer so authorised.

2. That the Land acquired by him is only to us for the purpose for which it is granted and shall not be utilised for other purpose without previous permission from she Executive Committee of the Lai Autonomous District Council.

3. That the Land should be at any time resumed by the Executive Committee, the compensation payable thereof shall not exceed danger to life and properties, such as, epidemic, fire, etc.

7. The Executive Committee has reserved the right to all stones Quarries of all Mines, Minerals, Mineral oil, Natural gas, Petroleum and all buried treasure with full liberty to search for and work the same.

8. The existing public road and water running or stagnant within the areas of the land settle will remain opened to the public.

9. The Land Settlement Certificate may be changed or altered in accordance with the Acts and Rules made or amended by the executive Committee, from time to time.

10. Violation of any of the above terms and condition may entail cancellation of the settlement or reduction of the area of holding as deemed fit by the Executive Committee or Officer so authorised.

I undertake to abide by the terms and conditions and I put my signature in token thereof.

Signature_____

Name of Certificate Holder_____

Signature & Designation
of Issuing Authority.

**FORM—III**

**LAI AUTOMOUS DISTRICT COUNCIL**
LAND REVENUE & SETLEMENT

CERTIFICATE OF LAND VALUATION :
(See :Rule 15*)*,

This is to Certify that the valuation of land settlement, under Certificate of Land Settlement, N,o LS..... of ..... is as follows:-

1. Name of Settlement Holder.....
2. No. of Certificate of Land Settlement.....
3. No. of Grade under Executive order from time to time.....
4. Area of Land Settled .....
5. Rate of Land Per Sq. Mtrs. under existing order
6. Total of Land value Rs._____
   (Rupees.....)only.

Memo.
Copy to :—

Signature & Designation
of Issuing Authority.

**FORM-IV**

LAI AUTONOMOUS DISTRICT COUNCIL LAND REVENUE SETTLEMENT DEPARTMENT

The District Council of the Lai District has no objection.

Pi/Pu.....of..... mortgaging his/her House/Shop/Fishery/Farm/Garden/WTC/WRC site at.....under Land Settlement Certificate No.

LS.....of ..... to Government or Financial Institution on condition that if in default of the repayment of the'loan the mortgaged site shall be auction off to realise the loan, the sale by auction to be limited to Schedule Tribes alone, if such sale fails to fetch the full amount to be realised then the mortgaged site may again sold by auction according to due process of the law.

Memo :
Copy to :-

Signature & Designation
of Issuing Authority

FORM - V
LAI AUTONOMOUS DISTRICT COUNCIL LAND REVENUE & SETTLEMENT DEPARTMENT
NON-ENCUMBRANCE CERTIFICATE

(See Rule 15)

This is to Certify that the land alloted under the and settle-mennt Certificate No. LS..... of.....which is to be mortgaged to the Government by the allottee Pi/Pu ..... is fre from all encumbrances as far Financial Institution as the records maintained in this Office would indicate.

Memo,
Copy to : —

Signature & Designation
of Issuing Authority.

APPENDIX 'B'

FORM—VI

LAI AUTONOMOUS DISTRICT COUNCIL

LAND REVENUE AND SETTLEMENT DEPARTMENT

CERTIFICATE OF LAND LEASE

(See Rule ] 5)

No ———————— of————————————200—

This Certificate, leasing the land prescribed here under as recorded in the General Register is granted under section 3(2) of the Lai Autonomous District (Land holding and Settlement) Act, 2002.

Name of Leasee :_____

Address : _____

Location : _____

Purpose for the Land is leased : _____

The Holder of this Certificate has entered into an agreement with the Lai Autonomous District Council to pay Land Revenue as may be fixed by the Executive Committee or Officer so authorised from time to time and thereby acquired the status of lease under section 3(2) of the Lai Autonomous District (Land Holding and Settlement) Act.2002. He has the right to use the land in accordance with the Lease terms and conditions the period of lease.

Signature & Designation.
of Issuing Authority.

CHAPTER - VII

TERMS AND CONDITIONS OF THE LEASE,

1. The land leased out to the holder of this certificate is mainly for_____and without previous permission of the Executive Committee or Officer authorised by it,

the land shall not be utilised for another purpose other than specified herein.

2. No transfer of land, either in part or in whole by way of sale, gift or otherwise shall be made in any way.

3. If the lease has no further use of the land for which it was leased, he shall surrender the land free of cost to the District Council.

4. The holder of this Certificate shall pay annually the Land Revenue as shown in the Certificate, the. revenue may at any time be increased or decreased by the Executive Committee accordance with the Act and Rules as may be made and amended from time to time or as the land may be reclassified and the rate of revenue may be refixed by the Executive Committee or by the Officer, so authorised.

5. The Executive Committee or Officer, so authorised, may at any time, order for, the demolition or alteration of any new building. or extension of any building, either completed or under construction if, in the opinion of the said authority, such new building or extension would go against the public interest and the holder shall comply with the order.

6. The Certificate holder shall comply with any order issued by the Executive Committee or Officer, so, authorised for improvement of sanitation and to keep the land free. from danger to life and properties, such as, epidemic, fire, etc.

7. The Executive Committee has reserved the rights to all stones Quarries all Mines, Minerals, Mineral oil, Natural gas, Petroleum and all burried treasures with full liberty to search for and work the same.

8. The existing public road within the area of the land leased will remained open to the public, repair and improvement of the road as considered necessary by the District Council may also be done even during the validity of the lease.

9. The Cetificate may be changed or altered in accordance with the Acts and Rules made or amended by the Executive Committee, from time to time.

10. Violation of any of the above terms and conditions may entail cancellation of the lease by the Executive Committee or Officer so authorised in this behalf.

I undertake to abide by the terms and conditions and I put my signature in token thereof.

Signature
Name of Certificate Holder

Signature & Designation,
of Issuing Authority. in
writing,

APPENDIX 'C'
FORM — VIII
LAI AUTONOMOUS DISTRICT COUNCIL
LAND REVENUE AND SETTLEMENT DEPARTMENT
CERTIFICATE OF LAND LEASE
(See Rule 15)

No ..... of ..... 200.....

This Certificate, leasing the land prescribed hereunder as recorded in the General Register is granted under Section 3(3) of the Lai Autonomous District (Land Holding and Settlement) Act, 2002,

Name of Leasee : .....
Address : .....
Location : .....
Purpose for the Land is leased : .....

| Grade | Area in Bugha/Sqm | Rate of Land per Bigha/Sqm | Rate of Revenue payable per annum | Revenue payable per annum | Minimum ceiling |
|---|---|---|---|---|---|
| | | | | | |

The Holder of this Certificate has entered into an agreement with the Lai Autonomous District Council to pay Land Revenue as may be fixed by the Executive Committee or Officer so

authorised from time to time and thereby acquired the status of lease under section 3(2) of the Lai Autonomous District (Land Holding and Settlement) Act.2002. He has the right to use the land in accordance with the Lease terms and conditions the period of lease.

Signature & Designation.
of Issuing Authority

FORM - IX

TERMS AND CONDITIONS OF LIMITED LEASE

1. The land lease out to the holder of this Certificate mainly for_____and for the period of _____to_____ and without previous permission of the Executive Committee or officer authorised by it, in writing , the land shall not be utilised for another purpose than specified herein.

2. Limited lease shall be treated as cancelled automatically, if, it is not renewed on application with in 6 months from the date of its expiry.

3. No transfer of land, either in part or in whole by way of sale, gift or otherwise shall be made any way.

4. If the lease has no further use of the land for which it was leased, he shall surrender the land free of cost to the District Council.

5. The Holder of Certificate shall pay annually the land Revenue as shown in the Certificate, the revenue may at any time be incresed or decreased by the Executive Committee in accordance with the Act and Rules as may be made and amended from time to time or as the land may be reclassified and the rate of revenue may be fixed by the Executive Committee or by the Officer, so authorised.

6. The Executive Committee or Officer, so authorised, may at any time, order for the demolition or alteration of any

new building or extension of any building, either complete or under construction if, in the opinion of the said authority, such new building or extension would go againts the public interest and the holder shall comply with the order.

7. The Certified holder comply any order issued by the Executive Committee or Officer, so authorised for improvemment of sanitation and to keep the land free from danger to life and properties, such as epidemic, fire, etc.

8. The District Council has reserved the right to all stones Quarries of all Mines, Minerals, Mineral oil, Natural gas, Petroleum and all buried treasures with full liberty to search for and work the same.

9. The existing public road within the area of the land leased will remain open to the public, repair and improvement of the road as considered necessary by the Executive Committee may also be done even during the validity of the lease.

10. The Certficaie may be changed or altered in accordance with the Acts and Rules made or amended by the District Council, from time to time.

11. Violation of any of the above terms and conditions may entail cancellation of the lease, or reduction of the area of holding by the Executive Committee or Officer, so authorised.

Signature_____

Name of Certificate Holder_____ Signature & Designation,
of Issuing Authority.

**APPENDIX 'E'**

(See Rule 17)

GENERAL REGISTER OF LAND RECORD

FOR LAND LEASE, LAI AUTONOMOUS DISTRICT COUNCIL

| Sl No. | Name of lease & | Lease No. & Date | Grade | Alloted Area | Purpose | Location & Boundary | Annual Tax payable | Period of lease | Name & Designation of Issuing Officer |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

Signatutre of Recording Assistant
with Date

Signature of Recording Officer
with Seal & Date

## STATEMENT OF OBJECT REASON

It is necessary to make Rules for the purpose of carrying out the provision of the Lai Autonomous District (Land and Holding Settlement) Act, 2002 and to provide forms and different rates and fees.

Hence the Bill

Sd/-
V. L. Hminga,
Executive Member,
Lai Autonomous District, Council,
Lawngtlai

## CERTIFICATE OF AUTHENTIFICATION

Certified that the Bill was passed by the Lai Autonomous District Council on 1st September, 2004.

An in Authentification whereof I put my signature in this thirteenth day of April Two Thousand six Anno Domini.

C. Thanghluna
Chairman,
Lai Autonomous District, Council,
Lawngtlai

## NOTIFICATION

**No.C.31033/1/96-DCA (L), the 16th June, 2009 :** In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulation made by the Lai Autonomous District Council as approved by the Governor of Mizoram is hereby published for general information namely :-

The Lai Autonomous District Council (Tax on Entry of Vehicles into the Autonomous District) Regulation, 2008 [vide Governor of Mizoram's approval dt 9.6.09]

C.Chalsawithanga,
Under Secretary to the Govt. of Mizoram,
District Council Affairs Department.

## LAI AUTONOMOUS DISTRICT COUNCIL (TAX ON ENTRY OF VEHICLES INTO THE AUTONOMOUS DISTRICT) REGULATION, 2008

### A

### BILL

Whereas it has become an imperative to augment the revenue resources of the District Council to meet the rising expenses of administrative costs and to supplement funds for development programme to be undertaken by the District Council.

Now, therefore, in exercise of the powers conferred under clause (b) of sub-paragraph (3) of paragraph 8 of the Sixth Schedule to the Constitution of India, the Lai Autonomous District Council makes the following Regulation in the Fifty Ninth year of Republic of India as follows :-

**1. Short title and Commencement -**

(i) This Regulation may be called the Lai Autonomous District Council (Tax on entry of Vehicles into the Autonomous District) Regulation, 2008.

(ii) It shall extend to the whole of the Lai Autonomous District.

(iii) It shall come into force on and from the date of publication in the Mizoram gazette.

**2. Definitions -**

In this Regulation, unless the context otherwise requires :

(a) "Check Post" means the Check post set up under sub-section (1) of section 7;

(b) "Collector" mean a person appointed by the Executive Committee to collect the tax at the Check post.

(c) "District Council" means the Lai Autonomous District Council;

(d) "District" means the Lai Autonomous District.

(e) "Executive Committee" means the Executive Committee of the Lai Autonomous District Council;

(f) "Form" means a form appended to this Regulation;

(g) "Secretary" means the Executive Secretary of the Lai Autonomous District Council;

(h) "Tax" means a tax leviable under this Regulation; and

(i) "Vehicle" means and includes any type of motor vehicles as defined in the Motor Vehicle Act, 1988 (Central Act No.59 of 1988).

**3. Levy of tax -**

Subject to the provision of section 11, a tax shall be levied and collected in respect of vehicle entering the district for the purpose of trade or business. Different rates may be fixed for different categories of vehicles.

**4. Rate of tax -**

Subject to the revision by the Executive Committee from time to time, the rate of tax shall be as laid down in the schedule. Provided that any revision shall not exceed fifty percent of the rate prevailing immediately before such revision.

**5. Tax to be levied once in twenty four hour -**

The tax in respect of any vehicle shall be levied only once during a period of twenty four hours not

withstanding that the vehicle enters the District more than once during that period.

**6. Payment of tax -**

The tax shall be paid in one installment at Check Post set up for the purpose.

**7. Setting up of Check Posts -**

(1) The Executive Committee may by notification set up Check Post at any suitable places and no vehicles shall pass through the check Post without paying the tax unless exempted under section 11 of this Regulation.

(2) The Executive Committee may appoint collectors to be in charge of Check post and to collect the tax.

**8. Issue of Receipts -**

(1) On Collecting the tax the collector shall issue a receipt and shall retain with him the counterfoil thereof.

(2) No eraser shall be made in a receipt and any genuine correction or cancellation shall be distinct and duly initialed by the collector.

**9. Form and custody of Receipt books -**

(1) The receipt shall be made in a form of book serially numbered as arranged in Form-I

(2) Except for use at the check Post the receipt books shall be kept in the custody of the Secretary or any Officer authorized by the Executive Committee in that behalf and such Secretary or Officer, as the case may be, shall maintain or cause to be maintained daily account of the receipt books issued and returned.

(3) A person who keeps the receipt books shall be responsible for any loss or damage, or further be liable to such action as the Executive Committee may deem fit and necessary.

**10. Accounts and Deposit of tax -**

(1) The collector shall maintain daily accounts of the tax collected in Form -II and shall deposit the amount collected to the Officer authorized by the Secretary.

(2) A remittance sheet in Form -III shall accompany the deposit, a copy of which shall be sent to the Secretary.

**11. Vehicles exempted from payment of tax -**

The following categories of vehicle shall be exempted from payment of the tax; namely:-

(a) Defence service vehicles;

(b) Vehicle belonging to the Central or any state Government or corporation or Bodies set up by any such Government.

(c) Red Cross ambulances and vehicle used for purposes of Medical and Health Services.

(d) Vehicle belonging to any Autonomous District Council.

(e) Vehicle engaged on duties of the municipality or Town Committee.

(f) Private vehicle not engaged for any trade or business purposes.

(g) Local taxis including autorickshaws used as local taxis; and

(h) Local Town Buses except when such buses are hired by private parties or individuals or otherwise used for carrying goods.

**12. Power of the Collector -**

(1) The Collector or any Officer-in-charge of any Check Post shall have power to check a vehicle for the purpose of realization of the tax.

(2) In case of any dispute, the driver or the person in-charge of the Vehicle shall pay the tax and may thereafter prefer an appeal in the Lai autonomous District Council court Lawngtlai Mizoram as provided in section 17.

**13. Seeking assistance of Police officer -**

(1) The taxation Officer of Lai Autonomous District Council may, wherever necessary seek the assistance of a Police Officer to prevent violation of the provisions of the Regulation.

**14. Collection of the Tax by a Leasee -**

Notwithstanding anything contained in this Regulation the Executive Committee may appoint a Leasee to collect the tax on such terms and conditions as it may consider proper and beneficial and the provisions of section 12, 13 and 16 shall apply to a collector.

**15. Appointment of Lease -**

(1) to enter a term of lease under Section 14, the Executive Committee may invite tenders from persons possessing such qualification and experiences as it may deem fit.

Provided that the Executive Committee may reserve the right not to accept the highest bidder.

(2) For collecting the tax, the lease may be permitted to use the check posts on terms and conditions as the Executive Committee may decide.

**16. Penalty -**

For refusal to pay the tax, the driver or any person in-charge of the vehicle shall be liable to prosecution and on conviction he/she shall be liable to pay a fine of not exceeding Rs. 500/- (Rupees Five Hundred) only.

**17. Appeal -**

Any person who is aggrieved by any action taken by the collector or Officer authorized in this behalf may prefer an appeal before the Lai Autonomous District Council Court within 30 days from the date of such action and decision of the Lai Autonomous District Council Court Lawngtlai shall be final.

**18. Competent Court -**

The Lai Autonomous District Council court Lawngtlai is the competent court for trail and hearing all the offences or cases relating to the collection of vehicle tax.

**19. Power to make Rules -**

The Executive Committee may make such rules as may be necessary for the purposes of carrying out the provisions of this Regulation.

## STATEMENT OF OBJECTS AND REASON

It has been found absolutely necessary to make regulation by which the District Council augments its revenue resources as empowered under clause (b) sub-Paragraph (3) of Paragraph 8 of the Sixth Schedule to the Constitution of India to levy and collect taxes on vehicles entering the Lai autonomous District for any business or trade purposes.

Hence the bill.

B.Lalhuma
Executive Member i/c Taxation etc.,
Lai Autonomous District Council,
Lawngtlai.

## CERTIFICATE OF AUTHENTICATION

Certified that the bill was passed by the Lai Autonomous District Council on thirty first July, 2008.

And in authentication where of I put my signature in this sixth day of august Two Thousand Eight Anno Domini.

Given my assent on this day

the 09th June, 2009

Manghmunga Chinzah
Chairman,
Lai Autonomous DistrictCouncil,
Lawngtlai.

Governor
Mizoram, Aizawl

## THE LAI AUTONOMOUS DISTRICT COUNCIL (TAX ON ENTRY OF VEHICLES INTO THE AUTONOMOUS DISTRICT) REGULATION, 2008.

### THE SCHEDULE
**(See section 4)**

| Sl.No | Description | Rate of Tax |
|---|---|---|
| 1. | Light Vehicle | Rs. 10.00 |
| 2. | Medium Vehicle | Rs. 20.00 |
| 3. | Heavy Vehicle | Rs. 30.00 |
| 4. | HeavyVehicle with Carrying Capacity of 12 metric tons and above | |

## THE LAI AUTONOMOUS DISTRICT COUNCIL (TAX ON ENTRY OF VEHICLES INTO THE AUTONOMOUS DISTRICT) REGULATION, 2008.

### FORM - I
**(SECTION 9 (1)**
**TAX RECEIPT**
**(IN DUPLICATE)**

### LAI AUTONOMOUS DISTRICT COUNCIL

RECEIPT RECEIPT NO…….....

BOOK NO… Name of the Check Post…….....
Date……Hour……

Received from……. an amount of on Vehicle entry into the Lai Autonomous District (This receipt is valid for 24 hours)

Signature of Collector
and Official Seal.

**THE LAI AUTONOMOUS DISTRICT COUNCIL (TAX ON ENTRY OF VEHICLES INTO THE AUTONOMOUS DISTRICT) REGULATION, 2008.**

**FORM -II**

**(See Section 10 (1))**

Daily account of Tax collected to be maintain by the Collector

Name of Check Post :……

| Date | Sl.No | Vehicle Number | Categories of vehicle Light/Medium/heavy | Amount Collected | Remarks |
|---|---|---|---|---|---|
| | | | | | |

Place :_____

Date :_____

Signature of Collector
and Official seal

Counter Signature
of the Executive Secretary
or Officer authorized by
the Executive Committee in
this behalf

**THE LAI AUTONOMOUS DISTRICT COUNCIL (TAX ON ENTRY OF VEHICLE INTO THE AUTONOMOUS DISTRICT) REGULATION, 2008.**

**FORM -III**
**(See Section 10 (2))**
**Remittance Sheet**
**(In triplicate)**

**Name of Check post :……**

| Date | Book No | Receipt | Amount remitted Rs……..p…….. | Remarks |
|---|---|---|---|---|
| | | | | |
| TOTAL | | AMOUNT | | |

In words : (Rupees_____) only
Place :_____
Date :_____

Signature of Collector

Received Rs._____/- (Rupees_____
_____) only from the Collector.

Place :_____
Date :_____

Signature
Designation of Receiving Officer
With Seal

**NOTIFICATION**

No.C.31012/2/95-DCA/L, the 28th July, 2010: In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act passed by the Lai Autonomous District Council which has received assent of the Governor of Mizoram on 21st July, 2010 is hereby published for general information, namely :-

THE LAI AUTONOMOUS DISTRICT (VILLAGE COUNCILS) ACT. 2010

**P.Chakraborty,**
Commissioner & Secretary,
Government of Mizoram.
District Council Affairs Department.

**THE LAI AUTONOMOUS DISTRICT (VILLAGE COUNCILS) ACT, 2010**

**A**

**ACT**

To provide for the establishment of Village Councils and their powers and for other matter relating to village administration.

Be it enacted by the Lai Autonomous District Council in the sixty first Year of Republic of India as follows :-

CHAPTER I

**PRELIMINARY**

**1. Short title, extent and commencement -**

(1) This Act may be called the Lai Autonomous District (Village Councils) Act. 2010.

(2) It shall extend to the whole of the Lai Autonomous District Council area.

(3) It shall come into force on its publication in the Mizoram Gazette.

**2. Definitions -**

In this act, except where it is expressly otherwise provided or the context otherwise requires :-

(a) "Deputy Commissioner" means the Deputy Commissioner of Lawngtlai District.

(b) "district Council" means the Lai Autonomous District Council as provided in part III of the Table appended to paragraph 20 of the Sixth Schedule to the Constitution of India.

(c) "Executive Body" means Executive Body of Village Council consists of President, vice President and Secretary.

(d) "Executive Committee" means the Executive Committee of the Lai Autonomous District Council.

(e) "Governor" means the Governor of Mizoram appointed by the President of India under Article 239 of the Constitution of India.

(f) "Member" means member of the Village Council.

(g) "secretary" means the Secretary of Village Council.

(h) "Schedule Tribe or Tribes" means such tribe or tribes as are specified by the President of India under Article 342(1) of the Constitution of India as modified by law made by Parliament from time to time in so far as the specification pertains to the State of Mizoram.

(i) "Tlangau' means a Village Crier.

(j) "Upa" means a person appointed to look after a sub-village under the authority of the Village Council of the parent village.

(k) "Village Council" means a Village Council constituted under the provisions of this Act.

CHAPTER II

## ESTABLISHEMNT OF VILLAGE COUNCIL

**3. Constitution of Village Councils -**

(1) Subject to approval of District Council the Executive Committee shall have power to create Village or Veng and Sub- Village as it considers necessary.

(2) There shall be a Village Council in each village within the Jurisdiction of the Lai Autonomous District.

Provided that a village having less than 50 houses shall not be entitled to have separate Village Council.

(3) A Village Council shall be composed of Members according to the number of houses it contains as specified below :-

| | For a village having | | No. of members |
|---|---|---|---|
| (i) | 50 to 150 houses | - | 3 |
| (ii) | 151 to 200 houses | - | 5 |
| (iii) | 201 to 400 houses | - | 7 |
| (iv) | 401 to 1000 houses | - | 9 |

(4) All Village Council members shall be elected by the adult suffrage of the village in accordance with the provisions of the Rules made under this Act.

(5) If the Executive Committee thinks necessary one Upa may be appointed in a sub-village having less than 50 houses. Person so appointed shall be qualified for membership under section 4 of this Act.

**4. Qualification for membership -**

A person shall not be qualified for being elected as a member of the Village Council if :-

(a) He is not a member of Schedule Tribes;

(b) He is not attain the age of 25 years;

(c) He is not a voter where he seeks election;

(d) He is a member of any other Village Council;

(e) He is of unsound mind and stand so declared by a Competent Court of authority;

(f) Whether before or after the commencement of this act, he has been convicted of any offence underthe existing law of the Lai AutonomousDistrictCouncil or under any law for the time being in force in India unless a period of three years has elapsed since the conviction and if imprisoned since his release from prison;

(g) He is not a citizen of India;

(h) He is a salaried person.

**5. Removal of Members -**

(1) Any member of the Village Council, who due to illness cannot attend the meetings of the Village Council and is not likely to recover from his illness for remaining term of that village Council, he shall be declared disqualified by the Executive Committee and his seat shall on receipt of such report from the President/ Secretary of the Village Council be declared vacant by the Executive Committee provided that the Executive Committee may make due enquiry if it thinks proper and necessary.

(2) Any member of Village Council who due to series disregard of his duty as a member, does not attend the meeting of that Village Council for five consecutive meetings, may be removed from his membership by the President. Such decision for removal of a member shall be forwarded by the President to the Executive Committee for approval and on such decision being approved his seat shall be declared as vacant.

(3) The Executive Body shall have the power to disallow any member to attend the meeting of the Village Council if he is found to be undesirable for willful disobedience or for any other reasons considered to be sufficient.

(4) The Executive Committee shall have a power to remove the member of a Village Council if he leaves the Village due to migration to another village and shall declare his seat as vacant.

**6. Term of Village Council -**

(1) Every Village Council, unless sooner dissolved, shall continue for three years from the date of its first meeting appointed by the Executive Committee.

(2) If at any time, the Executive Committee is satisfied that a situation has arisen in which the general election of Village Council cannot be held on expiry of a normal term it may extend the term for a period not exceeding six months at a time.

**7. Formation of Executive Body -**

(1) There shall be formed an Executive Body consisting of President, Vice President and Secretary for each Village Council. The President and the Vice President shall be elected by the members of the Village Council from amongst the members by majority of votes. The Secretary shall be appointed by the Executive Committee on a recommendation of the President of the Village Council. The Secretary shall not be a member of the Village Council. Neither the President nor the Vice President of the Village Council shall be eligible to hold the office of the Secretary of the Village Council.

(2) Election of the President and the Vice President of the Village Council shall be conducted by the President.

(3) The Vice President of the Village Council shall take over the charge of the President in the event of any temporary absence of the President from the Village.

(4) Election of the President and the Vice president shall be held within three days from the date of declaration of the result.

(5) In case of failure to elect the President and the Vice President within the specified time, the Executive

Committee shall appoint the President and the Vice President from amongst the members.

(6) Handing over the charge of the outgoing President shall be done within two days from the date of election of the new President.

**8. Vacation of Seats -**

(1) The President may at any time submit his resignation in writing to the Vice President, which shall be forwarded to the Executive Committee for acceptance and until the Executive Committee accepts the resignation, he shall continue to discharge the duties of the President.

(2) The Vice President, Member and Secretary may, at any time by writing under his hand submit his resignation to the Executive Committee through the President. The President shall forward the resignation within seven days. The Executive Committee shall elect or appoint as the case may be a substitute as soon as possible.

(3) If at any time, for any reason there is vacancy of seat in the Village Council, it shall be forthwith reported to the Executive Committee by the President.

(4) If, for any reason the office of the President becomes vacant, the Executive Committee shall cause the vacancy to be filled as soon as possible. In the meantime the duties of the office shall be performed by the Vice President. If the office of both the President and the Vice President are vacant simultaneously, the duties of the office shall be performed by one of the members appointed by the Executive Committee.

**9. Removal of President -**

(1) If and when the majority of the members of a Village Council desire to move a motion of no-confidence against the President, they shall submit in person a notice of such motion duly signed by them to the Executive Committee. In such case the Executive Committee shall issue order for holding of a special

meeting for the purpose specifying the place date and time.

(2) The meeting of a Village Council specially convened for the purpose of moving a motion of no-confidence against the President shall be presided over by the Secretary of such Village Council or if he is otherwise incapacitated, then by any Group A employee of the District Council as may be appointed by the Executive Committee in this behalf.

(3) If a motion of no-confidence is passed on the votes of the majority of members of a Village Council, the person presiding over the meeting shall declared in the meeting that the President is removed from his office and shall record in writing the whole proceeding under his signature with date. If a motion of no-confidence fails to be passed for want of majority-votes, he shall also declare that the President is not removed.

(4) In the event of removal of the President, a new President shall be elected within forty-eight hours from the time of removal of the President.

(5) The Election of a new President shall be presided over by the same person who presided over the meeting for the no-confidence motion. In case of equality of votes, the Presiding Officer shall decide by drawing lots.

(6) If a Village Council fails to elect its President within forty-eight hours, the Presiding Officer shall give a report to the Executive Committee within five days. The Executive Committee shall there upon cause to hold the election of the President within fifteen days. The Vice President shall take over the charge of President until the President is duly elected.

**10. Dissolution of Village Council -**

(1) The Executive Committee may, by public notification, appoint a Commission consisting of not more than

three persons from amongst the officers of the District Council to enquire into the affairs of the Village Council if it is considered that the Village Council is too inefficient or is unable to carry on the village administration or is acting in a manner prejudicial to the interest of the State or the District Council or is known to have been indulging in corrupt practices in the matter of village administration. The Commission shall, after proper enquiry, submit its report of findings along with its recommendation to the Executive Committee within a period of time specified by the Executive Committee.

(2) The Executive Committee shall lay such report of the Commission with its proposal thereon before the District Council in session. The Executive Committee shall issue order in accordance with the decision taken by the District Council in session, with a copy to the Deputy Commissioner.

(3) The Executive Committee shall order dissolution of a Village Council forthwith if two-third of members of the Village Council resign and a by-election shall be held within six months.

(4) If a Village Council is dissolved under the foregoing provisions, the Executive Committee may appoint not more than three persons from amongst prominent villagers one of whom shall be the President and others as member to assume charge of the village administration and to act as the Village Council/Court during the period of dissolution. In such case, a by-election shall be held within six months for the reconstitution of the Village Council.

(5) In case of dissolution of a Village Council, Secretary and Tlangau shall also be deemed terminated. The President so appointed shall appoint the Tlangau, and appointment of the Secretary shall be done in the manner as provided in sub-section (1) of section 7 of this Act.

**11. Suspension of Village Council -**

(1) The Executive Committee may, on the recommendation of the Commission appointed under section 10 (1) of this act, order suspension of any Village Council for a period of three months at a time which may be extended for another three months. During the period of suspension the Executive Committee shall assume to itself all the powers and functions of the Village Council and appoint not more than three persons from amongst prominent villagers as provided by sub-section (4) of section 10 of this Act.

(2) If a Village Council fails to form its Executive Body on expiry of the suspension period, then the Executive Committee may order forthwith dissolution of the Village Council and a by-election shall be held within six months.

(3) The prominent villagers so appointed to assume charge of Village Council may be paid such remuneration as may be decided by the Executive Committee from time to time.

**12. Duties and functions -**

Subject to such rules as may be made in this behalf by the Executive Committee, the Village Council shall discharge all or any of the following duties and functions :

(1) Cleaning of Village roads and paths;

(2) Sanitation and conservancy in the village area and the prevention of public nuisance;

(3) Construction, maintenance and improvement of public wells and tanks for the supply of water to the village drinking, washing and bathing purposes;

(4) Opening of, and regulation of burial and cremation grounds for disposal of dead bodies of human being;

(5) Taking of curative and preventive measures in respect of an epidemic;

(6) Construction, maintenance and improvement of village communication systems, drains and water ways;

(7) Control of village grazing grounds, location of graziers khuties within the village area, village community and other community property;

(8) Regulating construction of new building or houses or extension or alteration of any such existing ones;

(9) Anti-Malaria and anti Kala-azar measures;

(10) Supplying local information as and when required to the District Council or the State Government;

(11) Measures necessary for the preservation of public health;

(12) Measures of public utility calculated to promote the moral and material well being of the villagers;

(13) Planting of trees at the site of Public places on village roads and paths and taking care of them;

(14) Establishment and maintenance of libraries, reading rooms, social and cultural clubs or other places for recreation and games;

(15) Popularization of sports including indigenous sports, folk-dances, folk-song and organization and celebration of national and other local festivals;

(16) Fire protection within its village jurisdiction;

(17) Distribution of the Jhum and subsidiary Jhum land in accordance with laws made under Paragraph (3) (1) (d) of the Sixth Schedule to the Constitution;

(18) Control and regulation of Hnatlang in accordance with the provision of the Pawi Autonomous District (Hnatlang) Act as may be amended from time to time;

(19) Submission of quarterly report relating to the birth and death also submission of the information regarding the shifting in and out of families, in the form prescribed by the Executive Committee;

(20) Any other powers and functions as may be empowered by relevant rules of the District Council made from time to time.

**13. Sanitation -**

Each Village Council shall be responsible for the sanitation of the village. A Sanitation Committee may be constituted by the Village Council, if necessary.

## CHAPTER III

## CONDUCT OF BUSINESS

**14. Meetings -**

(1) The President shall preside over all the meetings. He shall summon the meetings of the Village Council atleast once in two months, and if or when two-third of the members in writing request him to do so, the President shall summon a requisitioned meeting.

(2) The quorum to constitute a meeting of the Village Council shall be two -third of the members.

(3) All proposals and questions shall be decided by a majority of votes.

(4) The President or any member presiding the meeting shall not have vote at the first instance but shall have and exercise a casting vote in the case of equality of votes.

(5) The Secretary shall also attend the Village Council meeting but shall not have a vote.

**15. Preservation of order -**

The President shall preserve order and have all powers necessary for the purpose of enforcing decision during the meeting as follows :-

(a) He may direct any member whose conduct is in his opinion disorderly, to withdraw immediately from the day's meeting. The member so ordered shall comply with the order at once.

(b) If any member is ordered to withdraw for a second time from the same meeting, the President may suspend the member for the remaining period of the same meeting.

(c) If any member fails to carry out the direction given to him under sub-section (1) or sub-section (2), the President shall report, in writing the conduct of the member to the Executive Committee. On receipt of such report, the Executive Committee may, if it deems necessary, suspend the member for any period considered reasonable by the Executive Committee.

**16. Village Council fund -**

There shall be formed for every Village Council a fund which shall be called "Village Council Fund of Village". Any collection authorized by in and made in a village by the Village Council for the good of the people shall be credited into the said Fund. The Secretary shall keep all account of the Village Council Fund. Which shall be operate by the President and account of deposits and draw from the fund shall be kept open for inspection by any member of the Village Council at any time in its meeting.

**17. Responsibility of President -**

(1) The President shall cause notices and instructions for prevention of dangers such as out break of fire, epidemic, etc. in the village to be proclaimed by engaging "Tlangau". Whenever notices, orders, circulars or letters are received for redistribution from the District Council to pass on to the other village, he shall forthwith cause it to be sent through the messenger.

(2) The President shall be responsible for the compliance of all orders and notifications issued by the District Council.

(3) The President shall cause wide publicity for all such orders and notifications necessary to be brought to the knowledge of the public.

(4) The President shall be responsible for proper and upto-date maintenance of all books and accounts including cash-books and records kept by the Secretary.

**18. Duties of Secretary -**

(1) He shall record all the proceedings of the Village Council as well as the Village Court and shall get it signed by the President. He shall notify all orders as directed by the President.

(2) On receipt of any orders, notices, circulars or letters from the District Councils, or from the office of the Deputy Commissioner, Lawngtlai District for service or for onward transmission to other village, the Secretary shall cause it to be served or transmitted to any other Village Council as may be directed, and shall be responsible to carry out such direction.

(3) He shall keep all the books and records of the Village Council and of the Village Court. He shall send all such books and records to the Executive Committee as may be required by it, under his own signature and of the President.

(4) All books and records shall be kept ready to be examined at any time by the officer of the District Council or any member of the Village council so appointed in this behalf.

**19. Tlangau -**

(1) There shall be a Tlangau or Tlangaus for each Village Council as may be determined by the Executive Committee.

(2) For appointment of a Tlangau, a Village Council shall float advertisement to this effect, under the order of its President, prescribing the qualifications, age etc. required and the duties to be performed, and fixing a date for selection. The Village Council in its full sitting shall interview the applicants and make the selection from amongst the applicants. The Tlangau shall be appointed or terminated by the President but such case shall be reported to the Executive Committee.

(3) The duties of Tlangau shall be as follows :-

(a) He shall bring to the notice of the public all orders and notifications as the President or Secretary may direct it to be notified.

(b) He shall summon all parties and other person required by the Village Council or Court to attend its meetings.

(c) In any emergency requiring the gathering of the public in the interest of the village any member of the Village Council's Executive Body may, without the previous approval of the President, direct the Tlangau to summon all the villagers.

(d) The Tlangau shall carry notice to all the members of the Village Council for all meetings of the Village Council summoned by the President.

**20. Legislative powers of Village Council -**

(1) A Village Council shall have the power to make Rules for the normal administration of the Village in accordance with the needs of the village.

(2) Rules made by the Village Council shall be in keeping with the culture, custom and practices of the village community.

(3) Rules made by the Village Council shall be submitted to the Executive Committee for approval and until approved by the executive Committee, such Rules shall have no effect.

**21. Judicial functions of the Village Council -**

(1) There shall be a Village Court in each village for the trial of suit and cases falling within the customary laws and practices of the village community.

(2) Until Rules are made in its behalf by the District Council, the Village Council of a village shall function as the Village Court of the village for the trial of suits and cases between parties all of whom belong to the Scheduled Tribes of the village.

(3) A village Court shall normally try suits and cases of the nature falling within the customary laws of the village community.

(4) Every Village Court shall have the power to try petty thefts and petty crimes in which the punishment may extend to a maximum of Rs. 500 (Rupees five hundred) only.

(5) Appeal from an order of a Village Court shall lie to the Subordinate District Council Court of the Lai Autonomous District.

**22. Village Site and unauthorized occupation -**

(1) No person shall set up a village or temporary village at any site within the Lai Autonomous District without the written permission of the Executive Committee.

(2) A Village Council shall not shift the site of a village to a new site without the previous approval of the Executive Committee.

(3) The Executive Committee or any officer authorized by the Executive Committee may evict any person or persons having in occupation of unauthorized sub-village or temporary village, after serving on such person or persons, individually of a notice to vacate the area within a period of one month.

(4) In the case of failure to vacate the area within the time fixed in the notice, the Executive Committee or any officer of the District Council authorized in that behalf, may impose a fine not exceeding Rs. 500/- per month to each family for such unauthorized occupation after serving the notice.

(5) The order of the Executive Committee or of the officer under sub-section (3) or (4) above, shall be deemed to be an appropriate order of a competent Civil court for the purpose of evicting authorized occupant from the area to which this section applies.

**23. Allotment of House site -**

(1) The Village Council shall have powers to make allotment of temporary house site.

(2) No person shall be allowed to construct a house for any purpose without the written permission of the Village Council.

(3) The Village Council should be consulted before any house or building is constructed;

Provided that nothing shall restrict the power of the Executive Committee from allotting any house site or sites in a village for construction of a house or houses for any purpose.

**24. Boundaries and Jurisdiction of Village -**

(1) Every village shall have express record of its village boundary.

(2) The Executive Committee shall have the powers to refix village boundary if its considered necessary.

(3) If any dispute arises about the boundary or boundaries of any contiguous villages, the executive Committee may appoint a Boundary Commission, and the report and finding of the Commission thus appointed, with its recommendation thereon shall be submitted to the Executive Committee for further disposal; provided that the report of the Boundary Commission together with a brief write-up assort the action taken by the Executive Committee shall be laid before the District Council in its earliest session.

**25. Remuneration and privilege -**

The District Council may from time to time, determine entitlement to remuneration and privileges of President, Vice President, Members, Secretary, Tlangau and Upa of every Village Council.

**26. Power to make rules -**

Subject to approval of the Governor, the Executive Committee may make rules for the carrying out any of the provisions of this Act.

**27. Repeal and saving -**

(1) The Lai Autonomous District (Village Councils) Act, 2007, is hereby repealed.

(2) Notwithstanding such repeal any action taken or proceeding made under any provision of the Act so repealed shall be deemed to be the action taken or the proceedings made under the relevant provision of provisions of this Act.

## STATEMENT OF OBJECTS AND REASONS.

There are provisions in the Lai Autonomous District (Village Council) Act, 2007 which retain nominated members in every village who are not elected by the voters in the villages. This has diminished the value of adult franchise which is the most valuable characteristics of a democracy. Moreover, as time went on, determination of the number of houses in the villages need change according to the ratio of increase of population. Hence it is considered essential to repeal the present Act.

Financial memorandum

The proposed repealed Bill does not affect any extra financial implication on the Lai Autonomous District Council.

Hence the Bill.

Samuel Chinzah,
Executive Member i/c LAD,
Lai Autonomous District Council,
Lawngtlai, Mizoram.

## CERTIFICATE OF AUTHENTICATION

Certified that the above bill was passed by the Lai Autonomous District Council in its Emergency Budget Session held on 24.9.2009.

An in authentication whereof I put my signature on this Twenty ninth day of June 2010 Anno Domini.

F. Manghnuna,
Chairman,
Lai Autonomous District Council,

Lawngtlai.

## NOTIFICATION

No. C. 11015/1/2008-DCA-I, 22nd March, 2010: In pursuance of paragraph 11 of the sixth Schedule to the Constitution of India, the following Rules of the Lai Autonomous District Council, which received approval of the Governor of Mizoram is hereby published for general information namely :-

1. The Lai Autonomous District Council (Publication Board) Rules 2010 (vide/Governor of Mizoram's approval dt 17.3.2010)

P.Chakraborty,
Commissioner & Secretary
Govt. of Mizoram,
District Council Affairs Department.

# LAI AUTONOMOUS DISTRICT PUBLICATION BOARD RULES, 2010

## RULES,

To provide for constitution of Publication Board to take necessary steps in streamlining the publication of books written by interested writers to the benefit of the people of Lairam and regulation thereof;

In exercise of the powers conferred by Sub-Paragraph 7(a) of Paragraph 2 of the Sixth Schedule to the constitution, the Lai Autonomous District Council is pleased to make the following Rules for the regulation and control of Lai Autonomous District Publication Board in the Lai Autonomous District as follows, namely :-

'THE LAI AUTONOMOUS DISTRICT PUBLICATION BOARD RULES, 2010.

## CHAPTER - 1

## PRELIMINARY

**1. SHORT TITLE,EXTEND AND COMMENCEMENT -**

(1) These Rules may be called the Lai Autonomous District Publication Board Rules,2010.

(2) It shall extend to the whole of Lai Autonomous District.

(3) It shall come into force on the date as may be appointed by the Executive Committee of the Lai Autonomous District Council, by a public notification.

**2. DEFINITION -**

In these Rules, unless the context otherwise requires :

(a) 'Board' means the Lai Autonomous District Publication Board.

(b) 'Chairman' means the Executive Member i/c of Art & Culture Department.

(c) 'Chairman' means the Lai Autonomous District.

(d) 'Executive Committee' means the Executive Committee of the Lai Autonomous District Council.

(e) 'Executive Member' means the Executive Member in-charge Art & Culture Department, Lai Autonomous District Council.

(f) 'Vice Chairman' means the Vice Chairman, Lai Autonomous District Publication Board.

## CHAPTER - II

**3. AIMS & OBJECTIVE -**

(1) The Board shall promote and motivate interested writers and helping writers and publish in books the art & culture of the people; leading them to achieve higher performance.

(2) It Shall participate in various competitions and games held inside and out side Mizoram up-to national level to gain higher progress and performance.

**4. APPOINTMENT OF MEMBERS -**

(1) There shall be seven (7) Members of the Board as it is being set-up under Lai Autonomous District Council, Art & Culture Department. One(1) Member shall be appointed from Art & Culture Department, two (2) Members shall be appointed from Lawngtlai Academy of letters and two (2) other Members shall be appointed by Executive Member i/c Art & Culture Department from amongst prominent citizens of the District.

(2) Executive Member i/c Art & Culture Department and Art & Culture Officer shall be ex-officio Members.

## CHAPTER - III

**5. CONSTITUTION OF THE BOARD -**

There shall be a committee body as under :

Chairman : The Executive Member i/c Art & Culture Department shall be an ex-Officio Chairman of the Board.

| | | |
|---|---|---|
| Vice Chairman | : | Any Member of the Board shall be elected as Vice Chairman by Members of the Board Meeting. |
| Secretary | : | The Officer incharge Art & Cultureshall directly be appointed to Secretary as ex-officio Secretary cum-Treasurer. |
| Term of office | : | The term of office of the Committee shall be two (2) years. |

**6. FUNCTION OF THE BOARD -**

(1) The Chairman shall direct the Secretary to call for a meeting of the Board if and when necessary.

(2) Quorum of the Board Meeting shall be four(4) Members. In urgent matters, the Chairman, Vice-Chairman and Secretary shall make decisions in certain cases and shall report such decision to the first meeting of the Board.

**7. PLAN & BUDGET OF THE BOARD -**

(1) The Secretary shall prepare Plan & Budget to be included in the Lai Autonomous District Council Annual Plan & Budget through planning Committee of the Lai Autonomous District Council.

(2) Payment of sitting allowance to the members of the Board shall be met from the Budget @Rs. 125/- per day.

**8. SELECTION FOR PRINTING & PUBLICATION OF BOOKS -**

The Board have a meeting to select written materials received for printing and publishing in the following manner/criteria;

(a) Materials selected for printing or publication shall be of treasure for the people of the District.

(b) Preference shall be given to written materials relating to the culture and tradition of the people of the District.

(c) Any kind of prose and poetry that can increase the knowledge of the people of the District.

(d) The language accepted for the publication shall be Lai; Mizo; Hindi & English.

(e) Any kind of prose and poetry that can reveal the characteristics of the Lai tribe and can be read outside the District by other Tribes/Caste. Material written in other Language, i.e. English and Hindi can also be considered.

(f) Translation of Books from other Language that can benefit the People of the District may also be selected.

(g) Published Books, which are again needed for re-publication that can benefit the people, can also be re-published.

**9. EXPERT -**

(1) Written materials which are desired for printing and publishing under the Board, shall be submitted to the Secretary in double space typing.

(2) The Board shall appoint experts who shall preview the written materials as per criteria under Rule 8. The expert shall submit his reports to the Board and selection made by the Board shall be final.

(3) The expert shall be paid Honorarium and the Board shall determine the amount.

**10. FINANCE :**

(1) The Board shall finance the writer of the selected written materials 75% of expenditure incurred for publication into the Book.

(2) Book shall be printed in not less than 250 copies and not more than 2000 copies.

(3) The Board and the printer of the Books shall negotiate the rates.

**11. MODE OF PRINTING -**

(1) Books that are published or printed and financed by the Board shall bear forwarding acknowledgment written by the Board.

(2) Books which are printed under the finance of the Board shall bear the title verse Finance by the Lai Autonomous District Publication Board.

(3) Payment may be made after submission of one copy of the book printed.

**12. DISTRIBUTION OF BOOKS -**

(1) The Board shall fix the selling price for the books, which are published and financed by the Lai Autonomous District Publication Board.

(2) The writer of the book shall have 90% of sales-proceed and the Board shall benefit 10% in cash or kind.

**13. AMENDMENT -**

The above rules may be amended from time to time as the Board may think necessary.

**LAI AUTONOMOUS DISTRICT PUBLICATION BOARD APPLICATION FORM OF GRANT-IN-AID.**

1) Name_____S/o _____

2) Address _____

3) Name of the Book _____ year of writing _____

   Number of pages _____ If already printed or not _____

   If yes, year of printing _____ No. of copies _____

4) Language in which it is written _____

5) Books relating to ? _____

6) in what way it will be the benefits to Lairam and its tribe ?
_____

7) why Grant-in-aid is asked_____
_____

Dated …… Signature
NO_____

LAI AUTONOMOUS DISTRICT COUNCIL
ART & CULTURE DEPARTMENT
Dated Lawngtlai, the _____20__

To

_____
_____

Subj. : ***Information relating to printing/publication of books.***

Sir,

Your_____has been permitted by the Lai Autonomous District Publication and you are requested to follow the instructions made by Lai Autonomous District Publication Board as under :-

1) Board experts's comments should be given importance.
2) Forwarding should be made to write by the Lai Autonomous District Publication Board in the Board office and it should be displayed in the book.
3) "Finance by Lai Autonomous District Publication Board" should be written on the book.
4) Amount of rate should be calculated in the Board office and it should be printed on the book, not with rubber stamp.
5) Advertisements where money can be received should not be made.

6) Low quality paper should not be used for printing.

7) Books should not be sold higher than the rate fixed by the Lai Autonomous District Publication Board.

(_____)
SECRETARY
Lai Autonomous District Publication Board,
& Art & Culture Department,
Lai Autonomous District Council,
Lawngtlai.

## STATEMENT OF OBJECT AND REASON

It is felt necessary to provide the Bill of Publication Board to take necessary steps in strengthening the publication of books written by interested writers of the locality.

Hence the Bill.

Samuel Chinzah,
Executive Member,
i/c Art & Culture Department,
Lai Autonomous District Council, Lawngtlai.

## CERTIFICATE OF AUTHENTICITY

Certified that the Bill passed by the Lai Autonomous District Council in its Budget Session on 1st April, 2008.

And in Authentication thereof, I put my signature on this twenty fifth day of January two thousand ten Anno Domini.

F. Manghnuna,
Chairman,
Lai Autonomous District Council, Lawngtlai.

## NOTIFICATION

## THE MIZORAM AUTONOMOUS DISTRICT COUNCILS FUND RULES, 2010.

[Approved by the Governor of Mizoram on 06/7/2010]

No.C.31030/3/2005 - DCA, the 14th July, 2010 : In exercise of the powers conferred under sub-paragraph (20 of paragraph 7 read with Paragraph 22 BB of the Sixth Schedule to the Constitution of India, the Governor of Mizoram is pleased to make the following rules, namely :-

### PART - I
### GENERAL

### CHAPTER -I
### PRELIMINARY

1. (1) These Rules may be called the Mizoram Autonomous District Councils Fund Rules, 2010.

   (2) They shall come into force at once

2. (1) "Autonomous district" means an area where the Sixth Schedule to the Constitution of India is in operation;

   (2) "Bank" means a branch of the State Bank of India;

   (3) "Chief Executive Member" means the Chief Executive Member of the Executive Committee of the District Council constituted under the Mizoram Autonomous Districts (Constitution and Conduct of Business of the District Council) Rules, 1974;

   (4) "Constitution" means the Constitution of India;

   (5) "Council" means the District Councils of the Lai, Mara and Chakma.

   (6) "District Fund" means the Fund for a Council constituted under the provision of paragraph 7 of the Sixth Schedule to the Constitution and term "Fund" shall be construed accordingly;

(7) "Examiner of Local Accounts" means the Examiner of Local Accounts, Mizoram;

(8) "Finance and Accounts Officer" means the officer recruited under the provision of the District Council Rules for the Office of the District Council;

(9) "Government" means the Government of Mizoram;

(10) "Governor" means the Governor of Mizoram;

(11) "Member-in-charge of the Financial affairs" means the member of the Executive Committee of the District Council entrusted with the management of financial affairs of the Council under Rule 32 (2) of part III of the Mizoram Autonomous Districts (Constitution and Conduct of Business of the District Councils) Rules 1974;

(12) "Secretary" means Secretary to the Executive Committee of the Autonomous District Council;

(13) "Treasury" means any Treasury in the State of the Mizoram and includes a Sub-Treasury.

3. (1) The District Council Fund is constituted for every Council under sub-paragraph (1) of paragraph 7 of the Sixth Schedule to the Constitution of India, to which shall be credited all moneys received by the District Council in accordance with the provisions of the Constitution. The fund shall accordingly comprise all receipts realized by the District Council under the provisions contained in the Sixth Schedule to the Constitution including the Grant-in-aid received from the Government and taxes levied or other revenues or receipts realized under the laws, rules or regulations framed by the District Councils under paragraph 3,4,6,8,9 and 10 of the Sixth Schedule to the Constitution.

(2) The Fund shall also include any liquid assets, surplus Revenue, Customary Receipts, cash balance or Bank Balance, etc. acquired by the District Council from the

previous administrators of the locality r area and revenue or receipt accruing to the administration before the Constitution of the District Council but realized thereafter.

4. Any matter which is not covered by or under these rules shall be referred to the Governor and his decision thereon shall be final.

**GENERAL PRINCIPLES AND METHODS OF ACCOUNTS.**

**5. Period of Accounts -**

The annual accounts of the Councils shall record all transactions which take place during a financial year running from 1st April of a year to 31st March of the next year. The accounts of a year may be kept open upto 20th June in the Following year for completion of the various accounting processes. Adjustments may also be made after the closure of the year owing to mispostings and misclassification coming to notice after the 31st March should not, however, be treated as pertaining to the previous financial year even though the accounts for that year may be kept open for the purposes mentioned above.

**6. (1) Main Division of Accounts :-**

The accounts of the Council shall be kept in following two parts :-

(a) Part I - District Funs of the Council;
(b) Part II - Deposit Fund.

(2) In part I of the Accounts, there shall be two main divisions, namely :-

(a) Revenue Accounts :- Revenue Receipt Heads (Revenue Accounts) and Expenditure Heads (revenue Account).

The first Division, viz, 'Revenue Account' shall deal with the proceed of taxation and other receipts classed as revenue, and expenditure met

there from. It shall also include the grants and contributions received from the Government, an also grants and contributions made by the Council.

(b) Capital Account :- Public Debt, Loans consisting of section for receipt heads (Capital Account) and expenditure Heads (Capital Account) and Public Debt, Loans and Advances.

(3) The second division shall deal with expenditure met usually from borrowed funds with the objects either of increasing concrete assets of a material and permanent character or reducing recurring liabilities. It also includes receipts of a capital nature intended to be applied as a set off to capital expenditure.

(4) The section "Public Debt" and "Loans and Advances etc" of the second division shall comprise Loans received and their repayments by the Council and Loans and Advances made (and their recoveries) by the Council.

(5) In part II of the Accounts, the transactions relating to Deposit including Contributory provident Fund and other Fund and Advances shall be recorded. The transactions under 'Debt', 'Deposit' and 'Advances' in this part are such, in respect of which the Council incurs a liability to repay the moneys received or has a claim to recover the amount paid, together with the repayment of the former (Deposit) and the recoveries of the latter (Advance).

7. (1) Within each of the divisions/sections mentioned in the preceding paragraph, the transactions shall be divided into Major Heads of Accounts which shall be divided into Minor heads, each of which shall have a number of Subordinate Heads. The classification of Accounts shall be such as given in the List of Major Heads of Accounts. In all account records, the Major and Minor Heads shall be arranged in the exact order shown in the

list of Major and Minor Heads of Accounts as shown in ANNEXURE - A. the Classification prescribed (including the Code Number assigned up to the Major heads) should be strictly followed.

(2) The Major heads of Accounts generally correspond to 'functions' of the Council, such as the different services like 'Agriculture', 'Public Works' etc. provided by the Council, while the Minor Heads subordinate to them identify the 'programmes' undertaken to achieve the objectives of the function represented by the Major Heads. A 'Detailed Head' may be termed objective classification. On the expenditure side of the accounts, the detailed heads are primarily meant for item-wised control over expenditure and to indicate the nature of expenditure on a scheme or activity or organization in terms of input such as 'pay and allowances' , ' Other charges' etc. any other detailed head (other than the standard detailed heads) may be opened with the approval of the Accountant General (Accounts and Entitlement), Mizoram etc.

**8. EXPENDITURE ON PUBLIC WORKS -**

Expenditure on Public Works, where the works are under the administrative control of the Public Works Department of the District Council, shall be classified in accounts, according to the following principles :-

(a) Expenditure on the construction of Council's building for administrative and Office purposes and other buildings which exclusively relate to functions under 'General Service' as distinct from that on the constructions of buildings for functional purposes like Schools etc. will be accounted for under the major Head "-2059 Public Works (iii) Construction of buildings".

(b) Expenditure on the construction of buildings for purely functional purposes, such as, Schools etc. will be accounted for under the relevant Major Head closely

connected with functions, such as, "2202-General Education." "2203-technical Education," "2204- Sports and Youth Services," "2205- Art and Culture."

(c) Expenditure on maintenance and repairs of all Council buildings, whether for administrative Office or functional purposes, will, however, be accounted for under the Major Head - "2059 - Public Works : (v) Maintenance and Repairs to buildings".

(d) Expenditure on roads and bridges, being in the nature of communication services, will be accounted under the Major head: "3054-Roads and Bridges etc".

**NOTES -** Allocation of expenditure between Revenue and Capital Heads will be done under the orders of the District Council.

**9. CONTRIBUTIONS MADE BY OR TO COUNCIL-**

Contributions/Grants made by the council to Town Committees, Village Committees etc. or vice versa shall be debited as expenditure or shown as receipts (as the case may be) under the head of account closely connected with the object for which the Contribution/Grants are made.

**10. REFUND OF REVENUE-**

Refund of revenue shall, as a general rule, be taken in reduction of the revenue receipts. The refund of revenue may be accounted for under separate detailed head "Deduction - Refunds" under the respective Major/Minor heads.

**11. CLASSIFICATION OF TRANSACTIONS UNDER 'CIVIL ADVANCE'-**

Moneys advanced for miscellaneous purposes under special authority and recoverable in cash and sums overpaid on vouchers other than those for service-payments shall be adjusted under the head "F-Civil

Advances". This Head shall cover items which are, from their inception, "debts due to the District Council, recoverable either in cash or by deduction from pay and allowances.

**12. MUNICIPAL RATES AND TAXES-**

This should be classified under the detailed head, 'Rent, Rates and Taxes,' under the functional Major head, if the same is paid by the Department. If the same is paid by the Public Works Wing, the payment may be debited to "2059-Public Works: (v) Maintenance and repairs etc."

**13. ACCOUNTING FOR RECOVERIES OF OVRPAYMENT -**

The recoveries of overpayments shall be posted direct under receipt or service-head concerned in the Compilation Book in the following manner. This rule should conform to the provisions of clause 3.10 of general Directions on the revised list of 'Major and Minor Heads of Accounts':

(a) Recoveries relating to overpayments in the current year- These recoveries, whether made in cash or from payment vouchers, shall be taken as a reduction of expenditure by posting these as minus expenditure under the head previously overcharged; and

(b) Recoveries relating to overpayments in the current year or years- These shall be credited to the departmental receipt-head concerned as receipts of the Department or in case of Departments not having a corresponding receipt-head, to the Major head:0070- Other Administrative Services-Other Receipts.

**14. ACCOUNTS OF COMMERCIAL UNDERTAKINGS**

Where any Undertakings of the Council are conducted on commercial lines, the essential formalities of commercial accounts should, if the Council so desires, be strictly observed. In such cases, separate commercial accounts

of the Undertakings shall be kept outside the regular Council accounts. The heads of accounts should be common to the Council accounts.

**15. WORKING EXPENSES OF COMMERCIAL DEPARTMENTS -**

As a general rule, all expenditure pertaining to any Department including a Commercial Department should be recorded only on the expenditure side of the accounts.

## PART - II

## LOCATION AND CUSTODY OF MONEY AND PAYMENT TO THE DISTRICT FUND

### CHAPTER - I

16. (1) All moneys pertaining to the District Fund shall be held in the Treasury in the Personal Ledger Accounts of the District Council.

(2) Accounts of the District Fund at the Treasury will be kept as a deposit account, the transaction being booked under the head: K-Deposit and advances -(b) Deposit not bearing interest;8443-Civil Deposits; 120-Deposits of Autonomous Districts and Regional Funds (Assam, Meghalaya and Mizoram).

(3) Moneys shall be paid in as provided in Rule 20 and drawn out from the Treasury by cheques signed by the Secretary. The district Council Fund shall not be allowed to overdraw the balance of its credits without obtaining beforehand a loan or contribution to cover the overdraft.

17. All dues of the District Council shall be paid into District Fund held in the Treasury through the District Council Office.

18. Save as otherwise expressly provided in these rules, the following rules shall be observed by the Cashier who is required to receive and handle cash.

(a) The Cashier shall keep the Cash Book in the form prescribed in Appendix - I, in which he shall enter all sums received and payments made by him on account of the Council. When a grant is made to the Council by the Government, the Secretary shall draw the amount by transfer credit to the District Fund maintained in the Treasury and bring the amount to account in the Cash Book.

(b) All monetary transactions shall be entered in the Cash Book as they occur and attested by the Secretary with full dated signature in token of his check.

(c) The Cash Book shall be closed daily and complete checked. The secretary shall verify the totaling of the Cash book and give his full signature against each item of entry in token of acceptance.

(d) At the end of each month, the Secretary shall verify the cash balance in the Cash Book and record a signed and dated certificate to that effect specifying the verified cash balance both in words and figures in his own handwriting under his full and dated signature. The closing cash balance at the end of each month should also be analyzed in a footnote or in the remarks column of the Cash Book to show the details (including dates) of receipt or drawal of the cash in hand.

(e) When Council moneys in the custody of the cashier are paid into the treasury, the secretary making such payment shall compare the Treasury Officer's receipt on his Pass Book and the original copy of the challan with the entry in the Cash Book before attesting it, and satisfy himself that the amounts have been actually credited into the Treasury.

(f) An erasure or over-writing of an entry once made in the cash book is strictly prohibited. If a mistake is discovered, it shall be corrected by drawing the pen through the incorrect entry and inserting the correct one

in red-ink between the lines. The Secretary shall attest by his full and dated signature against each such corrections.

(g) The Cashier who handles Council money shall not, except with the special sanction of the District Council, be allowed to handle in his official capacity money which does not belong to the Council. Where under any special sanction the secretary deals with both Council and non-Council money, the latter shall be kept in a cash book separate from the Council money and the transactions relating to the non-Council money shall be accounted for in a separate set of books and kept entirely out of the Council account.

(h) The employment of peons to fetch or carry money shall be discouraged. When it is absolutely necessary to employ such person for this purpose, a reliable person of proven trustworthiness shall only be selected and, in all cases, when the money to be handled is large, the Member-in-charge of Financial Affairs shall take sufficient precautions for the safe escort of the money to and from the Treasury/bank.

(i) Council money in the custody of the cashier shall be kept in strong cash chest secured by two locks of different patterns. The keys of one lock will remain with the cashier and the key of the other lock with the Secretary or any other officer to be designated by the Secretary in writing. Both the custodians of the keys shall be jointly and severally responsible for the contents of the chest, which shall not be opened unless both the custodians are present.

(j) A Bill Register in the form at appendix - II shall be maintained in which all bills of all kinds, on the basis of which money would be drawn from the Treasury by cheques, should be entered. The Secretary, while signing the bills should attest each entry in the Bill Register.

(k) All financial transaction shall be expressed in whole rupees. Fractions of a rupee for paise fifty and less

shall be ignored and those for more than paise fifty rounded to the next higher rupee.

Note - 1.

In case it is considered necessary to employ armed guards, the Member-in-charge of financial Affairs may apply for the same to the deputy Commissioner/Sub-divisional Officer (Civil).

Note - 2.

The duplicate keys of the cash chest may be placed under the seal of the Council in the Custody of the Treasury Officer, each in a separate sealed packet. A duplicate key register should be maintained and once a year, in each April the key must be sent for examination and returned under fresh seal to the Treasury Officer, a note being kept in the register that they have been found correct.

## CHAPTER - II

## PAYMENT OF MONEY TO DISTRICT FUND

19. All receipt due to the Council collected by any officer or employee of the Council authorised to collect such receipt shall pass through the Cashier who shall enter them in thecash book. The cashier shall furnish a receipt in the form prescribed in Appendix-III duly countersign by the secretaryto the officer of employee from whom the money isreceived.

20. All money of account of District Fund shall be remitted in full with the least possible delay into the Treasury and shall on no account be appropriated towards any expenditure. Where the Treasury and the Council office are at the same place, the collections of each day shall be deposited not later than the first day following that on which the Treasury is opened for business. In other cases, the collections shall be remitted at such intervals

as may be necessary but under no circumstances should the amount left in the custody of the cashier exceed the security furnished by him. The Secretary or such other authorised officer shall satisfy himself daily that the rules are being observed. In any circumstances in which the cash balance in hand happens to be comparatively in excess of the cashier's security, the Secretary or such other authorised officer will make special arrangement for the safe custody of the entire cash in hand.

21. (1) All money paid into the Treasury to the credit of the District Fund shall be accompanied by the pass Book of the Council and the prescribed Treasury challan in triplicate. The second part of the challan shall be retained by the Treasury Office and the original or counterfoil shall be receipted by the Treasury Officials and brought back to the Council office by the person sent with the remittance.

(2) When a remittance is to be made to the Treasury, a line shall be drawn across the Register and the various money column shall be totaled. If any money is received after the remittance for the day has been made to the treasury, it shall be entered below the total, but the date in column-I shall be the actual date of receipt and not of remittance, and the money shall be kept in the chest.

22. Each remittance made to the Treasury should be entered in Cash Book in the payment side and shown as payment into Treasury. In challan for remittance by the cashier shall be recorded the name of the Council on account of which the money is remitted to the Treasury, details of the notes and coins of which the remittance is composed and the head of account under which the amount is deposited.

23. When the payment has to be made from the District Fund to the State or Union Government or to any local Fund

whose funds are lodged in the Treasury or vice versa, it is not necessary that the money is actually drawn in cash from the Treasury and the amount is paid to the concerned Government. A cheque or voucher, as the case may be, should be used in such cases, in which it should be specified that the amount is to be paid by transfer credit. All payments to the District Fund should be supported by a receipt stamped, when necessary, by the authorised officer of the District Fund.

24. (1) With remittance shall be sent the pass Book of the Council upon receipt of the money by the Treasury. Both sides of the Pass Book shall be written up-to-date by the Treasury, with dated initial of the Treasury Officer against each entry and the book be returned to the Council Office.

(2) The Secretary or such other authorised Officer under whose custody the Pass Book is kept shall examine the Pass Book from time to time and shall immediately call for the attention of the Treasury Officer to any discrepancy that may appear between the debits and credits shown in the pass book and those shown in the Accounts of the Council's Office.

25. The pass book will be supplied ex-gratis by the Treasury. It is not a Council Account Book but simply a copy of the account kept in the Treasury of the money paid in and taken out by the Council, and must, therefore, always be written up only by the Treasury establishment by whom the original account is kept.

26. No entry marks shall under any circumstances be made in the pass book by any of the officials connected with or working in the Council Office. At the close of each month, the balance in the Pass Book shall be struck and the amount written in both figure and words, and signed by the Treasury Officer.

27. Council dues or other money receivable on the account of the Council may ordinarily be realized in legal tender and in coins or notes only. Precautions must be taken

by the receiver to ensure that no counterfeit coins or notes are received.

28. (1) The officer receiving money on behalf of the Council must give the payer a receipt in the prescribed printed form. This rule applies to all moneys received either for credit to the Council or for deposit or for any other purpose, except, however, to money withdrawn from the Treasury for disbursement of pay, allowances, advances etc. to Council employees or for payment of contingent and other charges to private parties.

(2) The receipt issued by the cashier under Rule 19 to any officer or employee of the Council authorised to collect any receipt or other money due to the Council shall be countersigned by the Secretary who shall satisfy himself that the amount has been properly entered in the Cash Book either directly or through a subsidiary register of the cash Book. The seal of the Council should be affixed to such receipt before it is issued.

(3) As an exception to the preceding sub-rule, the Member-in-charge of Financial Affairs may, in special cases, permit receipt to be countersigned by an Officer subordinate to the Secretary. Similarly, receipts may be signed by a subordinate officer to be authorised in this behalf by the Secretary when he is out on tour. In both cases, however, the receipt shall be signed by such authorised officer for the secretary who shall be responsible for checking the counterfoils of receipts with the entries in the Cash Book and in the subsidiary Registers thereto, if any.

(4) Where money is realized not in cash but by recovery from a bill payable by the District Council, full particulars of the deduction shall be set forth in the bill and a receipt may be granted only if specially desired by the payer, the fact of recovery having been made by deduction from the bill being clearly recorded on the receipt.

(5) All receipts must be written in figures and in words.

29. (1) The form of receipt shall be such as prescribed in Appendix - III. No receipt except those issued in the prescribed form shall be valid.

(2) The receipt forms shall be bound in books of suitable sizes. Pages of each such book shall be consecutively machine numbered. The book shall also be serially numbered by the machine. Each receipt shall be in duplicate for use with carbon paper. The carbon copy shall be retained in the issuing office and the original issued.

(3) A register of receipt Book shall be maintained by the Cashier in form in Appendix-IV. Immediately after receipt of blank receipt books, each such book shall be carefully counted and examined to ensure that the forms contained in each are in order and complete in all respects and the result recorded in a conspicuous place in the book over the signature of the Secretary. Any discrepancy noticed shall be recorded at once in the Register of Receipt Book in the remark column.

(4) The receipt Books shall be kept in the personal custody of the Secretary or a responsible officer authorized by him in writing. There shall be one receipt Book only in use at a time and no receipt Book shall be issued unless the counterfoils of the previous book are returned from record. This may, however, be relaxed at the discretion and on the responsibility of the Secretary, e.g. in case where it may be found convenient to issue more than one book at a time. For facility of the receiving officer it may be necessary to issue a Receipt Book in advance before the counterfoils of the previous one are received. Each issue of a Receipt Book shall be recorded in the Register of Receipt Books and supported by the dated signature of the person (with designation) to whom the Book is issued.

(5) Used-up receipt Book shall always be kept in the personal custody of the Secretary.

(6) The Stock of unused receipt Book shall be verified physically at the end of the year by the Secretary and a certificate indicating the results of the physical verification recorded in the Register of Receipt Books.

30. No Officer may issued duplicate or copies of receipt granted for money on the ground that the original have been lost. If any necessity arises for such document, a certificate may be given that on a specified day, a certain sum on a certain accounts was received from a certain person. This provision extends only to the issue of duplicates on the ground that the original have been lost and does not apply to cases authorized by the rules or by special orders of the Council in which duplicates have to be prepared and tendered with originals.

31. (1) The council shall maintain an 'Assessment demand' and 'Bill Collection and Remission Register' in forms in Appendix V and VI respectively containing a list of all persons liable to pay rate, tax, cess or fee, and the amount to be paid by them in respect of each such rate, tax, cess or fee. Subject to the provisions of these Rules, the detailed procedure to be adopted with regard to the money realized may be prescribed by the Member-in-charge in consultation with the Accountant General (Accounts & Entitlement) and with the approval of the Governor.

(2) The procedure so prescribed shall, interalia, provide for definite responsibilities of officers concerned to ensure that -

(i) Demand are made as revenue falls due;

(ii) Steps are taken with a view to effecting prompt realization of all revenue, regular or occasional; and

(iii) Proper records are kept to show in respect of all items of revenue, recurring or non-recurring, the assessment made, the progress of recovery and the out-standing debts due to the Council.

PART - III

## WITHDRAWAL OF MONEY FROM THE DISTRICT FUND

### CHAPTER - I

### PROCEDURE FOR WITHDRAWAL

32. Save as other-wise provided in these Rules, no money shall be withdrawn from the District Fund except by cheque on the Treasury, signed by the Secretary.

33. No money should be withdrawn from the Fund, unless it is required for immediate disbursement. It is not permissible to draw advance from the Fund either for the execution of works, the completion of which is likely to take considerable time, or to prevent the lapse of budget allotments.

34. Claims against the District Council shall ordinarily be discharged by cheques drawn upon the Treasury.

35. (1) When any person not in the employment of the Council claims payment for work done, service rendered or articles supplied, such claims shall, unless there are express order of the Council to the contrary, be submitted to the Secretary through the Finance and Accounts Officer or any other office under whose immediate order the service was done or the equivalent was given for which the payment is demanded.

(2) Every Bill or claims for payment, which has been presented in the first instance to the Secretary of the Council or any duly authorized officer shall be submitted to the Accountant who shall check and examine it, and if found correct and in order, initial it in token of correctness and submit it for order, through the Finance and Account officer to the Secretary or such other duly authorized officer. If payment of the bill so presented is to be made, a payment order shall be endorsed on the body of the bill or claim document. The payment order shall, except as

otherwise provided, run as follows : " Pay Rs._____ (Rupees_____) only" and the amount having been expressed both in words and figures, the order shall be signed by the Secretary or such other authorized officer.

36. All claims for grant-in-aid, contribution etc. to local bodies, customary, charitable, or educational institutions and other non-Council bodies or persons as sanctioned by the Council shall be presented to the Secretary. The detailed rules regulating the payment or grant-in-aid shall be prescribed by the Member-in-charge, Financial Affairs in consultation with the accountant General (Account & Entitlement) and with the approval of the Governor.

37. (1) Bills for claims against the Council, save as otherwise provided in these rules, shall be prepared in the Council office and shall be passed for payment by the Secretary in accordance with these rules and then the charges will be paid by cheques drawn on the Treasury or out of cash obtained from the Treasury by such cheques.

(2) If the bill is to be paid out of the imprest or permanent Advance, the Secretary or such other authorized officer shall, before signing the payment order, see the bill stamped with the words "paid in cash" in a conspicuous type, and shall then make it over to the cashier for payment. If the Bill is to be paid by cheque it shall be made over to the cashier, and shall be stamped "paid by Cheque No……." in a conspicuous type. In the later case the amount shall be entered, as soon as the cheque is signed, in the appropriate column of the Cash Book of the Council.

(3) Every payment made, either in cash or by cheque, shall be covered by a receipt stamped, if necessary, duly signed by the person to whom the money is due and to whom it has actually been paid. Such a receipt signed by another person or by a Council employee is invalid.

(4) All claims which are preferred and accepted should be paid at the earliest possible date. If a bill is presented and payment is not made within a month of its presentation or if the claim is contested, it shall be entered in the "Register of the Outstanding Claims" as per profoma given below;

(5) This Register is required for ascertaining the unpaid demands for which provision has to be made in the next year's budget, and at the close of the year, unpaid amounts shall be shown in the column 'balance' and be carried forward to the Register of the next year. To ensure a complete record of the liabilities in cases where bills may not have been presented, all orders for supplies or works other than those for which formal agreements have been made and particulars of which are entered in the Register of works shall be entered in an Order Book to be maintained in form in APPENDIX - C.

(6) In cases where cash or cheque for payment to third parties is made/obtained by Drawing Officer by presentation of bills in the Treasury and when it is again remitted to Treasury/Bank for obtaining demand draft in favour of the third party, the entries in the Cash Book should relate to the cash or cheque received by the Drawing Officer on presentation of the bill at the Treasury (on the receipt side of the Cash Book). The Demand Draft, when received, should be entered in a "Register of Valuables" and its disposal watched through the Register. The receipt of the Demand Draft and the payment to the third through the Demand Draft need not be entered in the Cash Book as the transaction would already appear in the Cash Book in the manner indicated above.

38. The salary, establishment and travelling allowances charges shall be drawn on the basis of bills, which shall be charge in the Cash Book without further details.

NOTE -

Payment due to the contractors may, if so desired by them, be made to their banks instead of direct to the contractors, provided that the Secretary obtains-

(i) An authorization from the contractors in the form of a legally valid document, such as, power of attorney of transfer deed, conferring authority on the bank to received payment.

(ii) The contractor's own acceptance of the correctness of the amount made out as being due to him by the Council or his signature on the bill or other claims preferred against the Council before settlement of the account or claims by payment to the said Bank. While the receipt given by bank will constitute a full and sufficient discharge for the payments, contractions would, wherever possible, be induced to present their bills duly receipted and discharged through their bankers. Nothing herein contained should operate to create in favour of the Bank and right of equities vis-â-vis the Council.

39. The Secretary shall, at the time of making payment to non-official, communicate the fact with the address of the payees to the Income-tax Officer concerned, if the payee is an Income-Tax payer and if the amount of each payment is not less than 250/-

40 (1) Arrear claims :- Save as provided in rule 136 of the Central treasury Rules/Rule 32 of the Central Government Account (Receipt and Payments) Rules 1983, any claim of a Government servant, which is preferred within two years of its becoming due shall be settled by drawing and disbursing Officer Finance and Accounts Officer, as the case may be, after usual checks as per provision of rule 82 of general Financial Rules.

(2) No claims against the Government, other than those by one department against another or by a State Government, not preferred within a year of their becoming

due can be presented without any authority from the District Council, provided that such claims not exceeding Rs.500/-, if presented within three years of their becoming due, may be paid without pre-check by the Accountant General (Accounts & Entitlement); provided further that this rule shall not apply to the following categories of such claims.

(a) claims on account of pensions, the payment of which is regulated by rule 369 of the Central treasury rules (CTR);

(b) claims on account of pay and allowances of such non-gazetted Government servants whose names are not required to be shown in the pay-bills under rule 220 (s) of the CTR;

(c) claims on account of interest on Government securities ; and

(d) Any other class of payments which are governed by special rules or orders of the Government (as per provision of rule 135 of Central treasury rules).

41. The following instructions with regard to the preparation and form of bills shall be observed :-

(a) Printed forms of bills in English shall be adopted as far as possible, but when, for any circumstance a bill in a local language is unavoidable necessary, a bilingual form shall be used.

(b) If, in any case, the use of a bill purely in a local language becomes unavoidable, a brief abstract shall be kept in English under the signature of the Secretary stating the amount, the name of the payee and the nature of the payment.

(c) All bills shall be filled in and signed in ink, entries and signature may also be made with ballpoint pens

when clear and legible. The amount of each bill shall be expressed in whole rupees and written in words as well as in figure.

(d) While passing the bill, the Drawing Officer should also write in red ink across the bill in words at right angles to the type a little sum in excess of that for which it is passed, thus, under 'rupees thirty only' will means that the bill is for a sum not less than Rs.30/- but less than Rs.31/- and similarly, "under rupees eight hundred only" will mean that is for not less than Rs.800/- but less than Rs.801/-

(e) All correction and alterations in the total of a bill shall be attested with full and dated signature by the Secretary as many times as such corrections and alterations are made.

(f) Erasures and overwriting in any bill are absolutely forbidden and must be avoided. If any correction be necessary, the incorrect entry shall be cancelled neatly in red ink and the correct entry inserted. Each such correction or any interpolation deemed necessary shall be authorized by the Secretary setting his initial with date against each.

(g) The full accounts classifications shall be recorded on each bill by the Secretary, the classification in the budget being taken as a guide.

(h) When bills are presented on accounts of charges incurred under any special orders, the orders sanctioning the charges shall be quoted on the bill and copy of the order attached to the bill.

(i) Dates of payment shall, when possible, be noted by the payees in their acknowledgements in sub-vouchers, acquittance rolls etc. if, for any reason, such as illiteracy or the presentation of receipts in anticipation of payment to be noted by the payee, the dates of actual payment shall be noted by the Secretary on the documents under hi full signature with date, either separately for each payment or by groups, as may be found convenient.

42. No person except the secretary is authorized to draw on the Council fund without special orders of the Council.

43. (1) The Drawing Officer shall send a specimen of signature to the Treasury Officer and the Bank through the Deputy Commissioner/Sub-Divisional Officer duly attested by the latter. When the Drawing Officer makes over charges of his Office to another, he shall likewise send specimen of signature of the relieving Officer to the Treasury Officer/ Bank concerned.

(2) Specimen signature, when forwarded on a sheet of paper other than the forwarding letter itself must be duly attested by the Officer signing the forwarding letter.

44. cheques shall be drawn on forms in cheque books supplied by the Treasury Officer.

45. The Treasury Officer shall supply a cheque book only on the receipt of the printed requisition form which is inserted in each book towards the end and never more than one cheque book shall be issued on a single requisition. The requisition must be signed by the Secretary.

46. The Secretary shall notify to the Treasury upon which he draws the number of each cheque book, which, from time to time brings into the use and the number of cheques it contains.

47. A Register of Cheque Books shall be maintained by the Secretary in form in Appendix -IV. Cheque Books shall, on receipt, be carefully examined by the Secretary who shall count the number of form contained in each and record a certificate of count on the fly-leaf.

48. Each cheque book must be kept under lock and key in the personal custody of the Secretary. The cheque book in use be made over to the Cashier whenever required but it shall be returned before the office is closed for the day. The Officer in whose custody it is to remain shall satisfy himself periodically that all unused

cheques are in the book and that none has been surreptitiously extracted. The Officer, when relieve shall take a receipt for the exact number of cheque books and blank cheque-leaves made over to the relieving Office.

49. The loss of cheque book or a blank cheque form be notified promptly to the Treasury Officer.

50. All cheques shall have written across them in words at the right angles in red ink type a sum of little in excess of that for which they are granted; thus "under rupees thirty" only will mean that the cheque is for a sum of not less than Rs.30/- but less than Rs.31/- and similarly "under rupees eight hundred only" will mean that if is for not less than Rs.800/- but less than Rs. 801/-. The amount of each cheque should, as far as possible, be expressed in whole rupees and shall be written in words as well as in figures. The fractions of a rupee, when unavoidable , may be written in figure after the words stating the number of whole rupees; but in the event of there being no fraction of a rupee, the word "only" would be inserted after the number of whole rupees and care should be taken to leave no space for interpolation as in the following examples :-

"Rupees twenty six only", "Rupees twenty five and thirty paise", no abbreviation, such as, "eleven hundred; or "one thousand" or "one hundred" is permissible.

NOTE :- 1.

In drawing or cashing a cheque it should be remembered that a common form of fraud consists in altering the word "one" into "four" by pre-fixing and "f" changing the "e" into "r" the figures being easily altered to correspond. The word "twenty" written" carelessly can also easily be changed into "seventy". The drawer of a cheque in which these words occur should, therefore, so write them to make the fraud

impossible and the Treasury Officer should examine the words and corresponding figures with special care.

NOTE -2.

All cheques should be written and signed in good ink only.

51. (1) Cheque drawn in favour of Council employees and departments in settlement of Council dues shall always be crossed "Account payee only-not negotiable".

(2) In the absence of a specific request to the contrary from the payee, cheques drawn in favour of corporate bodies, firms or private persons shall also be crossed. Subject to any instruction received from the payee, a cheque shall be crossed "……..& Co." with the addition of the words "Not negotiable" between the crossing. Where the payee is believed to have a banking account, further precautions shall be adopted. Where possible, by crossing specially (instead of bt general crossing…… & Co.)by quoting the name of the bank through which the payee will received payment and by addition the words "Account payee only-Not negotiable". This rule shall apply to all cases where the use of crossed cheque is prescribed.

52. Every cheque made in favour of person who is not in service of the Council, may at his request at be made "payment to bearer".

53. As a general rule, cheques shall not be issued for sums less than Rs. 10/-

54. All corrections and alterations in cheques shall be attested by the Drawing Officer with his full signature with date.

55. (1) Cheque shall be payable at any time within three months after the month of issue. Thus, cheque bearing a date any time in January is payable at anytime upto 30th April.

(2) After the expiration of the above period. Payment shall be refused at the Treasury, and the person in whose favour the cheque was drawn shall, therefore, have to bring it back to be redated. No fresh cheque shall be issued. The lapsed cheque shall simply be redated and the alterations dated initialed by the Secretary or such other authorised officer whose duty would be to sign the cheque. A note of the fact of redating shall be entered in the Cash Book against the original transaction and upon the counterfoil of the cheque itself. The alteration shall in no way affect the accounts, and no further entries shall be made in the Cash Book.

56. When it is necessary to cancel a cheque, the cancellation must be recorded on the counterfoil. If the cheque is in the drawer's possession, the Treasury Officer should be promptly requested to stop payment of the cheque, and on ascertaining that the payment has been stopped, shall make the necessary entry in his accounts.

57. (1) If the Secretary is informed that a cheque drawn by him has been lost, he shall address the Treasury Officer drawn on forwarding for signature a certificate in the following form:

"Certified that Cheque No.....dated.....for Rs..... Reported by.....(the Drawing Officer to have been drawn by him on this Treasury in favour of..... has not been paid, and will not be paid if presented hereafter".

(2) The Secretary, on receipt of the certificate duly signed by the Treasury Officer, shall treat the original cheque as cancelled and issue another in lieu of the lost cheque.

58. If a cheque is issued by the Council in payment of any sum due by the Council and that cheque is honored on presentation to the Council's bankers, payment shall be deemed to have been made.

(i) If the cheque is handed over to the payee or his authorised messenger, on the date it is so handed over; or

(ii) If it is posted to the payee in pursuance of a request for payment by post, on the date on which the cover containing it is put into the post.

NOTE - I

The provision of clause (ii) above apply mutatis mutandis to the payments made by the Council by Postal Money Order or by any other recognized mode of remitting money by post.

NOTE - 2

Cheques marked as "not payable" before a particular date shall not be charge to the accounts until the date on which they become payable.

59. The secretary shall record on the reverse of the counterfoil of each cheque the amount of the next cheque drawn and of the total of drawings during the month, and carry forward their total to the next counterfoil. This will enable him, from time to time, to exercise an independent check on the postings of his Cash Book.

## CHAPTER - II

## PROCEDURE FOR PAYMENT OF CLAIMS

60. Subject to as hereinafter provided in this rule, a Council employee entrusted with the payment of money shall obtain for every payments he makes, including repayment of sums previously lodged with the Council, a voucher setting forth full and clear particular of the claim and all information necessary for its proper classification and identification in the accounts. As far as possible, the particular form of voucher applicable

to the case shall be used. Supplier of stores and other private persons should be encouraged to submit their bills and claims in the prescribed forms. Every voucher shall bear or have attached to it an acknowledgement of the payment, signed by the person by whom or in whose behalf the claims is put forward. This acknowledgement shall be taken at the time of payment. A note of the date and mode of payment, whether by cash cheque, by remittance, or by postal Money Order, shall be recorded on the voucher.

NOTE - 1.

Voucher includes a bill paid.

NOTE - 2.

Bill is a statement of claims against the Council containing specification of the nature and the amount of claim.

NOTE - 3.

In the case of articles received by Value payable post, the cost of the value payable cover together with the invoice or bill showing the details of the items paid for, may be accepted as voucher. The Secretary should endorse a note on the cover to the effect that the payment was made through the Post Office and this also covers charges for money order commission.

NOTE - 4.

In the case of receipts furnish by individuals on behalf of firms, the Secretary shall be responsible for making sure that the person signing the receipt has authority to bind the firm.

61. Except as otherwise provided, every voucher shall bear a pay order signed and dated by the Secretary specifying the amount payable both in words and figures. This order must be signed by hand and in ink.

62. All paid vouchers must be marked 'paid' or "cancelled' so that they cannot be used a second time. Stamps, if any, affixed to sub-vouchers must also be cancelled so that they may not be used again.

63. Office copies of vouchers and acquittances shall be filed and retained carefully in the office concerned.

64. (1) All sub-vouchers to bills must be cancelled in such a manner that they cannot be subsequently used for presenting fraudulent claims or other fraudulent purpose.

(2) The provisions of rule 86 with regard to cancellation and destruction of sub-vouchers relating to contingent expenditure shall apply generally to sub-vouchers in respect of other classes of payment unless it is otherwise decided by the District Council.

65. (1) Subject to such special orders as the Council may issue in any individual case, the responsibility for an overcharge shall rest primarily with the Secretary and it is only in the event of culpable negligence on the part of the Secretary that the question of recovery from him may be considered.

(2) The responsibility for the effective check and control of the accounts of the District Council, both in respect of revenue and expenditure, rests on the Secretary. The Secretary may entrust to trustworthy officers of various departments as Disbursing Officers on his behalf.

(3) The Secretary shall be responsible not only for the financial regularity of the transaction of the District Council but also for the maintenance of accounts of the transactions correctly and in accordance with the rules in force.

66. Secretary may entrust the immediate executive control of the accounts of the District Council and the District Fund to the Finance and Accounts Officer but may not be divested himself of their administrative control. The

Finance and Accounts Officer shall be responsible for the proper observance of the procedure prescribed by or under these rules and for the punctual submission of all accounts and returns required by Government and the Accountant general. The items of work to be handled by the Finance and Accounts Officer are shown in Annexure - 'B'.

67. (1) Bills for monthly pay and fixed allowances of Council employees may be passed at any time for 5 (five) days ahead of the last working day of the moth and shall be due for payment on the last working day of the month by the labour of which such pay and allowances are earned.

(2) The forms on which claims for pay, allowances, etc. are to be prepared and the detailed procedure to be observed in the preparation and passing of such claims shall be regulated by the provision in Rule 74 to 79.

68. (1) The duty for making proper deductions to be made from pay bills on account of Provident and other Funds, if any, shall devolve on the Secretary.

(2) The Procedure to be followed in making such deduction and the detailed rules prescribing the nature of Provident and other Funds applicable to the Council employees and other cognate matters including the records to be maintained there for are to be laid down by the District Council in consultation with the Account General (Accounts & Entitlement) and with the approval of the Governor.

69. (1) When the pay of the Council employees is attached by any order of a Court of Law, it is the duty of the Secretary to see that the proper deduction is made in satisfaction of such order from the bill pay of the Council employee concerned.

(2) The cost, if any, of remittance to a court, of money realized under its attachment order shall be deducted from the amount realized and the net amount remitted to the Court.

(3) The recovery should be made in cash while making the disbursement of pay and recorded in the Attachment Register maintained by the Drawing Officer.

70. The last payment of pay or allowances shall not be made to, or in respect of a Council employee finally quitting the service of the Council by retirement, resignation, dismissals, death or otherwise, or placed under suspension, until the Secretary has satisfied himself by reference to the relevant records, that there is no demand outstanding against him.

71. Pay and allowances can be drawn for the day of the employee's death, the hour at which death takes place having no effect on the claim.

NOTE :-

"date" for the purpose of this rule should mean a Calendar day beginning and ending at midnight.

72. (1) Pay and other allowances claimed on behalf of a deceased Council employee may be paid without the production of the usual legal authority-

(a) to extend of Rs.100/-under orders of the Secretary after such enquiry into the right and title of the claimant as may be deemed sufficient;

(b) for the excess over Rs.100/- under the orders of the District Council on execution of an indemnity bond with such sureties as it may require, if it is satisfied of the right and title of the claimant and considers that undue delay and hardship would be caused by insisting on the production of letters of administrations.

(2) In any case of doubt, payment shall be made only to the person producing the legal authority.

NOTE - I :

The form of indemnity bond mentioned in this rule shall be prescribed by the District Council in consultation

with the Accountant General (Account & Entitlement) and with the approval of the Governor. The sureties accepted for joining in such bond must be of proven financial ability to meet the obligations undertaken.

NOTE - 2 :

The provisions of Rule 80 apply in this case too.

73. Save as hereinafter provided, pay and allowances may be paid only upon the personal receipt and not otherwise, except under the special authority, in each case of the Executive Committee. The Council employee may be allowed to receive payment through a messenger duly authorized by him to receive the money on his account and in such a case the Council accepts no responsibility in respect of money, cheque or draft that may be handed over to the messenger. The actual payee should give a proper receipt signed by himself in addition to the authorization in writing under his separate signature.

74. (1) Bills for pay, fixed allowances and leave salaries shall be prepared separately for permanent and temporary establishment. The instructions printed on the form being carefully observed, the name of every substantive and officiating or temporary incumbent shall be shown against each post, and against each temporary post shall be noted the sanction thereto. If the pay is drawn for portion of a month only, the rate of pay and the number of days for which it is claimed shall be indicated against the name of the Council employee in the body of the bill.

(2) The form of pay bill of an establishment shall be such as in Appendix VII and that of Members/employees whose appointment, promotion, leave, transfer etc. are notified in the State Gazette shall be such as in Appendix VIII.

(3) The various sections comprising the establishment shall be shown separately, the description of each

section as well as the number of sanctioned posts included therein being prominently written in red ink at the top.

NOTE :-

All fixed allowances, if any, should be drawn in the same pay bill.

75. The entries in all the money columns of the bill shall be totaled separately under each section and the total written in red ink. The total must be checked by the Secretary himself.

76. If any employee/employees was/were absent during the month either on special duty or suspension or with or without leave other than casual leave, or when a post vacant, whether any officiating arrangements have or have not been made, the bill for the month shall be supported by an absentee statement showing the complete chain of the arrangements, if any.

NOTE :-

The form of the Absentee Statement shall be such as prescribed in Appendix - IX.

77. (1) Arrears of pay, fixed allowances or leave salary shall be drawn not in the ordinary monthly bill but in a separate bill, the amount claimed for each month being entered separately, with quotation of the bill from which the charge was omitted or withheld or on which it was refunded by deduction, or any special order granting a new allowance or an increase in pay. A note of the arrear bill shall invariable be made in the original bill for the period, to which the claim pertains over the dated initials of the Secretary in order to avoid the risk of the arrears being claimed over again.

(2) Subject to the condition laid down in Rule 41, arrear bills can be paid at any time and may include as many items as are necessary.

78. Bills for travelling allowances, other than permanent or fixed allowances, if any, shall be prepared and presented to the Secretary in accordance with the following rules.

(a) The bill shall be prepared in the form prescribed in Appendix X or XI as the case may be, the instructions in the form being strictly observed. When a circuitous route in taken, the reason for doing so must invariably be stated in the bill.

(b) When actual expenses are drawn, full details should be furnished in the travelling allowances bill. For the purpose of drawing the allowances on account of a family or the higher mileage allowance (now in terms of Kilograms) a certificate must be furnished by the Council employee, of the number and relationship of the members of his family for whom the allowances are claimed. No other details in these or other cases need be furnished, but every claim for the cost of carriage of personal effects, horses and conveyance should be supported by a certificate to the effect that the expense incurred was not less than the sum claimed.

(c) All travelling allowances bills must bear a certificate of the Secretary in the following form "Certified that I have satisfied myself that the amounts included in the bills drawn one month/two months/ three months previous to this date, with the exception of these detailed below, of which the total amount has been refunded by deduction from this and their receipt taken in the original bill or in separate acquittance roll."

79. (1) The Secretary is personally responsible for the amount drawn by cheque on account of a bill passed by him until he has paid it to the person entitled to received it and obtained legally valid acquittance.

(2) If for any reason, payment cannot be made within the course of the month, the amount drawn for the payee

shall be refunded to the Treasury and his pay allowances may be drawn a new when the occasion for making the payment arises.

Provided that if in the opinion of the Secretary this restriction is likely to operate inconveniently, the amount of undisbursed pay or allowances may, at his option, be retain for any period not exceeding three months, but this concession shall not be availed of unless the Secretary is satisfied that proper arrangements can be made for the safe custody of the sums retained.

NOTE :-

Acquittance Rolls should invariably be signed, stamped " paid" and preserved carefully for the periods prescribed and produced for inspection whenever demanded by the Accountant General (Audit), or Examiner of Local Accounts.

## CHAPTER - III

## CONTINGENT CHARGES

80. (1) The term "Contingent Charges" or "Contingencies" used in this chapter means and includes all incidental and other expenses which are incurred for the management of an office as an office or for the technical working of a department, other than those which, under prescribed rules of classification of expenditure, fall under some other head expenditure, e.g. "works", "tools" and "Plants", etc.

(2) The Rules of procedure prescribed in this Chapter shall apply primarily to contingencies, but miscellaneous expenditure which is not classed as contingencies, is also subject to these rules, except in so far as it may be governed by any special rules of procedure prescribed in other chapters of this part or by any departmental regulations.

81. The Secretary shall exercise the same vigilance in respect of contingent expenditure as a person of ordinary prudence maybe excepted to exercise in spending his own money. He shall be responsible for seeing that the items of expenditure are of obvious necessity and are at fair and responsible rates. The Secretary is further responsible for seeing that the rules regarding the preparation of bills are observed, that the money is either required for immediate disbursement or has already been paid from the Permanent Advances, that the expenditure is within the available appropriation, if the original appropriation has either been exceeded or is likely to be exceeded.

82. (1) All charges actually incurred must be paid and drawn at once, and under no circumstances may they be allowed to stand over to be paid from the grant of another year.

(2) No money shall be drawn from the Treasury unless it is required for immediate disbursement. It is not permissible to draw money from the Treasury in anticipation of demands or to prevent the lapse of budget grant.

83. No pay of any kind and no addition to pay shall be charged as contingent expenditure except in cases of the following :-

(i) Labourers engage on manual labour and paid daily or monthly wages;

(ii) Sweepers and grass cutters.

84. Contingent charges incurred on account of the wages of labourers engaged on manual labour and paid at daily or monthly rates shall be supported by a certificate signed by the Secretary to the effect that labourers were actually entertained and paid.

85. In the case of all others whose pay is drawn on contingent bill, a certificate in the following form shall be furnished by the Disbursing Officer:-

"Certified that all the employees whose pay has been charged in this bill were actually entertained in Council Services during the period concerned".

86. The following rules for the prevention of the fraudulent use of sub-vouchers or other papers connected with the accounts shall be observed by the Secretary in the matter of cancellation and destruction of sub-voucher and the other connected papers.:

(a) Unless in any case it is distinctly provided otherwise by any rule or order, no sub-vouchers or other papers connected with the accounts may be destroyed until after a lapse of three years, but in any case no sub-voucher should be destroyed before audit by settlement of objections raised by the Accountant General (Audit) or the Examiner of Local Accounts.

(b) All sub-vouchers should be kept in the safe custody of the District Council Office.

87 (1) The Secretary shall draw money from the Treasury by means of cheque for contingent charges within the amount allotted in the budget after obtaining sanction of the competent authority as named in rules 129 and 130: provided that a bill for any amount over rupees five hundred shall be countersigned by the Member-in-Charge of Financial Affairs.

(2) The bill shall be prepared in the Form as prescribed in Appendix XII.

88. A register of contingent expenditure shall be kept by the Secretary whose full signature with date shall be entered against the date of Payment of each item.

89. The standard form of the Contingent Register will be prescribed by the Member-in-Charge of Financial Affairs in consultation with the Director of Accounts and Treasuries, Government of Mizoram. The actual details such as the number of column to be opened, the sub-heads and detailed heads, etc. as may be required for the purpose of control (generally the budget heads should be followed) may be settled by the Council to suit the conditions of the District Council Office.

90. As each payment is made, entries must be made in the Contingent Register, of the date of payment, the name of payee and the number of sub-vouchers in the three columns to the left and amount in the proper column.

91. To enable the Secretary to watch the progress of the expenditure under each detailed head as compared with the appropriation for it, a progressive total of all the columns must be made monthly immediately after the monthly total, so as to include all payments under each head, as also any charges adjusted by book transfer from the commencement upto the end of the last month of the financial year concerned.

92. (1) When it is necessary to draw money for contingent expenses, as for example, when the Permanent Advance begins to run short, or when a transfer of charge takes place, and in any case at the end of each month, a red ink line shall be ruled across the page of the register or registers, the several columns added up and several totals posted in the bill. The Secretary shall carefully scrutinize the entries in the register or registers with sub-vouchers, initial them, if this has not already been done, and sign the bill which will then be dated and numbered and passed for payment by drawing the amount by cheque from the Treasury.

(2) The heads of contingent expenditure may be entered in manuscript in the bill and the totals posted against them; provided that full details of the charges must be entered in the bill, except when they are given in the sub-voucher.

## CHAPTER -IV

## PERMANENT ADVANCE

93. (1) Permanent Advances may be granted to the Secretary for the purpose of meeting certain class or classes of expenditure, the amount of advances being fixed by the District Council according to his requirements.

(2) As these advances involve the permanent retention of money outside the Fund, they must not be larger than the amount absolutely essential.

(3) The Secretary is responsible for the safe custody of the money placed in his hands and he must at all times be ready to produce the total amount of the money in vouchers or/ and in cash whenever demanded by the Member-in-charge of Financial Affairs or by the Accountant General (Audit) or the Examiner of Local Accounts.

94. (1) The permanent advance is intended to provide, on the responsibility of the Secretary, for emergent petty advances of all kinds.

(2) The Secretary is responsible for the proper accounting of all payments initially met out of Permanent Advances, strictly in the order of occurrence and as soon as they take place, through the medium of the Permanent Advance Account Register and the Cash Book. He is further responsible for the timely recoupment of all sums spent out of Permanent Advance. [see also Rule 91]

(3) The Permanent Advance may be recouped, whenever necessary, and it must always be recouped on the last working day of the month by drawing money for the expenditure already incurred from the Fund in Accordance with the rules regulating contingent charge.

## CHAPTER - V

## CONTRACT

95. Except in cases of piece works or petty purchase, the recognized system of carrying out work and purchasing or carrying materials otherwise than by the employment of daily labour is contract work. All such works shall be done after inviting tenders in most open and public manner and executing agreements in writing, which should be previously and definitely expressed, and also should state the quantity and quality of the work to be done, the

specifications to be complied, the conditions to be observed, the security to be lodged, the terms upto which the payments will be made, and the penalties exacted with any provisions necessary for safeguarding the property entrusted to the contractor.

NOTE - 1

Piece-work is that for which a rate only is agreed upon without reference to the total quantity or the quality to be done within a given period.

NOTE - 2

The Monetary limit upto which the purchase may be treated as 'petty' shall be fixed by the Council.

96. (1) The Chief Executive Member shall execute agreement/ instruments on behalf of the District Council relating to any matter with the affairs of the District Council.

(2) The term on which the agreement/instrument will be executed shall be prescribed by the District Council in consultation with the Accountant General (Audit) and with the approval of the Governor.

## CHAPTER - VI

## PAYMENT FOR PURCHASE OF STORES.

NOTE :-

In this Chapter the term 'Store' is used to indicate all articles and materials required for the Council and coming into a Council Officer's possession, for various purposes, and includes stationery, furniture, machinery, tools and plants, etc.]

97. Subject to such general or special rules or subsidiary instructions as may be issued by the District Council and without prejudice to the generality of the provisions contained in Part VII, the provisions of Chapters III and IV ante shall apply generally to payments for stores

purchased by the District Council in accordance with departmental regulations.

98. As a general rule, payment for supply is not permissible unless the stores have been received and surveyed.

99. (1) Bill in support of payment for purchase of stores shall be accompanied by a certificate that the articles detailed in the vouchers have been actually received and entered in the stock Register, that their quantities are correct and their quality good, that their rates paid are not in excess of accepted or market rates and that suitable notes of payment have been made in the indents and invoices concerned to prevent double payment.

(2) The authority, unless it is a general one, under which the purchase is made shall also be quoted.

NOTE :-

The certificate prescribed in this rule, usually styled as the store-certificate, is a very important one and must be signed by the Secretary.

## CHAPTER - VII

## WORKS EXPENDITURE

100. The rules in this Chapter shall apply to expenditure on special services connected with the construction, repair and maintenance of buildings, roads and other works undertaken or owned by the Council.

101. For every work there should be a duly sanctioned detailed estimate.

102. A detailed record of the expenditure relating to each sanctioned work should be kept in a register in the Form as prescribed Appendix XIII.

103.(1) As a general rule, subject to such exceptions as may be authorized by the District Council, where the work is done departmentally, the wages of labourers engaged shall be drawn on Muster Rolls showing the names of labourers. The daily attendance and absence of

labourers and fines, if any, inflicted on them must be so recorded as to prevent any tampering with, or unauthorized additions to the entries once made.

(2) Subject to as provided above, the Muster Rolls may be kept in such form and in accordance with such methods as may be prescribed by the Member-in-charge of Financial Affairs in consultation with the Accountant General (Accounts & Entitlement).

104. The Payment made on Muster Rolls must be made by the Secretary or any other officer authorized for the purpose who would certify to the payment individually or by groups. The amount paid on each data shall be noted in words as well as in figures at the foot of the Muster Roll.

105.(1) Unless in any case the District Council direct otherwise, payments for all works done otherwise than by daily labour and for all supplies shall be made on the basis of measurements recorded in the measurements. Books kept for the purpose. Claims for such payment shall be prepared as far as possible by the claimants themselves in authorized forms of bills and vouchers and no payment other than as advance payment be authorized unless the correctness of the claim in respect of quantities and rates as well as the quality of the work done or supplies made have been accepted and all calculations carefully checked by the Secretary or any other officer as may be authorized by the secretary with the approval of the Executive Committee. In case of works done departmentally through daily labourers, the measurement of works done should also be recorded in the Measurement Book when the items of work are susceptible of measurement.

(2) Subject to such general or special instructions as may be issued by the District Council, Measurement Books shall be kept in such form and according to such methods as may be prescribed by the Member-in-charge of Financial

Affairs in consultation with the accountant General (Account & Entitlement).

106. A Stock Register of Measurement Books shall be maintained in the form as prescribed in Appendix XIV.

107.(1) As a general rule and subject to such exception as may be authorized by the District Council, no payment can be made to a contractor, except for the work actually done or supplies actually received. Subject to such general or special order as may be issued by the District Council in this behalf, advances, if any, made to contractors during the execution of work shall invariably be recovered from their bills for the value of work done or supplies made before final payment is made, which must in no case be permitted without detailed measurement.

(2) The detailed rules prescribing the terms and conditions under which advance payments may be made in exceptional cases shall be laid down by the Council in consultation with the Accountant General (Accounts & Entitlement) and with the approval of the Governor.

108. A Contractor's Ledger in the Form as prescribed in Appendix XV shall be maintained, if any advance is paid or if any material is issued to contractors for execution of works.

109. Separate Contingent Bill shall be prepared for expenditure relating to "works" duly supported by sub-voucher. The name of work as given on the sanctioned estimate should be noted conspicuously on each sub-voucher as well as in the bill itself.

110. Without prejudice to the generality of the rules in this Chapter, the detail procedure to be observed by the Secretary in making payments for works expenditure and the form of bills and vouchers on which such payments are to be made may be prescribed by the Member-in-charge of Financial Affairs in consultation with the Accountant General (Accountant & Entitlement) and with the approval of the Governor.

CHAPTER - VIII

## REFUNDS OF REVENUE

111. Refund of revenue can be drawn only on the demand and on the receipt of the person entitled to receive them after production of proper authority.

112. Every refund shall be noted against the original credit in the office accounts or other documents in which the moneys received are entered, in detail and a certificate of such a note having been made must be given in all vouchers for refunds.

NOTE :-

The notes against the original demand or realization is essential to make the entertainment of a double or erroneous claim impossible.

113.(1) Bills for payment of money from the Council Fund on account of refunds of revenue shall be prepared in the form as in Appendix XVI. The Secretary shall fill up the requisite columns of the form and sign the certificate at the foot also verify the credit by means of the particulars furnished in the appropriate columns and affix his signature in the relevant column in token of his having done so.

(2) Refunds may in all cases be sanctioned by the Member of the Executive Committee in charge of the department concerned.

PART - IV

## DEPOSITS

CHAPTER - I

## GENERAL

114. Earnest money received from contractors and any other deposit should be accounted for as deposits and recorded in a separate Register Styled as 'Register of Deposits' in the Form as in Appendix XVII.

115.(1) At the end of every quarter a certificate must be recorded in the Register of Deposits by the Secretary, that he has personally examined the register carefully and that the entries are made with the utmost care and regularity.

(2) In cases where the earnest money is tendered in the shape of Interest Bearing Securities, a separate register styled as 'register of Deposits in Interest Bearing Securities' shall be maintained in the Form as in Appendix XVIII.

## CHAPTER -II

## REPAYMENTS OF DEPOSITS

116.(1) Refunds of deposits can be made under the orders of the secretary.

(2) A person claiming refund of a deposit must produce the receipt given to him at the time the original deposit was made. The Secretary shall compare the receipt with the entry on the receipt side of the register of deposits and, if found correct, he will take the payees' receipt, pass payment order and record it at once under his initials, on the repayment side of the Register against the particular receipt.

(3) Release of Interest Bearing Securities shall be made after recording a release order in the Register of Interest bearing Securities under the signature of the Secretary and after obtaining the full signature of the depositor against the entry in the Register.

117.(1) The payment order should be given by the Secretary on the original receipt which should be used as voucher.

(2) As a safeguard against fraud, the Secretary shall enter the name of the payee after the words "passed for payment", thus, "Passed for payment to……..

CHAPTER - III

## LAPSED AND CONFISCATED DEPOSITS

118.(1) In the accounts of March each year, the following classes of items of the Council deposit accounts received by the way of security Deposit from the Contractor or others and the sums that are received which are not the property of the District Council and have been place with the Council authorities for a temporary purpose only shall be credited to the head "Deposit Received" of the Council in the Abstract Register of Receipts and shall be entered

on the debit side of the Deposit Ledger/register as Lapsed Deposit:-

(a) Original deposits not exceeding three rupees remaining outstanding for the whole account year;

(b) Balance not exceeding three rupees in respect of item partly cleared during the year then closing; and

(c) Balances unclaimed for more than three complete years.

(2) For the purpose of sub-rule (1) above, the age of a repayable item or a balance of it, is to be reckoned as dating from the time when the balance becomes first payable.

119. Deposits credited to a District Council Fund under Rule 118 or confiscated under the provisions of an agreement or bond may be repaid by the Secretary on ascertaining that -

(a) The item was rally received;

(b) It was credited to the District Council Fund as lapsed or confiscated, and

(c) The claimant's identity and title to the money are certified by the Secretary or any other authorized Officer.

PART - V

## BUDGET AND FINANCIAL CONTROL

### CHAPTER - 1

### PREPARATION OF BUDGET ESTIMATE ETC.

120. The responsibility for the preparation of the statement of estimated revenue and expenditure as well as any supplementary estimates or demands for excess grant lies with the Member-in-charge of Financial Affairs.

121.(1) The annual Budget for the coming year and the supplementary Demand for the current year will be prepared by the Member-in-charge of Financial Affairs and shall be placed before the District Council on the date fixed by the Council within 31st March of a year. The Budget should conform to the system of classification generally followed by Government or as may be advised by the Accountant General (Account & Entitlement and Audit) from time to time. No expenditure should, however, be incurred before the Budget is passed by the Council. The budget as passed by the Council it must be adhered to subject to the provisions of these rules. Soon after these are passed, five copies each of Budget Estimates, Supplementary Demands passed by the Council shall be supplied to the Accountant General and the Examiner of Local Accounts by the Secretary, free of cost.

(2) Expenditure on a new item for which no specific provision has been made in the budget shall not be incurred without the previous sanction of the Executive Committee of the Council Approval of the Council to such expenditure shall be obtained through Supplementary Demand in due course.

(3) In preparation the Budget, care should be taken to see that the grants/contributions received from Government are utilized only for the purpose for which these were given by Government. Any deviation considered

necessary would require prior approval of the Government. Any unspent balance not utilized within the financial year of its sanction, the Grant by the Government must be surrendered.

NOTE :-

Budget provision is no authority for incurring any expenditure which requires the sanction either of the secretary or the Member-in-charge of the Financial Affairs or of the Executive Committee of the Council. The fact of a charge which requires special sanction having been included and passed in the Budget is no authority for it.

122. The Member-in-charge of Financial Affairs has got the full power to sanction re-appropriation from one head to another within the same in the sanctioned Budget.

123.(1) Annual Finance Accounts and Appropriation Accounts shall be prepared by the Member-in-charge of the Financial Affairs of the Council in such form as may be prescribed by the Comptroller and Auditor General of India, who, after obtaining approval of the Executive Committee, shall forwarded the same to the Accountant General (Audit) by the 30th June each year. These accounts duly test-checked locally by the Accountant General (Audit) together with connected audit report shall be submitted to the Governor who shall cause them to be laid before the District Council.

(2) After the Reports of the Comptroller and Auditor General of India are laid before the Councils as provided in paragraph 7 (40 of the Sixth Scheduled to the Constitution of India, action-taken notes on the said Reports shall be submitted by the District Councils to the Governor of the State. The Governor shall give such directions as considered necessary in Public interest to the District Councils.

124. If any money has been spent on any service during the financial year in excess of the amount granted for that service and for that year the Member-in-charge of the Financial Affairs shall present to the Council a demand for such excess. A copy of the excess grant when passed shall be submitted to the Accountant General (Audit) and too the Examiner of Local accounts by the Secretary.

## CHAPTER -II

## LOANS AND INVESTMENTS

125. If the district Council decides on the recommendations of the Member-in-charge of Financial Affairs to raise a loan in furtherance of scheme initiated by the Council, the resolution shall require the concurrence of at least two-thirds members of the Council. The prior advice and the approval of the Governor shall be obtained in all such cases. The responsibilities for repayment according to the stipulated terms and conditions shall, in all cases, devolve on the Department for Financial Affairs, which shall maintain a 'Register of Loans' in the form prescribed for the purpose by the Member-in-charge of Financial Affairs in consultation with the Accountant General.

126.(1) The District Council may, on the recommendation of the Executive Committee and with the approval of the Governor, authorize investments of surplus funds of the District Council in the manner profitable to the District Council and consistent with the safety of the money invested. Usually the investment should be made in the recognized forms of government securities.

(2) The responsibilities for maintaining the Investment Register (in the form prescribed by the Member-in-charge of Financial Affairs in consultation with the Accountant General) and for ensuring timely recovery of the interest accrued in each case shall rest with the Department for Financial Affairs.

**127. LOANS AND ADVANCE TO COUNCIL EMPLOYEES -**

The District Council shall, with the approval of the Governor, frame rules regulating the grant of loans and advances admissible, if any, to the Council employees. If any loans and advances are granted to the employees in accordance with the rules framed as above, detailed records to watch recovery of such loans and advances shall be maintained by the Council in such forms as may be prescribed in consultation with the Accountant General.

PART - VI

CHAPTER -I

**FINANCIAL POWERS**

128. Subject to the provisions of the Mizoram Autonomous District Councils Grants-in-aid Rules, and the Autonomous District Councils Constitution and Conduct of Business Rules, all financial powers in respect of expenditure shall be exercised by the executive committee of the District Council.

129.(1) Subject to the provisions of the Mizoram Autonomous District Councils Grant-in-aid Rules and the Autonomous District Council's Constitution and Conduct of Business Rules the Chief Executive Member shall have the following powers in regard to all the Departments :-

(a) Provided that there is no infringement of any statutory rules or rules having the force of law, to appoint, promote, suspend, reduce, dismiss, transfer and to grant leave and pension to Council Employees.

(b) To fine employees for gross misconduct, insubordination, inefficiency and other like causes and also to remit fines imposed by itself/its

subordinate. The power of revision may be exercised also in cases of fines imposed under law on private parties for breach of conduct and other causes.

(c) To sanction leases and contracts upto Rs.1,00,000/- (Rupees one lakh) only.

(d) To sanction any item of expenditure within budget upto 1,00,000/- (Rupees one lakh) only.

(e) To sanction estimate of public works including additions, alterations and repair upto 2,00,000/- (Rupees two lakh) only.

(f) To sanction excess over estimates of Public Works, if the excess does not exceed 10% (ten percent) of the original estimate.

(g) To write off ant debt or dues owing to the Council upto a maximum of Rs 5,000/- (Rupees five thousand) only.

(h) To write off the value of store or other articles borne on the Stock Registers upto the value of Rs. 5000/- (Rupees five thousand) only.

(i) To confirm the sale and settlement of land, to suspend land revenue on account of failure of crops or other calamity according to rules and to write off the purchase-price of land, the proceeds of which have not been realized.

(2) The District Council shall prescribe the cases, if any, where the powers delegated to the Chief Executive Member shall be exercised with the concurrence of the Department of Financial Affairs of the Council.

## CHAPTER-II

## LAPSE OF SANCTION

130 A sanction for any fresh charge shall, unless it is specifically renewed, lapsed if no payment in whole or part has been made during a period of twelve months from the date of issue of sanction:

Provided that -

(a) When the period of currency of the sanction is specified in the sanction itself, it shall lapse on the expiry of such period.

(b) When there is a specific provision in a sanction that the expenditure would be met from the budget provision of a specified financial year, it shall lapse at the close of that financial year.

(c) In the case of purchase of stores, a sanction shall not lapse if tenders have been accepted or orders have been placed within the period of one year of the date of issue of that sanction, even if the actual payment in whole or part has not been made during the said period.

(d) A sanction in respect of an allowance sanctioned for a post or for class of Council employees, but not drawn by the officer or officers concerned, shall not lapse.

## CHAPTER - III

## RESIDUARY PROVISION

131. Cases may arise for which no provisions have been made in these Rules. In such cases the provisions of General Financial Rules, Central Treasury Rules and Subsidiary Orders made there under and as amended from time to time or the orders issued by the Government, as the case may be will apply mutatis mutandis.

# PART - VII

# STORES

## CHAPTER - I

## GENERAL

132. Some Departments of the Council e.g. the Council Public Works, Forest, Agriculture, etc. may obtain large quantity of stores for consumption, manufacture or other purposes. The Departmental Officers entrusted

with the use or consumption of these stores shall be responsible for maintaining correct records and preparing correct returns in respect of these stores entrusted to them.

133. All materials received should be examined, counted, measured or weighted, as the case may be, when delivery is taken and they should be kept in-charge of a Council employee who should be required to give a certificate that he actually received the materials and recorded them in his appropriate stock Register ( and also Measurement Books where these are maintained).

134. When materials are issued from Stock for Departmental use, manufacture or sale, etc. the Council employees-in-charge of the store should see that the requisition or indent in proper form has been made by a properly authorized person examine it carefully with reference to any orders or rules for the issue of stores and sign it after making suitable alterations under his dated initials, in the description and quantity of materials if he is unable to comply with the requisition in full. The requisition or indent should be returned at once to the requisitioning officer for signature. When materials are issued, a written acknowledgement should be obtained from the person to whom they are delivered or dispatched, from a duly authorized agent.

## CHAPTER - II

## **STOCK ACCOUNTS**

135.(1) All quantities of stores including tools and plants received in or issued from Stock should be entered in the Stock Accounts under the respective heads on the dates the transaction takes place, and balance struck every month which should correspond with the quantities in stock at the close of each month.

(2) The detailed rules for the maintenance of Stock Account of different classes of materials shall be prescribed by the Executive Committee in consultation with the Accountant general (Audit).

136. The balance in stock should be half-yearly verified physically to see whether the balance in hand represents the quantities, any discrepancy, and the book balance set right under orders of the competent authority.

## PART - III
## CONDITIONS OF SERVICE AND OTHER COGNATE MATTERS
### CHAPTER - I

137. All questions regarding pay and allowances (including Travelling Allowances), leave, joining time and additions to pay of Council employees, as also their conditions of service and other cognate matters will be regulated by such rules as may be laid down by the District Council with the previous approval of the Governor, provided that until the promulgation of a new set of rules for the purpose set forth above, the provisions of the rules in the Fundamental Rules and Supplementary Rules as adopted by the Government of Mizoram and amended from time to time together with the Government decisions thereon shall mutatis mutandis apply in the case of all employees of the Council, provided further that the District Council may with the previous approval of the Governor, make such modifications of the rules in the Fundamental/ Supplementary Rules and government decisions as it deems proper in the matter of their application to the cases of council employees. Copies of the orders of the District Council authorizing all such modifications shall be submitted to Accountant General (Audit) in duplicate.

138. The provisions of rule 137 do not apply to those Council employees who may be appointed either under special agreements laying down their conditions of service or on deputation from the service of the Government of India or Government of Mizoram.

139. The District Council shall exercise the powers of State Government under the Fundamental Rules and the Supplementary Rules.

140. The District Council shall, with the approval of the Governor, frame rules regulating the retirement benefits admissible, if any, to the Council employees;

Provided that until such Rules are made by the District Councils under this rule, retirement benefits and ancillary matters relating to the Council employees shall be regulated by the relevant rules applicable to officers and staff under the Government of Mizoram, presently applied.

141.(1) Early in march each year, a detailed statement of the permanent establishments existing on the 1st March shall be prepared in such from and in such manner as prescribed in Appendix XIX and kept on record in the Council Office.

(2) A Register of Service Books shall be maintained in such forms and in such manner as prescribed in Appendix XX and kept on record in the District Council Office.

142.(1) The Service Books should be taken -up annually, say, in April or May for verification by Head of the office, who after satisfying himself that the services of the Council employees concerned are correctly recorded in each Service Book, should record in the Service Book a Certificate in the following from over his signature.

"Service verified upto……. (date) from (the record from which the verification is made).

(2) The Head of the Officer in recording the annual certificate of verification should, in the case of any portion of service that cannot be verified from office records, distinctly state that for the excepted periods (naming them) a statement in writing by the Council employees as well as a record of the evidence of his contemporaries is attached to the Book.

(3) The Head of the Office should also invariable record necessary particulars in regard to temporary and officiating service.

(4) When an officer is transferred from one office to another, the Head of the Office under whom he was originally employed shall record in the Service Book under his signature the result of the verification of service with reference to pay bills and acquittance rolls in respect of the whole period during which the officer was employed under him before forwarding the Service Book to the office where his services are transferred.

(3) The Head of the Office should also invariable record necessary particulars in regard to temporary and officiating service.

(4) When an officer is transferred from one office to another, the Head of the Office under whom he was originally employed shall record in the Service Book under his signature the result of the verification of service with reference to pay bills and acquittance rolls in respect of the whole period during which the officer was employed under him before forwarding the service Book to the office where his service are transferred.

(5) The term 'Service Book' includes 'Service Roll.'

(6) The forms of Service Book and Service Roll shall be prescribed by the Member-in-charge of Financial Affairs with reference to the forms in the state Government Offices.

(7) Services Books must be kept in the custody of the officer in which the Council employees are serving and transferred with them from office to office. The Service Books should not be returned to the employees on retirement, resignation and discharge from service even in cases where he might be paid for it already.

(8) Every Council employees shall be required to subscribe his signature against the entries made in his Service Book once in a year and it is his duty to see that his Service Book is properly kept up and the entries made therein are correct.

(9) Personal certificate of character shall not, unless the Council so directs, be entered in the Services Book, but if the Council employee is reduced to a lower substantive appointment the case of the reduction should always be briefly stated, e.g. 'Reduced for inefficiency', 'Reduced owing to revision of establishment", etc.

(10) Every period of suspension from employment and every other interruption in service shall be noted, with full details of its duration by an entry written across the page and attested by the Head of the Office or other attesting Officer. Head of the Office should take sufficient measures to see that entries are made with regularity.

(11) When a Council employee is transferred, whether permanently or temporarily, from one office to another, the necessary entry of the nature of the transfer shall be made in the Service Book which after being duly verified to date and attested by the Head of Office shall be transmitted to the head of Office to which the Council employee has been transferred, who will thence forward the book maintained in his office.

143. A Register of Lands, Buildings and other properties belonging to the Council shall be maintained by the secretary in the Form as in Appendix XXI.

**144. INTERNAL AUDIT -**

The Council may, with the approval of the Governor and in consultation with the Accountant General (Audit), prescribe a suitable system of internal audit.

**145. EXPENDITURE INCURRED ON SCHEMES -**

The Council shall maintain a separate set of records to show the Schemes sanctioned and undertaken, the expenditure incurred thereon and the result achieved.

**146. AUDIT OF THE ACCOUNTS OF THE DISTRICT COUNCIL -**

The Accounts of the District Council will be subject to audit by the Accountant general (Audit) on behalf of comptroller and Auditor General of India and by the Examiner of Local Accounts.

147. Audit objections and Inspection Reports issued by the Accountant General (Audit) or the Examiner of Local Accounts shall be replied to and settled expeditiously.

## CHAPTER - II

## CONSOLIDATION AND SUBMISSION OF ACCOUNTS

148.(1) The accounts under different heads shall be maintained separately under each budget head in a 'General Ledger' in Form as in Appendix XXII. This Ledger shall be kept in two volumes one for Receipts transactions and the other for Expenditure. Accounts in respect of different Departments shall be recorded in separate pages in the Ledger.

(2) In addition to the General Ledger, a Control Ledger shall also be maintained in form as in Appendix XXIII to record total transactions under all budget heads in a month as recorded in the General Ledger.

149.(1) The Accounts of the Council shall be maintained and submitted to the Accountant General (Audit), Mizoram in the form conforming the Heads of Accounts

prescribed in the 'List of Major and Minor Head of Accounts.

(2) The monthly accounts relating to expenditure on entrusted functions, if any, shall be compiled by the Council and submitted to the Accountant General (Accounts and Entitlement), within 10th of the following month.

## CHAPTER-III

## AGENCY FUNCTIONS

150. Where the execution of any function is entrusted by the Government under sub-paragraph (2) of Paragraph 6 of the Sixth Schedule to the Constitution of India, to any District Council, the concern Council will frame, to maintain and submit to the Accountant General (Account & Entitlement), such accounts in various forms as may be prescribed by the Account General (Account & Entitlement).

## CHAPTER - IV

## REPEL AND SAVINGS

151. The Mizoram Autonomous District Councils (District Fund) Rules, 2006 is hereby repealed;

Provided that notwithstanding such repeal, anything done or any action taken under the repealed Rules shall be deemed to have been done or taken under the corresponding provision or provisions of these Rules.

APPENDIX - I

(See Rule 18(a)

Cash Book of District Council

For the month of_____19_____

| Receipt | | | | | | | | | Expenditure | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Date | Particulars (Full Details with reference to receipt | AMOUNT | | | Total Rs. | Classification | Ledger | Date | Particular (full details of payments). | AMOUNT | | | Total | Classification | Ledger |
| | | Cash Rs. | Try Rs. | Imprest | | | | | | Cash Rs. | Try Rs. | Imprest | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |

APPENDIX - II

Bill Register of the office of the.....

(See clause (j) of Rule 18)

AMOUNT OF THE BILLS (DETAIL HEAD OF ACCOUNTS ETC.)

| Bil No.& Date | Particu - lars of bil | Pay of establishment | Dear ness allow ances | House rent and other allow ances | Contin- gencies | Gross Amount | Deduc tion | Net Amount | Date ini- tial of the Officer signing the bill | No.& Date Cheque drawn at the Treasury | Amount receive from the Treasury | Date of signing acknow ledgement with initial of the Officer sig- ning the bill | Date of receipt Trea- | Date of entry from Cash Book |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |

**APPENDIX - III**
**[See rule 19 and 29 91)]**
**RECEIPT**

Book No…… Receipt No……. Date…….....
Received from ……. Rupees ……
(Rupees ……) in cash on account of …… …….. by cheque.

Reference to Cash Book entry :
Page No……

Signature and designation of
issuing officer

Countersigned

Secretary, Executive Committee,
…… District Council.

APPENDIX - IV
(See Rule 29 (3) and 47)
Register of Receipt Book
Cheque

| Serial no Of entry | Date | Serial no of each receipt cheque book received in stock (give cash book) | Serial no of each eceipt cheque in the books | Signature of Secretary | Date of Issued | To whom issued | Signature of the person to whom issue | Dateof receipt counterfoil of cheque book used receipt book | Balance quantity of receipt books in stock new used | Signature of Secretary |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | New | Used | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

APPENDIX - V

(See - Rule - 31 (a)

Assessment Register for the year, 19.....)

| Serial No. | Name Of the Tax payer | House No. Of the Tax payer | Annual value of holding/ Total Taxes Income etc. | Assessment nature of | Assessment according to the | | Additional colunm | | Total | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Tax | Amount | Tax | Amount | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

APPENDIX - VI

(See Rule - 31 (a)

Demand and Collection Register for the year, 19……..

| Serial No. | Name of Tax payer | Reference to SL No The Register of Assessment | Arrear Demand | Current Demand | Remission/ Suspension if any | | Total Amount collect with No. & Date | | De mand Bill | Balance at the end of theyear | | | | Total | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Arrear De- mand | Current De- | Arrear De- mand | Current De- | | Arrear De- mand | Current De- | Arrear De- mand | Current De- | | |
| 1 | 2 | 3 | 4 | 5 | 6(a) | 6(b) | 7(a) | 7(b) | 8 | 9(a) | 9(B) | 10(a) | 10(B) | 10(c) | 11 |

**APPENDIX - VII**
**PAY BILL FORM**
**[ SEE RULE - 74 (2) ]**

**Detail pay bill of Permanent / Temporary Establishment of the ..... District Council, for the month of ..... 19.....**
**_____ For use by Audit Authorities.**

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
|---|---|---|---|---|---|---|---|---|---|---|
| Sl.No | Name of in-cumbent of designation | Designation | PAY | DP | Total of Pay + DP | Special Pay | D.A | S.C.A | H.R.A | PP |
| | | | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| | | | | | | | | | | |

| 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
|---|---|---|---|---|---|---|---|---|---|---|
| WA | F.A | G r a n t s Total | GPF | IMP DA | GPF* | No. of Instt | I/F | S/F | HBA (P) | No. of Instt |
| Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| | | | | | | | | | | |

| 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | |
|---|---|---|---|---|---|---|---|---|---|---|
| HBA (I) | No.of Instt | HUDCO | No.of Instt | HUDCO (int) | No. of Instt | UC (HBA) | | No.of Instt | P.Tax | No. of Instt |
| Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | | Rs. | Rs. | Rs. |
| | | | | | | | | | | |

| 33 | 34 | 35 | 36 |
|---|---|---|---|
| Total Deduction | Net amount | DN | Remarks |

N.B.

1. Held-over amount should be entered in the appropriate columns (8), (4), ((5), (6), (7) or (8) as the case may be ignored in totaling. Leave salary, the amount of which is not known should similarly be entered in red ink in column (8) at the same rate as pay if he had remained on.
2. In the remarks column (20) should be recorded all unusual permanent events such as deaths, retirement, transferred and first appointments which find no place in the increment certificates or absentee statement.
3. When an increment claimed operates to carry a Government servant over an efficiency bar, it should be supported by a declaration that the Government servant in question is fit to pass the bar.
4. Names of Government servants in inferior service as well as those mentioned in Rule 268 may be omitted form pay Bills.
5. A red line should be drawn right across the sheet after each section of the establishments and under it the total of columns (4) (5) and (9) for the section should be shown in red ink.
6. In cases where the amount of leave salary is based on average pay, a separate statement showing the calculations of average pay duly attested by Drawing Officer should be attached to this Bill.
7. The names of men holding posts substantively should be entered in order of seniority as measured by substantive pay drawn and below those will be shown the post left vacant and the men officiating in the vacancies.
8. Officiating pay should be recorded in the section of the bill appropriate to that in which the Government servant officiates transit pay should be recorded in the same section as that in which the duly pay of the Government servant after transfer is recorded.

APPENDIX - VIII
[See rule 74 (2)]

District Council ……..
Pay bill of other ……..
Name of office ……..

Audit No._____
Head of : Voucher No. of list for
Council of……. Service 19…....

| Monthly rate | Amount |
|---|---|
| Rs. P | Rs. P |
| | |
| | |
| | |

Received for the month of 19 pay as
Allowances as
Allowances as
Allowances as
Total claim
Less fund and other reduction as details on reverse

Rs. P
Income tax in Rs.
Paid for insurance

[attested copy premium receipt (attached)]
Net amount payable (in words)
Rupees ……..

STATION COUNTERSIGNED Twenty paise receipt stamps for sum exceeding Rs.20

Signature of
The _____ 19_____ Controlling Officer

(Signature and Official designation)

Passed for Rupees ( ) FOR USE IN ACCOUNTANT GENERAL'S OFFICE
Admitted ……

Objected ……..

Auditors Suptd Accountant General

The ……..19…. Secretary
Executive
Committee
District
Council.

DEDUCTIONS

Unconvenate :- Rs. P

Service Family Pension Fund
Do Benga and Madras
Postal Insurance
Bengal Christian Family Pension Fund
Hundu Family Annuity Fund
General Family Pension Fund
Installment of Loan or Advance
Income Tax @ on Rs……..
Retrenchment notified by Accountant

Signature of Officer

Note :- The priod for which the Fund subscription was due should be specified when it differs from the period for which pay is drawn.

Note :- The Government of India exercise no supervision over the management of the Hindu Family Annuity and Bengal Christian Family Pension Funds, and is in no way responsible for their solvency.

Note :- When the salary is drawn for the first time in any District either on transfer or return from leave, a certificate should be appended giving the date and hour of making over and receiving charge. A last pay Certificate should also be annexed, in respect of newly appointed officers, the Medical Certificate prescribed in Fundamental Rule 10 should be appended. An increase or charged rate of salary should not be drawn, unless the bill on which it is drawn in either prelude or is accompanied by the Accountant general's authority for the increased rate.

APPENDIX-IX

ABSENTEE STATEMENT FORM (SEE RULE-76)

| Name of absentee | Actual rate payof | Designa tion & rate of pay | Nature absence | Rate of absence allowances per month | to be filled up by audit noffice | Officiating Officer | | (To be filled by audit officer) |
|---|---|---|---|---|---|---|---|---|
| | | | | | | Name | Substantive pay | Officiating pay |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

Note:

1. In column 4 should be stated full (half quarter) pay 'without pay' 'deputation' 'officiating'.....'in transit' 'transferred' to.....'suspended' etc. the date for each being specified as for as possible in column 6 and 7. In case of suspension it should be noted whether or note the period counts for pension.

2. The statement should be divided off into sections corresponding to sections in the bill, only those attachment effecting one section being shown together.

3. Then the leave salary noted in Column 8 differs from that based on the rare of pay noted in the last establishment return, particulars of the calculation should be given in manuscript attached to the first bill in which the leave salary is drawn. If the calculation involved pay drawn outside the officer's substantive section.

   Reference to the vouchers in which sums were drawn should also be given.

4. All charges in the scales of the permanent establishment due to retirements, transfer, death and consequent new appointment and increase and decrease of scale be shown. The number of in any months the fact should be recorded.

# APPENDIX - X
# FORM OF TRAVELLING ALLOWANCES BILL
# RULE - 78 (1)

Travelling Allowances Bills of

Voucher No……

List of payment for 20……

## CERTIFICATE

Certified that I have satisfied myself that the amounts includes in bill

1. previous to this date, with the exception of
2. Months those detail below (which is the total amount
3. Months has been refunded by deduction from this bill) have been disbursed to the officers therein named and their receipts in the Acquittance Roll.

Passed for Rs._____ (Head Office)
Dated…….....20……. Controlling officer
Per Rupees (in word/Figures)
Accountant.

Secretary, Executive Committee,
District Council.

| * One line to be used and others scored out. | |
|---|---|
| For use by Audit Authorities<br>Admitted Rs……<br>Objected Rs……<br><br>For reasons stated……..<br>Auditor. Sudt. | Head of service chargeable |

Travelling Allowances bill of the establishment of ..... For the month of ..... 20.....

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Name | Designation and Headquarter | Actual Pay | Date and hour where necessary vide instruc-tions on the back of the bill journeys and halt | Route | Purpose of journey | Kind of journey, i.e by, Road, Boat, Steamer or Rail-(mail or ordinary) | No. of kilometers | Mileage by road or boat or ctua expenses | All allowances claimed daily allowances | Railway and steamer fares class/ amount single or one and half or | Total of each line | Remarks |

**INSTRUCTIONS FOR PREPARING THE TRAVELLING ALLOWANCE BILLS**

1. Journey of different kinds, and journeys and halts should not be entered on the same line. Only one kind of ales should, therefore, be filled in on the same line and its amount carried out separately into last money column.
2. Hours of journey should be mentioned only -

1) When, for an absence from Headquarters of not more than two consecutive days, daily allowance is claimed for two days.
2) When mileage of actual expenses in lieu thereof are claimed.
3) When both railways or steamer fare and daily allowances are claimed in respect of journey by rail or steamer immediately proceeded or followed by a journey by road or by halt.

3. Number of kilometers travelled should be entered in all cases of journey by road or boat.
4. Permanent travelling conveyance and horse allowances should be drawn along with the pay of the officer and not on Travelling Allowances Bill.
5. Fraction of a kilometer in the total of a bill for any one journey for each person should not be charged for.
6. When the first item of travelling allowance to any Officer is a halt the date of commencement of that halts should be stated in the Remark Column.

Details of actual expenses.

**APPENDIX XI**

In lieu of Assam Schedule III (Section -1) Form No.5 **[ SEE RULE - 78 (1)]**

District Council Schedule

Travelling Allowance Bill of Officers.

District……..

Travelling Allowances bill of
Shri ……..
Office……..
Salary……..

Headquarters ……..Head of service chargeable

Voucher No. of……..list of
Payment for……..20……

| Route | | | | Railways fare steamer | | | | | Distance travelled by road/boat of trolley | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| From | | To | | Single Class (Specific Class | 1/2class (Specific Class) | Actual expense | Day halt | At the rate per | For which mileage is admissible | | |
| Station | Hour of departure | Station | Hour of departure | | | | | | At the rate of per Kilometer | At the rate of per Kilometer | At the rate of per Kilometer |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |

**For which daily allowance admissible**

| At full rates | At half rates 163 (a) supplementary rules | Date of last visit (When required by the Controlling Officer) | Purpose of each visit | Remarks |
|---|---|---|---|---|
| 13 | 14 | 15 | 16 | 17 |

**CERTIFICATE**

Certificate that no travelling allowances have been charged in this bill for journeys performed by any means of locomotion belonging to Government or local fund or on state (63 service Rules) and that no tents carried at the expenses of Government have been used for private purposed during the period for which the above allowances are drawn.

Received Contents

Please pay to ..... Signature of the Officer who travelled.

To avoid correspondence it is requested that such of the appended certificates are necessary may be signed separately in the appropriate case.

A.For Officers supplied with ELEPHANT :

Certified that I had ..... for which hire is deducted from the bill (Appendix XIII) to fundamental Rules and Supplementary Rules.

Signature .....

B. For Officers attending departmental Examination : Certified that this is the 1st , 2nd and 3rd time that travelling allowances has been charged for appearing in the same standard of this departmental examination was obligatory (120 Supplementary Rules).

Signature…….....……

Note :- The fact that a particular subject is not taken up during the officer's first appearance does not entitle him to charge travelling allowance on his third appearance on the ground that the subject is nes one

Signature of the Officer who travelled

C. Court Certified : Certified that I Received nothing from the court etc.

N.B. :- Certificate of the Court should be attached (142 supplementary Rules).

SIGNATURE

# INSTRUCTION FOR PREPARING TRAVELLING ALLOWANCE BILL

1. Journey of different kinds and journey and halts should not be entered on the same line.
2. Number of Kilometers travelled should be entered in all cases of journeys by road or boat.
3. Permanent travelling, conveyance and horse allowances should be drawn along with the pay of officers and not in travelling allowances bills.
4. Fraction of kilometers in the total of a bill for any one journey should not be charged for.
5. When the first item of travelling allowance to any officer is a halt, the date of commencement of that halt should be stated in "Remarks" column.
6. Totals of column 13 & 14 will not be of the kilometers travelled but of the days concerned.
7. Travelling allowances bill may, if desired to enfaced for payment to a Banker of Agent and submitted for collection through such Banker or Agent; this will obviate the necessity of the officer's attendance in person or by messenger as payment may then be made direct to the Banker or Agent.

---

| | | | | |
|---|---|---|---|---|
| Railway and steamer fares (Column 6&7) kilometers by Road at ..... Paise per kilometer (column 10) | Rs. P | Memo allotment for 20.... to 20..... | Rs. P | Passed (date) |
| Kilometers by road at ..... Paise per Kilometer (column-11) | | Expenditure including this bill | | District Officer |
| Actual expenses (Column 8)<br>Total .....<br>Single .....<br>Deduct ..... Permanent Travelling allowances.....<br>Double. | | | | |

2. Certified that all the articles detailed in the vouchers attached in the vouchers attached to the bill and in those retained in my Office have been accounted for in the stock Register.

3. Certified that the purchased billed for have been received in good order, that their quantities and the market rates and that suitable notes of payment have been recorded against the indents and invoices concerned to prevent double payments.

Appropriation for the current year .....
Expenditure included in this bill .....
Amount of works-bill annexed .....
Received contents balance available .....

Signature and Designation
Drawing officer

Dated ..... 19....

This Certificate is required when proper store accounts of materials and stores purchased are required to be maintained.

---

Pay Rs..... (in words) and figure .....

Examined
Accounted

Secretary, Executive Committee,
District Council.

---

For use by AuditAuthorities.

Noted on page ..... of P/C/Audit Register
Admitted Rs. .....
Objected to Rs. ..... for reasons stated below :-

Auditor.

Superintendent.

Days [72 S.R] Deduct rent due to Govt. [under 164 S.R] for days at ..... Net claims Balance

---

Rupees .....

Dated ..... Controlling Officer.

---

Pay Rupees ..... Secretary

Dated ..... Executive Committee.

..... District Council.

---

**FOR USE IN COMPTROLLER'S OFFICE**

Distance accepted, rates and calculation checked and found correct. Entered in the Audit Register.

Admitted Rs…… Objection to Auditor……

Auditor……..Auditor…… for reasons stated.

Superintendent……

**APPENDIX - XII**
**Form of bill for contingent charges**
**(See rule 87)**

| | | | |
|---|---|---|---|
| District Council | Bill for contingent the..... For the month of | Charges | Voucher no. of list of payment for 19.... |

**HEAD OF SERVICE**

| Serial No. Sub-Vouchers | Detailed head of charges with description where necessary and quotation of authority for charge requiring special sanction. | Amount | Details of expenditure |
|---|---|---|---|
| Police rewards (To outsiders) | | | |
| Rewards to outsiders jutots (Administration of justice) | | | |
| Diet and conveyance of under, trail prisoners (Lock-ups) | | | |
| Diet of patients (Medical and Public health) | | | |
| Rewards for the destruc-tion of wild animals (Miscellaneous) | | | |
| Hospital Expenses of wounded persons (Administration of Justice) | | | |
| Process serving charges (General Administration of justice) | | | |
| Medical stores. | | | |
| Job (contract) works. | | | |

| Secial No. of | Detailed head of charge (with description where necessary) and quotation of authority or charges requiring special sanction. | Amount | Detailed of expenditure |
|---|---|---|---|
| | Brought forward | Rs. P | Rs. P |
| | Allowances to District and Village Officers (Central Administration). Charges for enforcement to Town and Village (petty establishment). | | |
| | Demarcation of boundaries and jungle clearing (Land Revenue) | | |
| | Rates and Taxes (non-voted) Election charges (Local bodies) pay and contingency works Repairs-repairs works Repairs-Rates and Taxes. | Rs. P | Rs. P |
| | Other miscellaneous contingencies Leveries and Warm clothing, partition Charges (Land revenue), Record Room charges. | | |
| | Rewards under the grazing rules (outsiders), Seeds, Plants, Manure Petty Estt) Food of impounded cattle (Cattle pound) Total other miscellaneous Contingencies. | | |
| | | Total Rupees (In words) | |

Details should be furnished in the space provided below each head and when this space is not sufficient, use this column, when this column is insufficient, the details may be furnished in a separate sheet of paper which should be attached to the bill.

1. I certify that the expenditure charged in this bill could not, with due regard to the interests of the public service. I certify that to the best of my knowledge and behalf the payments entered in this bill have been duly made to the parties entitled to receive them, with the executions noted below which exceed the allowance of the payment advance and will be paid on receipt of the money drawn on this. Vouchers for all items of expenditure above Rs.25/- in amount and all works bills are attached to this bill save those noted below, which will be forwarded as soon as the amounts have been paid. I have, as far as possible, obtained vouchers for other sums and I am responsible that they have been destroyed, or so defaced or mutilated that they cannot be used again.

2. Certified that all the articles detailed in the vouchers attached to the bill and in those retained in my Office have been accounted for in the stock Register.

3. Certified that the purchased billed for have been received in good order, that their quantities are correct and their quality good, that the rates paid are not in excess of the accepted and the market rates and that suitable notes of payment have been recorded against the indents and invoices concerned to prevent double payments.

(ii) Civil Advances

## APPENDIX-XIII

**(see rule 102).....District Council**

**Register of works**

Name of work

No. and date of sanction

| Month | Particulars of expenditure | Charges of the month | Total charges uptodate | Signature of the Secretary |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |

## APPENDIX-XIV

**(See Rule 106)**

**Stock Register of Measurement Book.**

| Serial No. | Date | Serial No. of each MB recovered in stock (give one line for each Book) | Signature of Secretary | Date of Issue | To whom issued | Signature of person to whom issued | Date of receipt ofused up | Balance quantityof MB'sin stock | | Signature of Secretary |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | New | Used | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

**APPENDIX XIV**
**(See Rule 106)**
**Stock Register of Measurement Book**

| Sl. No | Date | Seraial No. of each M.B. recovered in stock (give one line for each Book) | Signature of Secretary | Date of issue | To whom issued | Signature of person to whom issued | Date of receipt of used up Books | Balance quantity of M.B.'s in stock New Used | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

**APPENDIX XV**
**(See Rule 108)**
**Contracvtor's Ledger**

| Sl. No of Item | Name of Work | Date | Particulars of Advance(including value of Materials) | Reference to Vouchers Entry in Stock Register | Date of Adjustment of the advance | Account of Adsvance Adjusted (including Value of Materials) | Reference to Vouchersfrom Recoveries have been affected | Balance |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

**APPENDIX-XVI**

**(See Rule 113) (1)**

Bill for Refund of Revenue

District Refund of Revenue Voucher No.

Head of servicechargeable: Deduct refunds (Name of Revenue Head) List of payment for 19

| In whose name Credited | on what account credited | Amount realised | Date of payment into the current account total (in words)Rupees | Amount in which in cluded and head on which credited | Secretary's Signaturein token of verification of Treasury | Name of payees | Amount to be refunded |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

(1) Certified that this order of refund has been registered and noted against the original receipt entry in the department amouni under my initials and previous order for refund of the same sum has not been issued.

(2) Passed for payment under section given in
Receipt payment.....
Secretary, Executive Committee, for use in Accountant General's Office
District Council Refund not in final statement
Claimant signature
.....pay Rupees.....( ) Objected Supdt. Admitted.
Auditor
The 19 Cashier/Accountant, Secretary of the Executive Committee
District Council

Note : In the cases where refunds of fines are permitted to be made direct from Treasuries of Sub - Treasuries other than those at which they were credited, the entry in column 5 should include the name of the Treasury or Sub - Treasury in which the amount was credited and column 6 should be filled up by the Treasury Officer at the Headquarters (Not Sub-Treasury)

Chairman.....District Council.

Travelling Allowances bill of the establishment of …… For the month of …… 20……

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Name | Designation and Headquarter | Actual Pay | Date and hour where necessary vide instruc-tions on the back of the bill journeys and halt | Route | Purpose of journey | Kind of journey, i.e by, Road, Boat, Steamer or Rail-(mail or ordinary) | No. of kilometers | Mileage by road or boat or ctua expenses | All allowances claimed daily allowances | Railway and steamer fares class/ amount single or one and half or one and three fourth | Total of each line | Remarks |

**INSTRUCTIONS FOR PREPARING THE TRAVELLING ALLOWANCE BILLS**

1. Journey of different kinds, and journeys and halts should not be entered on the same line. Only one kind of ales should, therefore, be filled in on the same line and its amount carried out separately into last money column.
2. Hours of journey should be mentioned only -

1) When, for an absence from Headquarters of not more than two consecutive days, daily allowance is claimed for two days.
2) When mileage of actual expenses in lieu thereof are claimed.
3) When both railways or steamer fare and daily allowances are claimed in respect of journey by rail or steamer immediately proceeded or followed by a journey by road or by halt.

3. Number of kilometers travelled should be entered in all cases of journey by road or boat.
4. Permanent travelling conveyance and horse allowances should be drawn along with the pay of the officer and not on Travelling Allowances Bill.
5. Fraction of a kilometer in the total of a bill for any one journey for each person should not be charged for.
6. When the first item of travelling allowance to any Officer is a halt the date of commencement of that halts should be stated in the Remark Column.

Details of actual expenses.

**APPENDIX-XVII**
**(See Rule 114)**

Deposit ledger/Register
Name.....

Deposit refunded to the..... Deposit received from the.....
depositor or, lapsed to revenue depositor

| Name | Particulars | No.of | Amount | Total | Date | Particulars | No. of item in pass book if received in cash of No of voucher if by deduction from bills | Amount | Total | Amount remaining at depositor's credit after each transaction |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

**APPENDIX - XVIII**
[See Rule 115 (2)]
Register of interest Bearing Securities

| Sl.No.` | Name party | Date of Deposit | Particulars of Securities receipts. | Dated signature of the secretary | No. & Date of release order | Dated signature of Secretary | Dated signature of the party | Remarks. |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

**APPENDIX -XIX**
**[See Rule 141 (1)]**
**ESTABLISHMENT RETURN FORM FORM 'A'**

| Orders of Competent authority creating the | Date of ap-point-mentof present Incumbentto the post with indication of nature of appointmrnt (eg officiating, provisional | Name of sanctioned post | Date of incumbent's birth by Christian | Serial No. of post in each class | Name of post | Pay of post | Pay of present incumbent (Total of each sanc-tioned) | Date of last increment | Remarks (including note of efficiency bar where |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

Compared with Service Books and found correct.

Signature of the Head of Office

**APPENDIX-XX**
**(See Rule - 141) (2)**
**REGISTER OF SERVICE BOOK**

Office of the.....

Proforma.....

| SI. No | Name of Employee | Designation | Date of Appointment | Date of birth | Date of superannuation | Initial of the Head of Office | Initial of the Inspecting Auditor |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

Note :- (i) Column 7 should be initialed by the Office in token of having done the verification.
(ii) ‘ Column 8 should be initialed by the Inspecting Auditor in token of having done the verification,
(iii) The register should contain sufficient pages (inner sheets) to cover a number of years, say 20 to 25.

**APPENDIX-XXI**

Register of Land and Buildings and other properties **(See Rule 143)**

| Sl. No | Date of acquisition | Particular of property | Price paid | Where placed | Date | Disposal | | Signature of | Remarks |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Manner of disposal | Amount realised if sold | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

**Receipt**
**Expenditure**

**APPENDIX-XXII**
**[See Rule 148 (2)]**

**According to the classification under budget head items-wide**

| Date | Brief Particulars | Amount | C.B. Folio | Progressive Total |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |

**Receipt**
**Expenditure**

**APPENDIX-XXIII**
**[See Rule 148 (2)]**

**Group of Items (as per budget**

| Month | Brief Particulars | Amount | Progressive Total |
|---|---|---|---|
| 1 | 2 | 3 | 4 |

**ANNEXURE – A**
**(See Rule 7 (a))**

**HEADS OF ACCOUNT FOR DISTRICT COUNCIL**
**PART I : DISTRICT FUND OF THE COUNCIL**
**A. RECEIPT HEAD (REVENUE ACCOUNT)**

| Major Head | Minor Head | Detailed Heads |
|---|---|---|
| 1 | 2 | 3 |
| I. Taxes on Income and Expenditure | Taxes on profession Trade, Callings and Employment. | (i). Share received from the State Government on Taxes on Profession, employment. |
| | | (ii) Direct collection of taxes on profession, trade, callings and employment. |
| | | (iii) Collection of professional Tax |
| | | (iv) Trade license fees. |
| | Income Tax deducted at source Land Revenue/Tax | (i) Income Tax collection. |
| | | (ii) Deduct amount paid to Income Tax Department. |
| | | (iii) Original Revenue |
| | | (iv) House Tax |
| | | (v) Conversion of annual land into periodic patta |
| | | (vi) Premium for settled land. |
| | Other Receipts. | (i) Income from cattle pounds and grazing fees. |
| | | (ii) Receipt from Survey and Demarcation fees. |
| | | (iii) Other Miscellaneous receipts. |
| III. Stamps and Registration fees. | Court fees realised in Stamps | Sale proceeds of Court fee stamps |
| | Other Receipts | Sale of other stamps. |
| IV. Taxes on Vehicles. | Share of motor Vehicles Tax received from Govt. | Share of motor Vehicles Tax received from Government. |
| | Other receipts. | Taxes on carts cycles and boats. |
| V. Interest Receipts. | Interest on Loans and Advances to District | Interest on Loans and Advances to district Council Employees. |
| VI. Stationery | Stationery Receipts | (i) Sale of Stationery |

| | | | |
|---|---|---|---|
| And Printing | | (ii) | Sale of Forms, Rules etc. |
| | Other Receipts | (i) | Any other receipts. |
| VII. Public Works. | Rents | (i) | Rents received from the employee for occupation of Council Buildings. |
| | | (ii) | Recoveries from Central and State Government. |
| | | (iii) | Rents for other residential and non – residential buildings. |
| | Other Receipts. | (i) | Income from Motor Workshop. |
| | | (ii) | Receipts on account of lapsed. Deposits fine for dab work. |
| | | (iii) | Other items. |
| VIII. Other administrative of Justice | | | |
| A. Administration of Justice | Service and Service fees | | (i) Certifying fees, |
| | | (ii) | Application fees. |
| | Fine and forfeitures | (i) | Fines and confiscations imposed realised by Judicial Officer of the District Council. |
| B. Other Services | Other Receipt. | | (i) Income from Members Hostels. |
| | | (ii) | Income from District Council loans. |
| | | (iii) | Other miscellaneous receipts. |
| IX. Education | Tuition and other fees. | (i) | Tuition fees |
| | | (ii) | Examination fees. |
| | Other Receipts. | (i) | Other receipts. |
| X. Public Health Sanitation and Water Supply | Receipts from Rural Water Supply scheme. | (i)<br>(ii) | Water tax and water connection charge under Rural Water Supply Scheme. |
| | | (ii) | Service fees, fines etc. |
| | Other receipts | | Other receipts. |
| XI. Other General Economic Services | Grants-in-aid from non Govt. bodies | | (i) Receipts from District Council Markets. |
| | | (ii) | Rent from Bazar Stalls |

| | | | |
|---|---|---|---|
| | | (iii) | Share from other Markets. |
| | | (iv) | Taxes/Tolls on entry of goods into markets. |
| | | (v) | Other receipts. |
| XII Fisheries. | Rents | | Receipts from auction of fishing right. |
| | Licence fees, fines etc, | | Receipts from licence fees, fines etc. |
| | Sale of Fish, fish seeds etc | | Receipts from sale of fish, fish seeds etc. |
| | Other receipts. | | Other receipts. |
| XIII. Forest. | Sale of timber and produce. | (i) | Royalty on timber and other forest other forest Produce |
| | | (ii) | Sale proceeds of timber, fire woods, bamboo, cane thatch, patinds bark etc. |
| | | (iii) | Receipts from slae of coups, marshals. |
| | | (iv) | Receipts from drift and waif wood, confiscated forest produce. |
| | Other Receipts. | (i) | Share of elephant mahal, fees for elephant hunting operation, receipt from elephant grazing permit. |
| | | (ii) | Rent of District Council elephant. |
| | | (iii) | Receipts from minor minerals of the Forest Department. |
| | | (iv) | Receipts on account of Forest offences. |
| | | (v) | Share from private forests. |
| | | (vi) | Hammer registration and renewal. |
| | | (vii) | Misc. Forest receipts. |
| XIV. Mines and Mineral | Mineral concession fee | (i) | Royalty on major minerals. |
| | Rents and Royalties. | (ii) | Royalty on minor minerals |
| | | (iii) | Share from Government on mineral receipt. |
| XV. Road and Bridges. | Tolls on Road | (i) | Ferry receipts and sale proceed of |
| | Ferry Ghats. | (ii) | Tolls and passengers and goods. |
| | Other receipts | | Receipts that partake the scope of the above two items. |
| XVI. Roads and Transport | Road Transport services. | (i) | Income from Road Transport. |

| | | | |
|---|---|---|---|
| | Services. | (ii) | Share from Govt. Road transport. |
| XVII. | Grants-in-Aid from State Govt | Land Survey | Grants for land survey under Hill plan. |
| | | Forests. | Grants for Hill Development Scheme (Forest) |
| | | Social Security and (i) | Grants for construction of Cultural Welfare Club, Children park, Play ground etc. |
| | | (ii) | Grants for self-help Schemes, Beautification Schemes, etc. |
| | | Roads and Bridges. | Grants for construction, repairs Maintenance of major and minor bridges roads etc. grants for Rural Communication. |
| | | Public Health, Sanitation(i) | Grants for construction of Water supply |
| | | and Water Supply | Schemes, Sanitation, drainage agricultural schemes. |
| | | Education Agriculture | Grants for primary education. Grants for land reclamation and other agricultural schemes. |
| | | Minor Irrigation. | Grants for minor irrigation schemes. |
| | | Other grants | Grants for meeting the normal expenditure of the District Council. |

B. REVENUE – EXPENDITURE HEADS.

| Major Head | Minor Head | Detailed Heads |
|---|---|---|
| 1 | 2 | 3 |
| 1. District Council | District Council | Pay and allowances of the Chairman, Dy. Chairman and Members of the District Council. |
| | Secretariat | Pay and allowances "Other Expenditure". |
| | Election | Expenditure on election to District Council. |
| 2. Executive Member | Salary of Executive Member | Payand allowances of the Chief Executive Member and members of the Executive Committee. |

| | | | | |
|---|---|---|---|---|
| | | Discretionary grants by Executive Members. | | Discretionary grants by Chief Executive Members.and other Executive Member a |
| 3. | Administration of Justice | Judicial Courts | (i) | Pay and allowances of the Judicial Officer and establishment of the Judicial Department. |
| | | | (ii) | Other Charges. |
| 4. | Land Revenue | Direction and Adminis Tration. | (i) | Pay and allowances. |
| | | | (ii) | Other Charges. |
| | | Survey & Settlement operation. | (i) | Pay and allowances. |
| | | | (ii) | Other charges. |
| | | Land Records. | (i) | Pay and allowances. |
| | | | (ii) | Other charges. |
| | | Other Expenditure | (i) | Feedings charges of impounded Cattles. |
| | | | (ii) | Expenditure on eviction charges. |
| 5. | Stamps & Registration. | Cost of Stamps | (i) | Value of Stamps purchased from Government. |
| | | | (ii) | Discount to vendors. |
| 6. | Interest Payment | Interest on State Govt. Loans | | Interest on Loans from Govt.Interest on contributory provident fund. |
| 7. | Secretariat General Services | Secretariat | (i) | Pay and allowances. |
| | | | (ii) | Other charges |
| 8. | Stationary & Printing | Council Press | (i) | Pay and allowances. |
| | | | (ii) | Other Charges. |
| 9. | Public Work | Direction and Administration | (i) | Pay and allowances |
| | | | (ii) | Other charges |
| | | | (iii) | Expenditure on Construction of Buildings. |
| | | | (iv) | Expenditure on construction of approach Road to Buildings. |
| | | Maintenance & Repairs | (v) | Expenditure on the maintenance and repairs to Buildings. |
| | | Furnishing public Works Shops | | Cost of furniture and otherServices Expenditure on vehicle & Workshop,Establishment of P.W.D. |
| 10. | Pension & Other Retirement | Superannuation & retirement allowance. | | Pension paid to District Council EmployeesGratuities paid to |

| | | | |
|---|---|---|---|
| | Benefits | Gratuities. | District Council. |
| | | Contributions to Pension & Gratuities | Contributions to pension & Gratuities paid to other Govt. Department. |
| | | Contribution to Contributory provident Fund. | District Council's share of Contribution to provident Contributory Fund. |
| 11. | Education | Direction & Administrations | (i) Pay and allowances of the Executive Staffs & Establishment of the education Department. |
| | | | (vi) Grants for Self Help Schemes, Model Village Schemes. |
| | | | (vii) Grants to Village Committee for General Purposes. Other grants for specific purposes will be classified under functional Major Heads. |
| | | | (viii) Other Works. |
| 17. | Relief on account of Natural Calamities | Gratuitous Relief | Relief to victims of Natural Calamities. |
| 18. | Other General Economic Services | Other Expenditure | (i) Expenditure of improvement of Markets. |
| | | | (ii) Pay & allowances of Bazar Supervision. |
| | | | (iii) Other Charges. |
| | | | (iv) Expenditure on election to bodies other than District Council. |
| | | | (v) Other Works. |
| 19. | Agriculture | Direction & Administration. | (i) Pay & allowances |
| | | | (ii) Other Charges. |
| | | Agriculture Education. | Stipends for Agricultural Students. |
| | | Other Expenditure | (i) Land Reclaimation. |
| | | | (ii) Other Works. |
| 20. | Soil Conservation & Minor Irrigation | Minor Irrigation Scheme | (i) Expenditure on Land reclamation and minor irrigation schemes. |
| | | | (ii) Other works. |
| 21. | Fisheries | Direction & Administration | (i) Pay and allowances |
| | | | (ii) Other charges. |
| | | Inland Fisheries | (i) Expenditure on improvement of Fisheries |
| | | | (ii) Other works. |

| | | | |
|---|---|---|---|
| 22. Forest | Direction & Administration. | (i) | Pay and allowances |
| | | (ii) | Other charges. |
| | Forest Conservation | (i) | Expenditure on improvement of Forests. |
| | | (ii) | Hills Dev. Schemes (Forest) |
| | | (iii) | Survey & Demarcation of Reserve Forests. |
| | | (iv) | Other works. |
| | Plantation Schemes | (i) | Forest Plantation works. |
| | Communications | (ii) | Construction, repair & maintenance |
| | Building | | of Departmental Buildings Forest boundary check gates. |
| 23. Roads & Bridges | District and other Roads | (i) | Construction of Roads & Bridges. |
| | | (ii) | Maintenance and repair of roads bridges, foot paths. |
| | | (iii) | Other works. |
| 24. Road Transport Service. | Direction & Administration | (i) | Pay and allowances of Driver, handyman & other staff |
| | | (ii) | Other charges. |
| | Working Expenses | (i) | Management |
| | | (ii) | Operation. |
| | | (iii) | Repairs and maintenance |
| | | (iv) | Other expenditure. |
| 25. Rural Development | Direction & Administration. | (i) | Pay and allowances of employees |
| | Rural Communication | (i) | Construction of Jeep Roads |
| | | (ii) | Construction of Boat |
| | | (iii) | Maintenance of Roads in the interiors. |
| | | (iv) | Maintenance of ferris |
| | | (v) | Other works. |
| 26. Industry | Promotion of small | (i) | Grants-in-aid to small scale Industries |
| | Scale Industries | | units. |
| | Working expenses | (i) | Expenditure on Industrial Demonstration. |
| | | (ii) | Other Expenditure. |
| 27. Animal | Direction & Adminis- | | Pay and allowances of Officers and Staff |
| Husbandry | tartion | (i) | Expenditure on purchase of improved |
| & Veterinary | Promotion of Animal | | breed of cattle |
| | Husbandry&Veterinary | (ii) | Grant-in-aid to Cattle Farmers. |

| | | | |
|---|---|---|---|
| | | (iii) | Other expenditure. |
| 28. Community | Direction and Adminis | (i) | Pay and allowances of Officers and staff Development tration |
| | | (ii) | Construction of Community Hall, Playground |
| | | (iii) | Purchase of Musical Instruments. |
| | | (iv) | Other Expenditure. |

## C-CAPITAL ACCOUNTS (RECEIPTS AND DISBURSEMENTS)

(Transactions classed as Capital by the Council under the provision of note below Rule 8)

The expenditure on Capital Outlays shall be classified with relevance to the functions and objects in the Revenue Accounts and the code number assigned to the Capital Major Head should be double of the code number assigned in the Revenue Section and the detailed heads along with their number followed as far as practicable. Additional detailed heads may be opened, if necessary, to suit with the objectives of the expenditure. For instance, the expenditure under Capital Outlay of 'Forest & Conservation' shall be assigned Major Head of '44 Forest & Conservation', that of 'Roads & Bridges', that of Road Transport Services', 48 Road Transport Services', and so on. Receipt under this Major Head of Account other than revenue of the Council will be credited to the works concerned under this major Head of Account and will be taken as reduction of expenditure.

D- PUBLIC DEBT :-

(a) Internal dept of the Council

(b) Loans and Advances from the State Government

(c) Other Loans and Advances.

PART - II

E - DEPOSIT FUNDS

(i) Savings Deposit

(ii) Provident Funds

(iii) Pension Funds

(iv) Insurance Funds.

(v) Other Funds.

F - ADVANCES

(i) Council Advances

(iii) Other Advances.

Sd/-
Commissioner/Secretary
District Council Affairs Deptt.,
Govt. of Mizoram.

**NOTIFICATION**

NO.C.11018/2/2006 - DCA, the 30th September, 2010. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules of the Lai Autonomous District Council, which received approval of the Governor of Mizoram on 20.10.2010 is hereby published for general information, namely,

**THE LAI AUTONOMOUS DISTRICT COUNCIL**
**(Constitution, Conduct of Business etc.) Rules, 2010.**

P.Chakraborty
Commissioner & Secretary,
Government of Mizoram,
District Council Affairs Department.

In exercise of the powers conferred by sub-paragraph (7) of paragraph 2 of the Sixth Schedule to the Constitution, read with paragraph 20 BB of the said Schedule, the District Council of the Lai Autonomous District, with prior approval of the Governor of Mizoram, makes the following rules, namely

## CHAPTER -I

## PRELIMINARY

**1. Short title and Commencement -**

(1) These rules shall be called the Lai Autonomous District Council (Constitution, Conduct of Business etc) Rules, 2010.

(2) They shall be deemed to have come into force on and from the 4th day of October, 2010.

**2. Definition -**

In these rules, unless the context otherwise requires -

(a) "Chairman" means the Chairman of the Lai Autonomous District Council and includes any other member for the time being performing the duties of the Chairman.

(b) "Chief Executive Member" means a leader of the house of the District Council elected by majority members of the District Council.

(c) "Constituency" means a constituency for the purpose of election to the District Council of Lai Autonomous District and as delimited from time to time.

(d) "Constitution" means the Constitution of India.

(e) "Corrupt practices" means any of the practices mentioned in rules 205 and 206 of these Rules.

(f) "Deputy Commissioner" means the Deputy Commissioner of Lawngtlai District and includes an Additional Deputy Commissioner of

the said District, in the absence of the Deputy Commissioner.

(g) "District Council" means the District Council of the Lai Autonomous District, constituted in accordance with the provisions laid down in Paragraph 2 and paragraph 20 B of the Sixth Schedule to the Constitution of India.

(h) "District Fund" means the District Fund of the Lai Autonomous District under paragraph 7 of the Sixth Schedule.

(i) "Election" for the purposes of these rules means an election to fill a seat or seats in the District Council.

(j) "Elector" means a person whose name is for the time being entered in the electoral roll of that Constituency prepared under these Rules.

(k) "Executive Committee" means the Executive Committee of the District Council of the Lai Autonomous District, as formed under these rules.

(l) "Governor" means the Governor of Mizoram.

(m) "Illegal Practices" means any of the practices defined and specified in rule 207 of these Rules.

(n) "Lai Autonomous District" means an area deemed as such under paragraph 2, paragraph 20 and 20 B of the Sixth Schedule to the Constitution of India.

(o) "Member" means member of the District Council of Lai Autonomous District.

(p) "Motion" means a proposal made by a member for consideration of the District Council relating to any matter which may be discussed by the said Council and includes a proposal for an amendment of a resolution.

(q) "Official Gazette" means the Mizoram Gazette.

(r) "Resolution" means a motion for the purpose of discussing a matter of general public interest.

(s) "Schedule Tribe or Tribes" means the tribe or tribes as specified by the President of India under Article 342 91) of the Constitution of India and as modified by law by the Parliament from time to time in so far as the specification pertains to the State of Mizoram.

(t) "Secretary" means Secretary to the District Council of the Lai Autonomous District, as appointed under these Rules.

(u) "Secretary to the Government" means the Secretary to the Government of Mizoram in the District Council Affairs Department.

(v) "Session" means the whole period from the time the District Council assembles on being summoned till the time it is prorogued by the appropriate authority under these Rules.

(w) "Sixth Schedule" means the Sixth Schedule to the Constitution of India.

(x) "State Government" means the Government of Mizoram.

**3. Interpretation in case of doubt -**

(1) Except where the context otherwise requires the General Clauses Act, 1897, as adapted by the State Government shall apply for interpretation of these Rules as they apply for the interpretation of an Act of Parliament or of the Legislature of the State of Mizoram, as the case may be.

(2) Subject to the provision of sub-rule (1), if any question arises as to the interpretation of these Rules, it shall be referred for the decision of the Governor and the decision of the Governor shall be final.

**4. Provisions for removal of difficulties -**

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

## CHAPTER - II

## DISTRICT COUNCIL - COMPOSITION - DELIMITATION ETC.

**5. Constitution of the District Council -**

(1) Subject to the provisions contained in Paragraph 2 of the Sixth Schedule, there shall be District Council for the Lai Autonomous District comprised of the Tribal area of Lai District specified in part III of the table appended to paragraph 20 of the Sixth Schedule to be known as the District Council of the Lai Autonomous District and shall by the said name only sue and be sued.

(2) The District Council shall continue to be a body corporate and shall have perpetual succession and a common seal.

(3) Subject to the provisions of the Sixth Schedule, the administration of the Lai Autonomous District shall be deemed to have vested in the Lai Autonomous District Council.

Provided that the Legislative function dischargeable under the Sixth Schedule shall vest in the District Council itself while the Executive functions shall vest in its Executive Committee constituted under these Rules and the judicial functions in the courts constituted under paragraph 4 of the said Schedule.

**6. Composition of the District Council -**

(1) The District Council shall consist of such

number of members chosen by direct election from territorial constituencies in the Autonomous District and also nominated as specified in sub-paragraph (1) of paragraph 2 of the Sixth Schedule.

(2) The composition of the District Council and the allocation of seats therein as between elected and nominated members shall be such as the Governor may, by notification in the official Gazette, determine from time to time.

(3) The constituencies for election to the District Council shall be territorial while the constituencies, respective extent thereof and the number of seats to be filled from such constituencies shall be such as may be determined by the Governor in the manner hereinafter prescribed.

(4) The members to be nominated by the Governor under these Rules subject to the provisions contained in sub-paragraph (1) of paragraph 2 of the Sixth Schedule shall be recommended by the Chief Executive Member from amongst the persons having requisite qualification for being a member of the District Council.

**7. Delimitation of Constituencies -**

(1) For the purposes of direct election of

members to the District Council as provided in sub-rules (1) and (3) of rule 6 of these Rules, the Lai Autonomous District shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, as far as practicable, be the same throughout Lai Autonomous District.

Explanation :-

In this sub-rule, the expression 'population' means the population as ascertained in the last census of which the relevant figures have been published.

(2) Upon the completion of each Census the total number of seats in the District Council to be filled up by direct election and nomination by the Governor, and the division of the Autonomous District into territorial constituencies shall be readjusted by the State Government in the District Council Affairs Department after publishing the draft proposals inviting objection thereto in the leading local newspapers and the official Gazette, to be submitted within a specified time and after due consideration of the same;

Provided that such readjustments shall not effect representation in the District Council until the dissolution of the then existing Council;

Provided further that such readjustment shall take effect from the date as the Governor may, by order, specify and until such readjustment takes effect, an election to the District Council may be held on the basis of the territorial constituencies existing before such readjustment.

(3) Any such delimitation of constituencies for the purpose of general election to the District Council and the adjustment of seats thereto shall be made only on the basis of recommendation of a delimitation Commission to be constituted with the Deputy Commissioner as Chairman, Secretary to the District Council as Member - Secretary and representative of the recognized political parties as may be notified by the Governor.

Provided that the Delimitation Commission so constituted shall function in consonance with the terms of the reference as may be made by the Governor.

**8. Duration of the District Council -**

(1) The District Council, unless sooner

dissolved, shall have its ordinary life of five years from the date of appointed for its first meeting after the General elections to the Council.

Provided that subject to the provisions of sub-paragraph (6 A) of paragraph 2 of the sixth Schedule, the said period may be extended by the Governor by notification in the Official Gazette for a period not exceeding one year.

(2) The elected members of the District Council shall hold office during the life of the District Council, as provided in sub-paragraph (6A) of paragraph 2 of the Sixth Schedule, and the nominated members shall hold office at the pleasure of the Governor, but not beyond the normal term of the Council to which they have been nominated.

**9. Qualification of Membership -**

Subject to the provisions contained in Chapter -III of these Rules, a person shall not be qualified to be elected as a member of the District Council, unless he-

(a) Is a citizen of India

(b) Is not less than 25 years of age.

(c) Is a member of an indigenous Schedule Tribe and is a permanent resident of Lai Autonomous District by birth or decent: and

(d) Is entitled to vote at the election of the Member of District Council of that Autonomous District.

Explanation :-

For the purposes of the clause (b) above, a candidate shall not be accepted to be qualified unless he has attained the age specified in the clause (b) above on the date fixed for the scrutiny of the nomination papers.

**10. Vacation of seats -**

(1) No person shall be a member of the District Councils of two or more Autonomous Districts simultaneously, and if a person is so elected as a member of two or more District Councils, then at the expiry of twenty one days from the date of publication in the official Gazette, of the declaration that he has been so elected,

or if such publication has been made on different dates, from the latest of such dates, then the person's seat in the District Councils of all such Autonomous Districts shall become vacant, unless he has previously resigned his seat in the District Councils of all but one of the Autonomous Districts of his choice. Such vacancies shall be notified by the Governor in the official Gazette.

(2) If a person is elected to more than one seat in the District Council, then unless within twenty one days from the date of publication in the Official Gazette of the name of that person as having been so elected or where such publication has been made on different dates, then within twenty one days from the latest date of the publication, such person resigns all but one of the seats, the remaining seat or seats shall become vacant and such vacancy or vacancies shall be notified by the Governor in the Official Gazette.

(3) In the event of any vacancy arising in a constituency under the circumstances contemplated in sub rule (1) or as a result of death of a sitting member, a bye -election shall be conducted for filling such vacancy or vacancies in the District Council within six months from the date of notification of the vacancy or vacancies of the Official Gazette.

(4) If a member of the District Council resigns his membership by writing under his hand addresses to the Chairman, his seat shall become vacant and a bye-election to fill the vacancy shall be conducted within six months.

(5) If for a period of thirty days a member of the District Council remains absent without the permission of the Chairman from all meeting thereof, his seat may be declared as vacant, provided that in computing the same period of thirty days no account shall be taken of any period during which the District Council is prorogued or remains adjourned for more than three consecutive days.

(6) When a seat becomes vacant under the provisions of sub-rule (3) or (4), the Governor shall, by notification in the official Gazette, declare it to be so vacant, and

a bye election shall be conducted for filling such vacancy or vacancies in the District Council within six months from the date of notification of the vacancy or vacancies in the official Gazette.

## CHAPTER - III

## DISQUALIFICATION FOR MEMBERSHIP

**11. Disqualification for Membership -**

(1) A person shall be disqualified for being chosen as, and for being a member of the District Council.

(a) If he holds an office which is capable of yielding pecuniary gain under the Government of India or the Government of any state or Union Territory specified in the First Schedule of the Constitution of India or under a District Council of any Autonomous District duly constituted under the provisions of the Sixth Schedule to the Constitution.

Provided that a person, for the purposes of this clause, shall not be deemed to hold an office of profit by reason merely of his being a member of the Executive Committee or a Chairman or a Deputy Chairman, or a Member of the District Council;

(b) If and for so long as there subsists a contract entered into by him in course of his trade or business with the District Council for the supply of goods to, or for the execution of any works undertaken by the District Council.

Explanation -

For the purposes of this clause, where a contract has been fully performed by the person by whom it has been entered into with the District Council, the contract shall be deemed not to subsist by reason only of the fact that the District Council has not performed its part of the contract either wholly or in part:

(c) If he is of unsound mind and stands so declared by a competent court or authority prescribed under the Mental Health Act, 1987.

(d) If he is an undischarged insolvent;

(e) If he is not a citizen of India or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;

(f) If he has been convicted of an offence referred to in sub-section (1) of section 8 of the Representation of the People Act, 1951 (43 of 1951), and a period of six years has not elapsed since the date of such conviction and prior to the date of filling of nomination.

(g) If he has been convicted of the contravention of any such law as enumerated in section 8 (2) of the Representation of the People Act, 1951 (43 of 1951) and sentenced to imprisonment for not less than six months, and a period of six years has not elapsed since the date of his release after expiry of the term of such sentence;

(h) If he has been found guilty of a corrupt or illegal practice as by an order under rule 205, 206 0r 207 of these Rules;

Explanation -

The term corrupt or illegal practices in its reference under this clause shall be confined to those corrupt or illegal practices which have been declared by rule 205, 206, or 207 to be an offence or practice entailing disqualification under these Rules:

(i) If he has been convicted of any offence other than those referred to in clause (f) and (g) above and sentenced to imprisonment for not less than two years, and a period of six years has not elapsed from the date of his release after expiry of the term of such sentence.

(2) Notwithstanding anything in clauses (f), (g) and (i) above, a disqualification under either clause shall not, in case of a person who, on the date of the conviction, is a member of the District Council, take effect until three months have elapsed from that date, or if within that period an appeal or application for revision is preferred from the conviction or the sentence, and an interim stay against such conviction or suspension of such sentence has been obtained by such person from a competent appellate or revisional court, as the case maybe.

(3) A person who having held an office under the Government of India or under the Government of India or under the Government of any State or Union Territory, or under any District Council of an Autonomous District, has been dismissed for corruption or disloyalty to the state or removed for disobedience or violation of any direction issued under rule 225 of these Rules shall be disqualified for a period of five years from the date of such dismissal or removal, as the case may be;

Provided that no such certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State or so removed shall be issued, unless an opportunity of being heard has been given to that person.

Explanation -

For the purpose of this sub-rule, a certificate issued by the secretary to the Government to the effect that a person having held office under the Government of India or under the Government of a State or Union Territory or under a District Council has or has not been dismissed for corruption or disloyalty to the State or has or has not been removed for disobedience or violation of any direction issued under rule 5 of these Rules shall be the conclusive proof of that fact:

(4) A person shall be disqualified if, and for so long as he is a managing agent, manager or Secretary of any Company or Corporation (other than a Co-operative

Society) in the Government of India or the Government of a State or Union Territory or a District Council has held not less than twenty five percent of the share.

(5) If the Governor is satisfied that a person having been nominated as a candidate for the District Council or having acted as Election Agent of any person so nominated-

(a) Has failed to lodge an account of election expenses within the time and in the manner required by rule 186; or

(b) Has no good reason or justification for such failure, then the Governor shall, by an order published in the official Gazette , declare him to be disqualified for a period of three years from the date of the order.

(6) A sitting member of the District Council shall be disqualified if -

(a)He has voluntarily given up the political party which sponsored him as a candidate on the date of his nomination and joined any other political party after his election or his nomination as a member; or

(b) Having been elected to the District Council as an independent candidate has later joined any Political Party;

or

(c) Having been elected as an independent candidate or appointed as a nominated member has once given support to any political party but later withdraws it and supports another political party.

(7) All decision regarding disqualification of members as mentioned in clauses (a), (b) and (c) of sub-rule (6) above shall be made by the Chairman and his decision shall be final and binding on the members and the Political Party concerned.

**12. Removal of Disqualification -**

(1) The Governor may, for reason to be recorded, remove any disqualification under this Chapter except under clause (h) of sub-rule (1) and sub-rule (6) of Rule 11.

(2) If any question arises as to whether a member of the District Council has become subject of any of the disqualifications mentioned in rule 11, the question shall be referred through the Secretary to the Government by the Chairman, and if it relates to the Chairman, then by the Deputy Chairman, for decision, to the Governor whose decision shall be final.

(3) Before giving any decision on any such issue, the Governor may also take advice of the Advocate General of Mizoram.

**13. Penalty for sitting and voting before making oath or affirmation -**

If a person sits or votes as a member of the District Council before he has complied with the requirements of sub-rule (1) of rule 36 or when he knows that he is prohibited from so doing by the provisions of any law applicable to such members or by an order of any competent court of law, then he shall be liable, in respect of each day on which he so sits or votes, to a penalty of two hundred fifty rupees to be recovered as a debt due to the District Council, by the Secretary from such person's salaries or entitlements or otherwise, and the penalty so realized shall be credited to the District Fund of the District Council.

## CHAPTERN- IV

## OFFICERS OF THE DISTRICT COUNCIL SECRETARIAT.

**14. Chairman and Deputy Chairman -**

There shall be a Chairman and a Deputy Chairman of the District Council, who shall be elected from amongst

the members by the members having voting rights at the time of such election in the manner prescribed in these Rules hereinafter.

**15. Vacation of Officers by Chairman and Deputy Chairman -**

A member holding office as chairman or Deputy Chairman of the District Council;

(a) Shall vacate his office or shall be deemed to have vacated his office, if he ceases to be a member of the said Council or has been deprived of his voting right even temporarily by an order of a competent court;

Provided that if his voting right is restored back by a final order of such court, then he shall be deemed to have been re-elected as the Chairman or the Deputy Chairman, as the case may be, of the District Council.

(b) May, at anytime, by writing under his hand addressed, if such member is the Chairman, to the Governor and if such member is the Deputy Chairman, to the Chairman, resign from his office.

Provided that if both the Chairman and the Deputy Chairman wish to resign from their respective post simultaneously, then both shall submit such resignations to the Governor through the Secretary to Government;

Provided further that if any of the authorities mentioned above fails to forward any resignation received by him to the Governor within a week at the maximum, shall be liable to face legal consequences including temporary disqualification for sitting and voting in the Council, as may be decided by the Governor.

(c) May be removed from his office by a motion of the District Council passed by a majority of the members present of the District Council and having voting right;

Provided that a motion for the purpose of clause (c) shall be moved in the manner laid down in rule 85.

**16. Performance of duties of Chairman or Deputy Chairman when their office is vacant -**

(1) When the office of Chairman is vacant, the duties attached to his office shall be performed by the Deputy Chairman and if the office of the Deputy Chairman is also vacant, then by such member of the District Council, as the Governor may appoint for the purpose.

(2) During the absence of the Chairman from any sitting or session of the District Council or otherwise including temporary incapacitation, the Deputy Chairman or if he is also absent or similarly incapacitated, then such a member as may be determined under sub-rule (3) of this rule shall act as a Chairman.

(3) At the commencement of the session after election of the Chairman and the Deputy Chairman, the Chairman shall nominate from amongst the members to form a panel of not more than two Chairpersons, and one of them in the order their names figure in the panel, shall preside over the session in absence of both the Chairman and the Deputy Chairman, during the period the Chairman and the Deputy Chairman remain absent or incapacitated otherwise to preside.

(4) A Chairman as may be nominated under sub-rule (2) or (3) above, when presiding over any session in the Council, have the same powers as the Chairman.

**17. Chairman or Deputy Chairman not to preside in Certain cases -**

(1) At any sitting of the District Council, while any motion for the removal of the Chairman or the Deputy Chairman from his Office is under consideration, the Chairman or the Deputy Chairman, as the case may be, shall not, though he is present, preside over the session and the provision of sub-rule (2) of rule 16 shall apply in relation to every such sitting as they apply in relation to a sitting

from which the Chairman or, as the case may be, the Deputy Chairman is absent.

(2) When any such motion for removal of the Chairman or the Deputy Chairman, as the case may be, from his office has been moved and is under consideration before the District Council, the Chairman or the Deputy Chairman against whom the motion is under consideration shall have the right to speak in his defense, or otherwise to take part in that proceeding and shall, notwithstanding anything contained in this rule, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of equality of votes.

**18. Salaries etc. of Chairman Deputy Chairman, Members And Pension of members -**

There shall be paid to the Chairman, Deputy Chairman and members of the District Council, such salaries, allowances, and pension of members as may be fixed by the District Council by law subject to approval of the Governor.

**19. Secretariat of the District Council -**

The District Council shall have its separate Secretariat consisting of a Secretary at its head, who shall be appointed by the Chairman and such other officers and staff as may be decided by the Chairman in consultation with the Executive Committee of the District Council;

Provided that while fixing the strength of the Secretariat of the District Council, if any extra or additional financial implication is found unavoidable, then no such decision shall be taken without prior approval of the Governor.

**20. Conditions of service of Officers and staff of the District Council Secretariat -**

Subject to the previous approval of the Governor, the District Council may make rules regulating the conditions of service of officers and staff appointed to the Secretariat of the District Council:

Provided that where such rules have not been made by the District Council, the condition of service of such officers and Staff of the District Council shall be regulated by orders to be issued by the Governor, and in the absence of such orders, by the relevant rules applicable to officers and staff of the State Government, subject to such restrictions or modifications as the Governor may direct in the case of a particular appointment or class or classes of appointment.

## CHAPTER - V

## EXECUTIVE COMMITTEE

**21. Formation of Executive Committee -**

(1) There shall be an Executive Committee of the District Council with a Chief Executive Member at the head, and nine other members of the Executive Committee to exercise the functions hereinafter specified.

(2) The Executive Committee shall be formed by the largest legislature party having an absolute majority of elected members in the District Council.

(3) The Chairman or the Deputy Chairman shall not be eligible to hold office either as Chief Executive Member or as a member of the Executive Committee of the District Council.

(4) Subject to sub-rule (2) and (3), the Chief Executive Member shall be appointed by the Governor, while other members of the Executive Committee shall be appointed by the Governor on the recommendation or recommendations of the Chief Executive Member;

Provided that a Member of the Executive Committee shall hold office at the pleasure of the Governor and may be removed by him on the advice of the Chief Executive Member.

Provided further that the Governor may appoint a new Executive Member to fill up the vacancy subject to the condition that a removed member shall not be re-appointed.

(5) The Governor may, if he considers necessary, cause the District Council to take up, or direct the Chief Executive member to secure, a vote of confidence in favour of the Executive Committee within thirty days of the formation of the Executive Committee or of appointment of the Chief Executive Member, as the case may be.

(6) There shall be a Secretary to the Executive Committee, who shall be designated as the Executive Secretary and such other Deputy Secretaries and Under Secretaries as may be determined by the Executive Committee.

Provided that notwithstanding anything contained in these Rules, the Governor may, for the sake of better administration of the Lai Autonomous District and in consultation with the Chief Executive Member, depute any officer of the State, not below the rank of additional Secretary of the State Government to the District Council as Principal Secretary.

(7) There shall be paid to the Chief Executive Member and the Executive Members of the District Council such salaries, allowances as may be fixed by the rules made by District Council subject to approval of the Governor.

**22. Oath of office -**

Before a Member of the Executive Committee enters upon his office, the Deputy Commissioner or in his absence, the Additional Deputy Commissioner, Lawngtlai shall administer to him the oath of office according to the forms set out for the purpose in Appendix -I

**23. Vacation of Office by Member of the Executive Committee -**

(1) A member holding office as Chief Executive Member or member of the Executive Committee -

(a) Shall vacate his office if he ceases to be a member of the District Council, subject to the proviso to sub-rule (2)

(b) May, at any time by writing under his hand, submit his resignation, if such member is the Chief

Executive Member, to the Governor through the Chairman who shall forward such resignation within 48 hours from the time of receipt of the same, and if such member is a member of the Executive Committee, to the Chief Executive Member who shall forward with recommendation, if any, such resignation to the Governor within 48 hours. On his resignation being accepted by the Governor, the Chief Executive Member, as the case may be, such Executive Member shall be deemed to have vacated the office as such.

(2) When the Chief Executive Member vacates or resigns his office under sub-rule (1), the other Members of the Executive Committee shall also cease to hold office as such and a new Executive Committee shall be constituted in accordance with provisions of rules 21 and 22;

Provided that until a new Chief Executive Member is elected and the Executive Committee reconstituted, the Governor may, notwithstanding anything contained in these rules, authorize any one member or more than one member of the District Council to carry on the duties of the Executive Committee, or may make such other arrangements, as he may think proper for carrying on the executive functions of the District Council.

**24. Removal of Members of Executive Committee -**

(1) The Executive Committee shall be collectively responsible to the District Council and may be removed on a vote of no confidence passed by a majority of the Members of the District Council present at a meeting specially convened for the purpose under rule 83.

(2) In case of removal of the Executive Committee the Chairman shall forthwith submit a report to the Governor and cause election of a new Chief Executive Member within 48 hours of removal.

(3) In case of failure of election within 48 hours the Governor shall assume the powers and functions of the Executive Committee.

**25. Staff of Executive Secretariat -**

(1) Subject to rule 19 of these Rules, the Executive Committee may, from time to time, determine and the number of officers and staff in the Executive Secretariat within its budgetary allocation and appoint such officers and staff by observing codal formalities.

(2) The conditions of services of officers and staff of the Executive Secretariat shall be as provided in Rule 20 of these Rules.

**26. Conduct of Executive Functions of the District Council**

(1) The Executive functions of the District Council shall be vested in the Executive Committee.

(2) All orders or instruments made or executed by the Executive Committee shall be expressed to be made by order of the District Council. Every such order or instrument shall be signed by the Chief Executive Member or any other member of the Executive Committee or any officer authorized by the Chief Executive Member by an order in this behalf, and such signature shall be deemed to be the proper authentication of such order or instrument.

**27. Power and functions of the Executive Committee -**

(1) The executive Committee shall dispose of all matters falling within its purview, except certain matters hereinafter specified, which shall be referred to the District Council and then to the Governor for final approval.

(2) The specified matters required to be referred to the District Council as mentioned in sub-rule (1) shall be as follows :-

(a) Cases involving any important change in the administrative system of the Autonomous District or any important departure from accepted policy or practices;

(b) Proposals for making regulations, rules of laws as authorized under the provisions of the schedule.

(c) Cases which may seriously affect, or are likely to affect the Lai Autonomous District or its relations with other District Councils:

(d) Cases affecting the relations with the State Government.

(e) All correspondences of importance with the Government.

(f) All matters falling within the purview of the discretionary powers of the Governor under paragraph 20 BB of the sixth Schedule when sought to be consulted under that paragraph by the Governor with the District Council.

(g) Appointment of all gazetted officers.

(h) Any other matter or matters which the Executive Committee may think proper to be placed before the District Council ; and

(3) All matters required to be referred to before the District Council shall be sent to the Secretary in writing for placing before the said Council.

**28. Savings -**

Notwithstanding anything contained in rule 27, if at any time, except when the District Council is in session, an emergency arises which renders it necessary for the Executive Committee to take action in respect of any matter or matters specified in clause (a) to (f) of sub-rule (2) of rule 27, the Executive Committee may take such action thereon as the emergency appears to it to require, but every such case shall be forthwith reported to the Governor for ratification, and shall be laid before

the District Council at its next session for confirmation of the action taken by the Executive Committee, together with the views or decisions of the Governor for such action as may be decided by the Council.

**29. Transaction of Business of the Executive Committee-**

(1) Each member of the Executive Committee shall be entrusted with specific subjects, the allocation of the subject being made by the Chief Executive Member. The Executive Committee shall be collectively responsible for all executive orders issued in the name of the District Council in accordance with these Rules whether such orders are authorized by an individual member of the Executive Committee on a matter pertaining to his subject or as a result of discussion at a meeting of the Executive Committee or otherwise.

(2) One of the members of the Executive Committee will be in-charge of the District Council Fund referred to in these Rules as the member-in-charge of the Financial affairs of the District Council.

(3) The duties and functions of such Member-in-charge will be as follows :-

(a) He shall generally advise on all matters pertaining to all receipts and expenditure of the District Council;

(b) He shall be responsible for all matters relating to financial procedure and the application of the principles of sound finance.

(c) He shall prepare the Budget of the District Council and deal with all the matters relating to budget procedure and the forms and the contents of the financial statement;

(d) He shall be responsible for the 'ways and means' position of the District Fund; and

(e) He shall be responsible for proper audit and accounts pertaining to the District Council and follow-up actions on the reports of the Comptroller and Auditor-General of India.

CHAPTER - VI

## ELECTION OF CHAIRMAN AND DEPUTY CHAIRMAN OF THE DISTRICT COUNCIL

30. Election of Chairman :

(1) When for the constitution of a new District Council, election of the Chairman is necessary, the Governor shall fix a date for the holding of election, and the Secretary shall send to every member notice of the date so fixed:

Provided that owing to any vacancy in the office of the Chairman, the Deputy Chairman shall fix a date for holding election of the Chairman and preside over the meeting. The Secretary shall send to every member notice of the date so fixed;

Provided further that if both Chairman and Deputy Chairman resign simultaneously, the Governor shall appoint a Protem Chairman on the recommendation of the Chief Executive Member or otherwise to conduct the election of the Chairman.

(2) At any time before 3:00 Pm on the date preceding the date so fixed, any member may nominate another member for election as Chairman by delivering or causing to be delivered, in the manner hereinafter provided, to the Secretary a nomination paper in such form as at Appendix - IA signed by himself as proposer and by a third member as a seconder.

(3) The nomination paper shall be delivered to the Secretary either by the candidate himself, by the proposer or by the seconder in person.

(4) In the case of a new Council, a protem Chairman appointed from the members by the Governor shall perform the duties of the office of Chairman pending the election of a Chairman, and shall preside over the first meeting of the District Council constituted under these Rules, who shall read out in the Council names

of the members who have been duly nominated for election as Chairman, together with those of the proposers and the seconders, and if only one member has been so nominated, shall declare that member elected as the Chairman. If more than one member have been so nominated, the Council shall proceed to elect a Chairman by ballot, and the candidate obtaining the highest number of votes shall be declared elected. In case of equality of votes, it shall be determined by the Protem Chairman by casting vote:

Provided that a member appointed as Protem Chairman shall not be nominated for the election of Chairman.

(5) For the purposes of sub-rule (4) a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer and seconder have not, before reading out of the names by the person presiding, made and subscribed the oath or affirmation as member of the Council under the Rules.

(6) A nomination paper may be withdrawn by a candidate or his proposer before the Council meets on the date fixed for the election of the Chairman.

(7) Powers of the Protem Chairman or the person presiding over the District Council for the purposes of these Rules shall be same as laid down in sub-rule (4) of rule 16 of these Rules.

(8) Protem Chairman shall before the Deputy Commissioner subscribe an oath or affirmation according to the form set out in Appendix - II

31. Election of Deputy Chairman -

(1) When election of a Deputy Chairman is necessary, the Chairman shall fix a date for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

(2) The procedure for the election of Deputy Chairman shall be the same as that for the election of the Chairman as

provided for in rule 30 except that the meeting for the election of the Deputy Chairman shall be presided over by the Chairman.

## CHAPTER - VII

## DISTRICT COUNCIL SESSION CONDUCT AND BUSINESS THEREOF - GENERAL

**32. Summoning of the District Council -**

(1) The District Council for its first meeting after the General election shall be summoned by the Governor to meet at such time as he thinks fit, and the Secretary to Government shall notify to the date, hour and place for such meeting of the Council.

(2) For all subsequent meetings, subject to the provisions of sub-rule (4), the Chairman or in his absence the Deputy Chairman, shall summon the District Council to meet at such time as he thinks fit, and the Secretary shall inform the Deputy Commissioner of the date, hour and place for each such meeting of the Council.

(3) The Chairman shall cause a notice appointing the date hour and place for such meeting, signed by the secretary of the District Council to be served on each member at least thirty days before the date fixed for the meeting.

(4) The District Council shall be summoned to meet at least three times in a year, and four months shall not elapse between its last sitting in one session and the date appointed for its first sitting in the next session;

Provided that in the event of an emergency, the Chairman, in consultation with the Chief Executive Member being the Leader of the House, may summon the District Council at shorter notice than what has been provided in sub-rule (3), and prior intimation of every emergency session shall be given to the Governor, through the Secretary to Government, and to the Deputy Commissioner;

Provided further that on receipt of a requisition signed by not less than two-thirds of the elected members of the District Council, the Chairman shall summon a special meeting of the District Council.

(5) The Chairman or such other person who performs the duty of Chairman may also prorogue a session of the Council.

(6) Notwithstanding anything contained in this rule, nothing shall restrict the power of the Governor to summon a meeting of the District Council at any time as he may think fit in public interest.

**33. Hour of sitting -**

(1) The District Council shall ordinarily sit from 10:30 a.m to 1:00 p.m and from 2:00 p.m to 4:00 p.m on all week-days except Saturday and Sunday;

Provided that the Chairman may, in his discretion, and according to the exigencies of business, adjourn earlier or extend the hour of sitting.

(2) A sitting of the Council shall be deemed to be duly constituted when it is presided over by the Chairman or any other member competent to preside over a sitting of the Council under the provisions of these Rules.

**34. Adjournment of the Council Session -**

(1) The Chairman shall determined the time when sitting of the Council shall be adjourned sine die.

(2) The Chairman shall have the power to adjourn a sitting of the Council whenever he thinks necessary;

Provided that when the Chairman adjourn the Council Session for a particular time, it shall not exceed a period of one week;

Provided further that the Chairman may, if it appears expedient and on the advice of the Chief Executive Member recall the sitting of the Council before the date or time to which it has been adjourned or at any time after the house has been adjourned sine die.

(3) Notwithstanding anything contained in these Rules, where the Leader of the House is of the view that an order of adjournment of the District Council Session by the Chairman substantially contravenes the provisions of these Rules and has affected smooth functioning of the District Council in due disposal of its businesses, he shall make a request to the Chairman to reconsider his decision and if the Chairman agrees, he shall recall the sitting of the House on the day suggested by the Leader of the House.

(4) If the Chairman refuses to reconsider his decision, it shall be the duty of the Leader of the House to give notice of a motion with prior approval of the Governor for such motion, that such order of adjournment be inoperative and the House do proceed with the business before it, and such notice shall be considered by the District Council on a date being the date earlier than the date to which the Council had been adjourned, to be specified by the Leader of the House in such notice of motion.

(5) It shall be the duty of the secretary, on receipt of such notice, to circulate it to members and include such matter in the list of business for the said date, to be circulated to the members.

(6) If such motion is carried, the District Council shall proceed with its business as if the order of adjournment referred to in sub-rule (3) of this rule were not at all made.

**35. Notice to Members and the order in which they would sit -**

(1) On summoning of a session of District Council under Rule 32, the Secretary shall serve notices to members specifying the place, date and time for the session, at least thirty days before the date of commencement of the Session;

Provided that when a session is called at short notice or emergency, such notice may be served on all members through special messengers;

Provided further that a notice for the emergency session shall be issued at least ten days before the date of a commencement of the session.

(2) The members shall sit in such order as the Chairman may determine.

**36. Oath or affirmation of Members -**

(1) Every member of the District Council as soon as constituted after the General Elections, shall, before the Protem Chairman appointed in that behalf by the Governor subscribe an oath or affirmation according to the form set out for the purpose in the Appendix - III.

(2) A member who has not already made and subscribed an oath or affirmation in pursuance of the sub-rule (1) may do so before the Chairman at the commencement of a sitting of the Council or at any other time of the sitting as the Chairman may direct or on any day after giving previous notice in writing to the members.

(3) No member shall be entitled to take part in any proceeding of the District Council unless he has made and subscribed an oath or affirmation in pursuance of this rule.

(4) There shall be a roll of members of the District Council, which shall be signed in the presence of the Secretary by every member after making and subscribing the oath or affirmation but before taking his seat and shall be the conclusive proof of making and subscribing of the oath of affirmation by a member.

**37. Voting in the District Council -**

(1) Save as otherwise provided in these Rules, all question at any sitting of the District Council shall be determined by a majority of votes of the members present.

(2) The Chairman or the person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

**38. Power of the District Council to act Notwithstanding-**

The District Council shall have power to act notwithstanding any vacancy in the membership thereof, and no proceedings in the Council shall be invalid, notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

**39. Quorum -**

(1) The quorum to constitute any meeting of the District Council shall be one-third of the total number of members including the person presiding over the Council;

Provided that in case of a fraction, any figure of decimal five and above shall be treated as a whole number and fractions less than that shall be ignored for the purposes of calculation under this sub-rule.

(2) If any time during a meeting of the District Council it is brought to the notice of the Chairman that there is no quorum, it shall be the duty of the Chairman or the person acting as such, either to adjourn or suspend the meeting until there is a quorum.

**40. Language of the District Council -**

A member may address the House of the District Council session in any language spoken in the area over which the District Council exercise jurisdiction or in any of the recognized languages of the State:

Provided that if any member seeks to address the House in a language not intelligible to the majority of the Members thereof, he shall have to make over in advance to the secretary a copy of his speech in original as well as its translation in English, which he proposes to deliver.

Explanation -

For the purposes of this Rule, the expression recognized languages of the State shall include the following languages, namely, Mizo, English and Hindi.

**41. Rules to be observed by the members -**

When the District Council is in session, a member -

(a) Shall not read any book, Newspaper or Letter except in connection with the business of the House.

(b) While desirous of making any mention on any matter before the House, shall rise and speak from the seat and shall address the Chairman.

(c) Shall not interrupt any member while speaking by improper expression or noises in any other improper manner.

(d) Shall bow to the Chair while taking or leaving his seat.

(e) Shall not pass between the Chair and any member who is speaking.

(f) Shall not leave the House when the Chairman is addressing the House.

(g) Shall keep to his usual seat.

(h) Shall maintain silence while the Chairman is addressing the House.

(i) Shall not applaud when a visitor enters any of the galleries or the special box

(j) Shall not, while speaking, make any reference to the visitor in any of the galleries.

(k) Shall not obstruct proceeding or businesses of the House or interrupt and shall avoid making running commentaries when speeches are being made in the House.

**42. Rules to be observed by Executive Members -**

An Executive Member when a matter relating to his portfolio is under discussion in the House, shall not leave the House without prior permission of the Chairman.

**43. Members to speak when called by the Chairman -**

(1) When a member rises to speak, his name shall be called by the Chairman.

(2) If more members than one rise at the same time, the member whose name is so called shall be entitled to speak.

**44. Question to be asked through the Chairman -**

(1) When for the purposes of explanation during discussion or for any other sufficient reason or reasons, any member has occasion to ask a question of another member on any matter under the consideration of the House, he shall ask the question through the Chairman.

**45. Personal explanation -**

A member may, with the permission of the Chairman, make personal explanation, although there is no question before the House, in which case no debatable matter may be brought forward and no debate shall arise.

**46. Irrelevant motions of repetitions -**

The Chairman, after having called the attention of the House as well as of the member who persists in irrelevant mention or in tedious repetitions either of his own explanation or of the arguments used by other members in debate, may direct him to discontinue his speech.

**47. Allegations of defamatory or incriminatory nature against any person -**

No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Chairman and also to the Executive Member concerned so that the Executive Member may be able to make an inquiry into the matter for the purpose of reply.

Provided that the Chairman may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.

**48. Use of Session Hall -**

(1) The Session Hall shall not be used for any purpose other than the Session of the Council.

(2) Admission of persons, other than members, to any part of the session Hall during the sitting of the Council shall be regulated in accordance with orders or permissible made by the Chairman or any Officer authorized by him in this behalf;

Provided that the Chairman, whenever he thinks it necessary, may order the visitor's or press gallery to vacate immediately.

**49. Limitations on debate -**

(1) Subject matters of every member's speech shall be strictly relevant to the subject under discussion before the District Council.

(2) A member while speaking shall not-

(a) reflect upon the conduct of the President of India or any Governor of a state or Administrator of a Union Territory, or any Court of Law in the exercise of its judicial functions;

(b) utter treasonable or seditious words;

(c) use offensive expressions regarding the Parliament or the Legislature of a State or union Territory;

(d) refer to any matter of fact on which a judicial decision in pending;

(e) make a personal charge against the Chairman or another member;

(f) exercise his right of speech, after due warning from the Chairman for the purpose of willfully and persistently obstructing the business of the District Council.

**50. Proceeding invalid for failure to comply with Rules -**

No proceedings of the District Council shall be deemed to be, or ever to have been invalid by reason of any rule not being, or not having been, complied with, but in case of any such non-compliance, any member may raise a point of order;

**51. points of order -**

(1) Any member may at any time submit a point of order for decision of the Chairman, but in doing so, shall confine himself to stating the point.

(2) The Chairman shall decide all points of order which may arise and his decision shall be final;

**52. Power of Chairman to order withdrawal of Members -**

(1) The Chairman shall preserve order in the House and have all powers necessary for the purpose of enforcing his decision on all points.

(2) He may direct any member whose conduct is in his opinion disorderly, to withdraw immediately from the session of the District Council, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw for the second time in the same Session, the Chairman may direct the member to absent himself from the meeting of the District Council for any period not longer than the remainder of the Session, and the member so directed shall absent himself accordingly.

(3) The Chairman may, in case of grave disorder arising in the House of the District Council, suspend any sitting for such time as it may be deemed necessary, in consultation with the Leader of the House.

Provided that such suspension should not exceed one week at a time and a report in this regard shall be submitted to the Deputy Commissioner and the Governor.

**53. Allotment of time for Official and non-official Business -**

The Chairman in consultation with the Leader of the House shall allot such number of days as may in his opinion be possibly compatible with the public interest for private member's business and may allot different days for the disposal of different classes of such business, while on other days no other business than official business shall be transacted;

Provided that the Chairman may, if he thinks so necessary, prescribe time limit for the speeches.

**54. List of Business -**

(1) A list of business for each day of the sitting shall be prepared by the Secretary and shall be circulated to all members at least two days in advance of the sitting.

(2) No business, not included in the list of business for the day, shall be transacted at any meeting without the leave of the Chairman.

**55. Business outstanding at the end of the day -**

(1) All business listed for any day and not disposed of on that day shall remain outstanding until the next day of the session available for such business.

(2) Any business left over on termination of a session shall elapse unless it is included in the list of business on any day during the next session.

**56. Leave of absence -**

(1) If a member finds at any time that he is unable to attend the meeting of the District Council for a period of 30 consecutive days computed in the manner provided in sub-rule (5) of rule 10, he shall apply to Chairman for the leave of the District Council for such absence.

(2) Such application shall be disposed of as it was a motion under Chapter -IX of these Rules.

(3) The Secretary shall inform the member, as soon as possible, of the decision of the Council on his application.

(4) If a member is absent from the meeting without permission of the District Council for a period of 30 consecutive days or more, computed in the manner provided in dub-rule (5) of rule 10, the Chairman shall bring that fact to the notice of the District Council. The District Council shall then decide as to whether the seat of the absent member

should be declared vacant in the manner provided in sub-rule (2)

(5) If the District Council declares the seat of the member to be vacant, the Secretary shall communicate such declaration to the Governor, the Deputy Commissioner and the member concerned.

(6) The Secretary shall maintain a list showing the attendance of each member and such list shall be made available for inspection by the members.

## CHAPTER - VIII

## QUESTIONS

**57. Time for question -**

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

**58. Notice of question -**

A member who wishes to ask a question shall give notice in writing to the Secretary at least fifteen clear days before the meeting of the District Council, at which he desires to put the question and shall, together with the notice, submit a copy of question or questions which he wishes to ask;

Provided that the Chairman may, with the consent of the Chief Executive Member, allow a question to be put at a shorter notice.

**59. Power to disallow Questions -**

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

**60. Supply of list of business/questions to the Deputy Commissioner -**

The Chairman shall cause a list of business and questions to be supplied to the Deputy Commissioner and if the Deputy Commissioner is of opinion that any question or part thereof relates to a matter failing outside the jurisdiction of the District Council, he shall request the Chairman in writing or otherwise, not to allow the question of part thereof to be answered in the Council.

Provided that in the event of any differences of opinion arising between the Deputy Commissioner and the District Council, the Chairman shall refer the matter to the Governor and until receipt of the orders of the Governor thereon, the Chairman shall not allow the question to be answered in the Council.

**61. Subject matter of Question -**

(1) Question may be asked for the purpose of obtaining information on matters of public concern within the special cognizance of the matter to whom it is addressed. No question shall be asked in regard to any of the following subjects, namely -

(a) Any matter which is under adjudication by a Court of law having jurisdiction in any part of the Union of India, and

(b) Any matter relating to the conduct of any judge or any Magistrate in the discharge of his duties.

(2) If any doubt arises as to whether any question is or is not within the restriction imposed by sub-rule (1), the Chairman shall decide the point and his decision shall be final.

(3) There shall be two types of questions namely, starred and unstarred questions :

(a) Starred question which shall be answered orally by the concerned Member of the Executive Committee. Any of the members may put

supplementary questions to a starred question after being called by the Chairman, but such supplementary questions to a particular question should not exceed normally five in number.

(b) Un-starred question which shall be answered with the support of printed or typed copies of answer, and shall be laid on the tables half an hour before the Chairman takes his seat.

(c) Any member desiring to ask question specified at (a) and (b) above, has to give separate notice of his questions belonging to starred or un-starred type respectively :

Provided that members shall be permitted to put any supplementary question on starred questions with prior permission of the Chairman;

Provided further that the Chairman may disallow any supplementary question, if in his opinion, a sufficient or reasonable number of supplementary questions have already been put in respect of the same question.

**62. Form and content of question -**

In order that a question may be admissible, it shall satisfy the following conditions, namely -

(a) It shall not bring in any name or make any statement not strictly necessary to make the question intelligible;

(b) If it contains a statement by the member himself, the member asking it shall make himself responsible for the accuracy of the statement;

(c) It shall not contain arguments, inference, ironical expression or defamatory statement;

(d) It shall not ask for any expression of opinion or the solution of a hypothetical proposition;

(e) It shall not relate to the character or conduct of any person by name, except by designation in his official or public capacity;

(f) It shall not be excessive in length;

(g) It shall not be a request for action;

(h) It shall be precisely and definitely expressed; and

(i) It shall be asked with the object of eliciting information, pure and simple.

**63. Questions of Controversies -**

On matters which are or have been the subject of controversy between the State Government and the District Council, no question shall be asked except as to a statement of facts.

**64. Chairman to decide admissible of question -**

The Chairman shall decide on the admissible of a question in term of rule 62 and shall disallow any question which, in his opinion is an abuse of the right of questioning or is in contravention of the rules applicable to it.

**65. List of questions -**

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

**66. Matters to which they shall relate -**

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

**67. Questions of absent Members -**

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

**68. Members of the Executive Committee To ask for notice for Supplementary Question -**

When a supplementary question is asked at any meeting of the Council and if Member-in-charge asks for notice, the member who puts the question shall, if he desires to have an

answer during the session, supply the copy of the question to the Secretary. If the question is not disallowed by the Chairman, it will be immediately forwarded to the Executive Member concerned as soon as possible within the session. If, nevertheless, the question is not answered during the session in which it is listed, it will lapse under rule 55.

## CHAPTER - IX

## MOTIONS

**69. Motions :**

(1) A matter requiring the decision of the District Council shall be brought forward by means of a motion proposed by a member.

(2) Votes may be taken by show of hands, or voices or division if any member so desires. The Chairman shall determine the method of taking votes by division provided that if any member so desires, the names of the members voting on either side shall be recorded.

(3) The result of a division shall be announced by the Chairman and shall not be challenged.

**70. Discussion on a matter of public interest by motions -**

Save as provided by these Rules, a motion on a matter of general interest can be discussed only with the consent of the Chairman.

**71. Notice of motions -**

Notice of a motion shall be given in writing addressed to the Secretary.

Provided that no member shall, except with the permission of the Chairman, be permitted to send notice of more than four motions during one session of the Council;

Provided further that if the number of motions admitted by the Chairman is more than one, the relative precedence of

motions, notices of which have been given by members, shall be determined by ballot in such manner as the Chairman may direct.

**72. Conditions of admissibility of motions -**

In order that such a motion may be admissible, it shall satisfy the conditions as are applicable to a question under rule 59 of these Rules.

**73. Decision as to admissibility of motions -**

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

(2) Any motion tabled by a member to discuss a statement or report made by any member of the Executive Committee may also be the subject- matter of the discussion.

**74. Identical motions -**

(1) A motion shall not raise a question substantially identical with one on which the Council has given a decision in the same session. The Chairman's decision on the point whether the question is substantially identical with the previous one shall be final.

(2) Where substantially identical motions stand in the names of two or more members, the Chairman, unless the members have agreed, shall decide whose motion or motions shall be moved and other motion or motions shall thereupon be deemed to be withdrawn.

**75. Order of speeches -**

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

**76. Rules as to amendments-**

(1) An amendment shall be relevant to and within the scope of the motion to which it is proposed.

(2) An amendment shall not be moved which has merely the effect of a negative vote.

(3) After a decision has been given on an amendment to any part of the motion, an earlier part shall not be amended.

(4) An amendment to a motion must not be inconsistent with the previous decision of the same motion given at any stage of the same Bill or motion.

(5) The Chairman may refuse to put an amendment which is, in his opinion, frivolous.

**77. Order of amendments -**

(1) When an amendment to any motion is moved, or when two or more such amendments are moved, the Chairman shall before taking the sense of the House thereon, state or read to the Council the terms of the original motion and of the amendments or amendments proposed.

(2) It shall be in the discretion of the Chairman to put first to the vote either the original motion or any of the amendments which may have been brought forward.

**78. Divisions of the Motions-**

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

**79. Withdrawal of motions -**

(1) A member who has moved an original motion or an amendment may withdraw the same and thereafter there shall be no further discussion on it.

(2) if, at the time of putting the question on a motion or an amendment to the motion to the vote of the Council, the mover of the motion is absent, it shall be considered to have been withdrawn by him.

**80. Procedure where motions debated and not withdrawn-** If a motion is debate and not withdrawn, the Chairman shall again read the motion when taking the sense of the Council upon it.

**81. Closure -**

At any stage in the debate upon any motion any member may request the Chairman to close the debate and put the motion to the vote of the Council. When such a request has been made if the Chairman is satisfied-

(a) That the debate has already proceeded to a length which is consistent with the reasonable exercise of the right of free speech, and

(b) That the request is in accordance with the wish of two thirds of the members present, he may close the debate and put the motion to the vote.

Provided that notwithstanding anything contained in rule 69 (2), it shall not be necessary to record the names of the members who support or oppose a request made under this rule.

**82. Time-limit for Speeches -**

The Chairman may, if he thinks fit, prescribe a time limit for speeches.

**83. Motion of no-confidence in the Executive Committee-**

(1) A motion expressing want of confidence in the Executive Committee or a motion disapproving the policy of the Executive Committee in regard to any particular matter may be made with the consent of the Chairman and subject to the restriction that the member making motion shall present to the Secretary a written notice of the motion before the commencement of the sitting of the day.

(2) If the Chairman is of opinion that the motion is in order, he shall read the motion to the Council and shall request those

members who are in favour of leave being granted, to rise in their places, and if not less than one-fourth of the members present rise accordingly, the Chairman shall intimate that the leave is granted and that the motion will be taken on such day, not being more than two days and not less than twenty four hours from time at which leave is asked for, as he may appoint;

Provided that if exigencies of business require, the Chairman shall have the power to relax the rule and take up the motion earlier than twenty four hours.

(3) If less than one fourth of the members present rise, the Chairman shall inform the member that he has not the leave of the Council.

**84. Motion for raising discussion on matters before tribunals, commission etc -**

No motion which seeks to raise discussion on a matter pending before any statutory tribunal or authority performing any judicial or quasi-judicial functions or any Commission or court of inquiry appointed to enquire into or investigate any matter shall ordinarily be permitted to be moved.

**85. Motion for removal of Chairman or Deputy Chairman-**

(1) A motion for removal of the Chairman or the Deputy Chairman from office may be made subject to the restriction that the member making the motion shall present to the Secretary a written notice of the motion before the commencement of the sitting of the day;

Provided that if the motion is moved for removal of the Chairman, then the Deputy Chairman or in his absence the member in the serial No.1 of the penal, shall preside over the meeting, and in no circumstances the Chairman shall preside over such meeting.

(2) Any motion for removal of the Chairman or the Deputy Chairman from office shall be read to the District Council

by the person presiding, who shall then request the members who are in favour of leave being granted to move the motion in rise in their places, and, if not less than one fourth of the members present rise accordingly, the person presiding shall allow the motion to be moved and if less than one fourth of the members rose, the person presiding shall inform the member who have given the notice that he has not obtained the leave of the Council to move it.

(3) If the leave is granted for the motion to be moved, it shall be disposed of in accordance with the procedure laid down for the removal of the Executive Committee under sub-rule (2) of rule 83 of these Rules.

**86. Special motions to get precedence over other motions-**

(1) Subject to the conditions laid down in the rule 84, whenever any report or any matter of urgent public importance and of recent occurrence is brought before the House, any member can move a motion for the discussion of that matter and such motion shall get precedence over other motions.

(2) The Chairman shall fix the time and date for discussion of such motion.

## CHAPTER - X

## LEGISLATION

**87. Rules to be made by District Council -**

All Rules which may be made by the District Council under sub-paragraph (7) of paragraph 2 of the sixth Schedule with regard to matter specified in sub-paragraph (6) of that paragraph, and also Rules with regard to other matters which are under the rule making powers of the District Council shall be drafted by the Executive Member or any member concerned of the Executive Committee before the District Council for consideration and confirmation and the District Council in session shall have the power to amend, reconsider or replace them, either in the Council or with the help of a Select Committee appointed by the Council.

**88. Rules to be signed by the Chairman -**

All Rules which may be made by the District Council shall be authenticated and signed by the Chairman of the Council. A copy of such Rules shall be submitted to the Governor for information through the Secretary to Government and also a copy thereof shall be sent to the Chief Executive Member and the Deputy Commissioner.

**89. Rules made by the District Council with Approval of the Governor -**

All Rules which may be made by the District Council with the approval of the Governor shall be drafted by the Executive Committee, and after being passed by the District Council with or without amendment, shall be submitted to the Governor for his approval. If the Governor cannot approve the rules, he may return it to the District Council for reconsideration under succeeding provision of Rule 111.

**90. Publication of Rules -**

All rules made by the District Council and the Rules made otherwise with the approval of the Governor in the cases requiring such approval under any of the provisions of the sixth Schedule, shall be published in the Gazette by the Secretary to Government, and on such publication only, the same shall come into force.

**91. Introduction of Bills -**

(1) All proposals to make laws specified in paragraph 3 of the Sixth Schedule and regulation, and to amend such laws shall be introduced in the District Council in the form of Bills.

(2) Bills shall be introduced, on behalf of the Executive Committee, by any member of the Executive Committee and such Bills shall hereinafter be referred to as 'Official Bills' and Bill introduced by any other member of the District Council shall hereinafter be referred to as Private Member's Bill.

(3) Any member of the Executive Committee, subject to the provisions of rule 92, shall cause every official Bill with the statement of objects and reasons to be published in such manner as he may deem appropriate, within a period of not less than thirty days before the commencement of the session of the District Council in which the Bill is to be introduced;

Provided that the period of thirty days may be waived by the order of the Chairman of the District Council, if he is satisfied that there is an urgency for doing so.

(4) When a Bill has thus been published, it shall not be necessary to move for leave to introduce the Bill, and if the Bill is afterwards introduced, it shall not be necessary to publish it again.

(5) No Bill in respect of any matter which requires previous approval of the Governor under any of the provisions of the Sixth Schedule shall be introduced in the District Council without prior approval of the Governor.

(6) No Bill in respect of any other matter may be introduced in the District Council without such prior approval;

Provided that copies of all such Bills, whether official or private members, shall be sent to the Governor and the Deputy Commissioner sufficiently in advances;

Provided further that the Governor shall have the powers to direct the District Council not to introduce any Bill as may appear to him to adversely effect the harmonious relationship between the State and the District Council and to adversely affect the public interest, peace and tranquility.

(7) If it is found that any Bill refers to matter falling outside the jurisdiction of the District Council, the Governor may direct that the Bill shall not be introduced in the District Council and the decision of the Governor in this matter, as under the second proviso to sub-rule (6), shall be final.

(8) On receipt of the order of the Governor that a bill shall not be introduced in the District Council, the Chairman of the District Council shall not allow the Bill to be introduced.

**92. Notice of motion for leave to introduce Bill -**

(1) No private Member's Bill shall be introduced in the District Council unless the leave of the District Council has been sought for and granted for the introduction of the Bill in the manner hereinafter laid down.

(2) Any member other than a Member of the Executive Committee desiring to move for leave to introduce a Bill shall give notice of his intention and shall, together with the notice, submit a copy of the Bill and full Statement of Objects and Reasons to the Secretary.

(3) The period of notice of a motion for leave to introduce a Bill under this rule shall be thirty days before the opening of each session counting the opening day as the first and reckoning backward.

**93. Notice of private Member's Bill copy to Executive Committee -**

Whenever a member other than a Member of the Executive Committee gives notice of his intention to move for leave to introduce Bill, the Secretary shall forthwith send a copy of the Bill and Statement of objects and reasons to the Member of the Executive Committee, to whose Department or business the Bill relates.

**94. Publication of Bill -**

As soon as may be, after a Bill has been introduced, the Bill, unless it has already been published, shall be published in such a manner as it may be deemed appropriate by the Chairman.

**95. Motion for leave To introduce a Bill -**

(1) As soon as may be after the notice of a

motion under sub-rule (2) of rule 92 has been received, the Chairman shall fix a date for the consideration of the motion by the District Council.

(2) On the day appointed for the consideration of the motion, the member who has given notice of the motion shall move for leave of the Council to introduce his Bill.

(3) If a motion for leave to introduce a Bill is opposed, the Chairman after permitting, if thinks fit, a brief explanatory statement from the member who moved and from the member who has opposed the motion, may, without further debate, put the question thereon.

(4) If such motion be carried, the Secretary shall read the title of the Bill, and the Bill shall thereupon be deemed to have been introduced in the Council.

**96. Motion after introduction -**

At the time when a Bill is introduced or on some subsequent occasion, the Member in charge may make one of the following motions in regard to the Bill, namely -

(a) That it be taken into consideration by the Council either at once or at some further day to be then mentioned; or

(b) That it be referred to a select Committee or

(c) That it be circulate for the purpose of eliciting opinion thereon;

Provided that if a member gives notice of a particular motion specified in clauses (a) and (c), he shall not be permitted to move a different motion.

**97. Persons by whom Motion be made -**

(1) No motion that a Bill be taken into consideration or be passed, shall be made by any member other than the member-in-charge of the Bill and no motion that a Bill be

referred to a Select Committee or be circulate or re-circulated for the purpose of eliciting public opinion thereon, shall be made by any member other than the Member-in-charge except by way of amendment to a motion made by the Member-in-charge.

(2) For the purposes of this rule, Member-in-charge of the Bill means, in the case of an official Bill, any member acting on behalf of the Executive Committee, and in any other case, the member who has introduced the Bill.

**98. Discussion of Bills-First reading -**

(1) On the day on which any such motion is made, or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provision may be discussed and the details of the Bill must not be discussed further than is necessary to explain its principle.

(2) At this stage no amendment to the Bill may be moved, but if the member -in-charge moves that the bill-

(a) Be taken into consideration, any member may move, as an amendment, that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon before a date to be mentioned in the motion; or

(b) Be referred to a Select Committee, any member may move, as an amendment, that the Bill be circulated for the purpose of eliciting opinion.

(3) Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon has been carried in the Council and the Bill has been circulated in accordance with that direction, and opinions have been received thereon before the date mentioned in the motion, the Member-in-charge, if he wishes to proceed with the Bill thereafter, must move that the Bill be referred to a Select Committee, unless the Chairman, in his discretion, allows a motion to be made that the Bill be taken into consideration.

**99. Composition of a Select Committee -**

(1) The Member of the Executive Committee, who is concerned with the subject and the member who introduced the Bill, shall be members of the Select Committee.

(2) Other Members of the select Committee shall be appointed by the Chairman of the District Council.

(3) The Member concerned of the Executive Committee shall ordinarily be the Chairman of the Committee.

(4) The Secretary shall be Secretary of the Select Committee.

**100. Procedure for the Select Committee -**

(1) In the case of an equality of votes, the fact of such equality shall be recorded in the proceeding.

(2) A Select Committee may hear expert advice and representatives of special interests affected by the measure before them.

(3) It may, for this purpose, require any person presiding within the limits of the District Council to attend before it as witness or to produce before it such papers and records, as it may think necessary, and thereupon a requisition in writing shall be sent to the person concerned, over the signature of the Chairman of the Select Committee.

(4) A quorum to constitute a meeting of the Committee shall be fixed by the Chairman, while constituting such Committee.

(5) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of members fixed by the Chairman is not formed, the Chairman of the select Committee shall either suspend the meeting until the quorum is formed or adjourned to some future day.

(6) Where the Select Committee has been adjourned in pursuance of sub-rule (5) on two successive dates fixed

for the meeting, the Chairman of the Select Committee shall report the fact to the Council through the Chairman.

(7) In the case of an adjourned meeting of the Select Committee, no quorum shall be required.

101. Reports by the Select Committee -

(1) After the publication of a Bill in the manner hereinbefore laid down, the Select Committee to which the Bill has been referred shall make a report thereon to the Chairman of the District Council.

(2) Reports may be either preliminary or final.

(3) The Select Committee shall, in their report, state whether or not in their judgment the Bill has been so altered as to require republication.

(4) It shall be stated in the report whether the Select Committee were unanimous or otherwise in their recommendations, and the whole report shall be signed by all the members of the Select Committee.

Provided that any member present in the meeting and signing the report desires to record a note of dissent, he may state so against his signature and such a note of dissent shall be attached to the report if furnished within the time as may be fixed by the Chairman of the Select Committee, which time shall not be less than seven days after signing of the report.

**102. Publication of report -**

The Secretary, on receipt from the Select Committee, of a complete report (including notes or minutes of dissent, if any) duly signed by the members of the Committee, with the Bill as amended shall cause the report and the amended Bill to be made available for the use of each members of the Council. The report with the amended Bill, shall be published in such manner as the Chairman may deem appropriate.

**103. Presentation of Report -**

(1) Report of the Select Committee on a Bill shall be presented to the District Council by the Member-in-charge of the Bill.

(2) On presenting a report, the Member-in-charge shall, if he makes any remarks, confine himself to a brief statement of fact.

**104. Procedure on report after presentation -**

(1) After the representation of the final report of the Select Committee on a Bill, the Member-in-charge may move-

(i) that the Bill as reported by the Select Committee be taken into consideration, but any member may object to its being so taken into consideration, if a copy of the report has not been made available for the use of members seven days and such abjection shall prevail, unless the Chairman, in exercise of his discretion, allows the report to be taken into consideration : or

(ii) that the Bill be recommitted either

(a) Without limitation, or

(b) With respect to particular clauses or amendment only;

(c) With instruction to the Select Committee to make some particular or additional provisions in the Bill.

(2) If the Member-in-charge moves that the Bill be taken into consideration, any member may move, as amendment, that the Bill be-recommitted.

**105. Proposals of Amendment -**

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

**106. Notice of amendment -**

(1) If a notice of a proposed amendment has not been sent to the Secretary three clear days before the meeting of the District Council, at which the Bill is to be considerate, any member may object to the motion of the amendment, and such objection shall prevail, unless the Chairman, in his discretion, allows the amendment to be moved.

(2) The Secretary shall cause every notice of proposed amendment to be made available for the use of each member.

**107. Order of amendments Second reading -**

An amendment shall ordinarily be considered in the order of the clauses to which they respectively relate.

**108. Submission of Bill-Clause by clauses -**

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

**109. Passing of Bills Third reading -**

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

(2) If any amendment be made, any member may object to the passing of the Bill at the same meeting, and such objection shall prevail, unless the Chairman in his discretion, allows the Bill to be Passed.

(3) Where the objection prevails, the Bill shall be brought forward again at a future meeting and may then be passed with or without further amendment.

**110. Formal revision of Bill and submission to Chairman for Authentication and to the Governor for assent -**

(1) When a Bill has been passed, the Secretary shall, if necessary, renumber the clauses, revise and complete the marginal notes thereof and make such purely formal consequential amendments therein as may be required and a copy of the Bill shall be submitted to the Chairman and shall be signed by him.

(2) After a Bill has been so authenticated by the Chairman, the Secretary shall sent an authenticated copy to each of the following :-

(i) The Governor through the Secretary to Government for his approval or assent, as the case may be, where it is so required under any provisions of the Sixth Schedule ; or

(ii) the Governor through the Secretary to Government for information, if the Bill does not require the approval of the Governor, being not so specified in any of the provisions of the Schedule;

(iii) the Chief Executive Member for information.

(iv) the Deputy Commissioner.

**111. Reconsideration of Bills returned by the Governor -**

When a Bill which has been passes by the District Council and submitted to the Governor under rule 110 (2) (i) is returned by the Governor with a message to the District Council for reconsideration, the point or points referred for reconsideration or the amendments recommended shall be put up to the Council by the Chairman, and shall be discussed and voted upon in the same manner as amendments to a Bill and it shall be presented to the Governor through the Secretary to Government for his approval or assent, as the case may be.

**112. Effect of Laws made By the District Council -**

When a Bill has been passed by the District Council, a copy thereof shall be signed by the Chairman and after having been assented to or approved by the Governor, wherever required under any provisions of the Sixth Schedule to Constitution of India, it shall be published by the Secretary to Government in the Official Gazette and on such publication shall have the force of laws as provided for in paragraph 11 of the Sixth Schedule.

CHAPTER - XI

## RESOLUTIONS

**113. Notice of resolutions -**

(1) A member who wishes to move a resolution shall give fifteen days notice before the opening day of the Council Session, of his intention, and shall, together with the notice, submit a copy of the resolution which he wishes to move;

Provided that the Chairman, with the consent of the Chief Executive Member, may allow a resolution to be entered on the list of the business at a shorter notice than fifteen days.

(2) Immediately on receipt of the notice of a resolution under sub-rule (1), the Chairman shall cause to send a copy of the resolution to the members.

**114. Powers to disallow Resolutions -**

(1) The Chairman shall have the power to disallow any resolution on the ground that it relates to matters falling outside the jurisdiction of the District Council.

(2) When a resolution is so disallowed, the Secretary shall intimate the fact to the member concerned.

(3) When a resolution or part of a resolution is so disallowed, such resolution or part of such resolution shall not be placed on the list of business.

**115. Restriction on the Subject for discussion -**

(1) Every resolution shall be in the form of a declaration of opinion by the District Council indicating, whenever necessary, a line of action to be taken by the Council.

(2) No resolution shall be moved on any matter falling outside the jurisdiction of the District Council and on any of the followings, namely :-

(a) Any matter which is under adjudication by court of law having jurisdiction in any part of the Union of India.

(b) Any matter relating to the conduct of any judge or magistrate.

(3) Subject to the provision of rules 110 and 111 and 114, the decision of the Chairman on the point whether any resolution is or not within the restriction imposed by sub-rule (2) shall be final.

**116. Forms and contents of Resolutions -**

Subject to the restrictions imposed by these rules, any member may move a resolution relating to a matter of general public interest.

Provided that no resolution shall be admissible, which does not comply with the following conditions, namely :-

(a) It shall be clearly and precisely expressed and shall raise a definite issue, and

(b) It shall not contain arguments, inferences, ironical expressions, or defamatory statements, nor shall it refer to the conduct of character of persons except in their official or public capacity.

**117. Moving of resolutions or otherwise -**

(1) A member in whose name a resolution appears

in the list of business shall, when called upon, either -

(a) Decline to move the resolution, in which case he shall confine himself to a mere statement to that effect, or

(b) Move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business.

(2) If the member, when called upon, is absent, the resolution standing in his name shall be deemed have been withdrawn.

Provided that on the authorization in writing of such absent member and with the permission of the Chairman, any other member may move his resolution.

Provided further that if such a resolution stands in the name of another member present the meeting of the District Council, such member may be permitted by the Chairman to move that resolution.

**118. Limits of discussion -**

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

**119. Amendment of resolution -**

After a resolution has been moved, any member may move an amendment to such resolution if the Chairman in his discretion allows such amendment to be moved.

**120. Notice of Amendment -**

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

**121. Withdrawal of resolution -**

(1) A member who has moved a resolution or amendment to a resolution shall not withdraw the same except with the leave of the Council.

(2) No discussion shall be permitted on a motion for leave to withdraw a resolution or an amendment thereto, except with the permission of the Chairman.

**122. Resolution not discussed -**

A resolution, of which notice has been given by a member and which has been admitted, if it not discussed during the session, shall, subject to the provisions of rule 79 be deemed to have been withdrawn.

**123. Copy of resolution to be forwarded -**

A copy of every resolution which has been passed by the District Council shall be forwarded to the Governor through the Secretary to Government.

**124. Resolution on a matter of general public interest -**

Save in so far as is otherwise provided by these Rules no discussion on a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions, except with the consent of the Chairman and of the Member of the Executive Committee in-charge of the subject-matter of the resolution.

## CHAPTER - XII

## FINANCIAL PROCEDURE

**125. District Council Budget -**

(1) The statement of the estimated receipt and expenditure pertaining to the Lai Autonomous District, which are to be credited to or is to be made from the Consolidated Fund of the state of Mizoram in respect of every financial year shall, as required under paragraph 13 of the Sixth Schedule, be placed before the District Council for discussion on such day in the preceding financial year as may be appointed by the Chairman or such other person authorized by the Governor in this behalf. Immediately after the District Council has discussed the District Council Budget, the Chairman or the person authorized shall send a copy of the budget to the Governor so as to enable him to finalize the District Council Budget and to take steps to show separately in the Annual Financial Statement of the State to be laid before the legislature of the State under Article 202 of the Constitution of India.

(2) The provision of rule 52 shall apply as regards the summoning of the District Council for the purpose envisaged in sub-rule (1).

**126. Annual Financial Statement-**

(1) The Chief Executive Member or the Executive Member in-charge of financial affairs shall in respect of every financial year cause to be laid before District Council a statement of

the estimate receipt and expenditure for that year which are to be credited to, or is to be made from the District Fund of the Lai Autonomous District (hereinafter referred to as the "District Council Budget")

(2) All estimates of expenditure from the District Fund shall be submitted in the form of demands for grants, to the District Council and the District Council shall have the power to assent or to refuse assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for grant shall be made except the recommendation of the chief Executive Member.

**127. Authentication of Schedule of authorized Expenditure**

(1) The Chief Executive Member or the Executive Member-in-charge of financial affairs shall authenticate by his signature a schedule specifying the grants made by the District Council under preceding rule.

(2) The Schedule so authenticated shall be placed before the District Council but shall not be open to further discussion or vote in the Council.

(3) Subject to the provisions of the succeeding rule, no expenditure from the District Fund shall be made unless it is specified in the Schedule authenticated.

**128. Supplementary Statement of expenditure -**

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

**129. Presentation of Budget -**

(1) The District Council Budget in respect of every financial year, shall be presented to the District Council on such day in the preceding financial year as the Chairman, in consultation with the Chief Executive Member, may appoint.

(2) The Budget should conform to the system of classification generally followed by the State Government or as may be advised by the Accountant General from time to time.

(3) No discussion on the District Council Budget shall take place on such day not less than three days from the date on which it is presented.

**130. Demands for Grants -**

(1) A separate demand shall be made in respect of the grant proposed or each department or section of the District Council.

(2) Each demand shall contain first, a statement of the total grant proposed and then a statement of the detailed estimates under each grant, divided into items.

(3) Subject to the provisions of these rules, the District Council Budget shall be prepared and presented with necessary adaptations under the heads, sub-heads etc. as contained in the District Fund Rules.

**131. Discussion on District Council Budget -**

The District Council Budget shall be dealt with by the District Council in two stages namely -

(a) A general discussion, and

(b) The voting of demands for grant.

**132. General discussion on Budget -**

(1) On the day or days to be appointed by the Chairman subsequent to the day on which the Budget is presented and for such time as the Chairman may allot for the purpose, the District Council shall be at liberty to discuss

the budget as a whole or any question of principle involved therein, but the budget shall not be submitted to the vote of the District Council.

(2) The Executive Member-in-charge of financial affairs shall have the general right of reply at the end of the discussion.

(3) The Chairman may, if he thinks fit prescribe a time limit for speeches.

**133. Voting on demands -**

(1) The voting on demands for grants shall take place on such days not exceeding one week as the Chairman may allot for the purpose.

(2) Of the days so allotted, not more than a day shall be taken up by the Council for discussion of any demand. As soon as the maximum limit of time for discussion is reached, the Chairman shall forthwith put every question necessary to disposed of the demand discussion.

(3) On the last day of the days so allotted, the Chairman shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants and the consideration thereof shall not be anticipated by any motion for adjournment or be interrupted any manner whatsoever nor shall any dilatory motion be moved in regard thereto.

**134. Vote on account, vote of Credit and exceptional grants**

(1) Notwithstanding anything contained in the preceding rules, on any day or days subsequent to the presentation of the District Council Budget which may be appointed by the Chairman for the purpose, motions may be made for making -

(a) Any grants for meeting unexpected demand upon the resources of the Lai Autonomous District on account of the magnitude of the indefinite character of the service, the demand cannot be

stated with details ordinarily given in the District Council Budget;

(b) An exceptional grant which forms no part of the current service of any financial year;

(c) Any grant in advance in respect of the estimate expenditure for any part not exceeding for months of any financial year.

(2) Such demand shall be dealt with by the District Council in the same way as if they were demand for grants and the provisions of rules 126, 129- 132 shall, mutatis mutandis, apply.

(3) The Executive Member-in-charge of financial affairs shall first within the same financial year cause to be laid before the District Council statement of expenditure incurred out of a grant or grants made under sub-rule (1) and the approval of the Council shall then be obtained thereon.

**135. Motion at this stage -**

(1) No motion for appropriation can be made except on the recommendation of the Chief Executive Member, expressly communicated to the District Council.

(2) Motions may be made at this stage to refuse or reduce the total amount of a demand for grant or to omit or reduce the amount of any item or unit of appropriation composing the grant.

(3) When tabling a motion for reduction, if it be for reduction or omission of the amount of an item, a member shall give full details of the reduction or omission proposed by him with reference to original provision in the District Council Budget.

(4) When several motions for substantial reductions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the District Council Budget. Ordinarily the largest reduction

under a grant or an item of a grant will be taken up first and the smallest reduction last, but these arrangements may be altered by the Chairman at his discretion to expedite the business of the District Council.

(5) In case any such motion or motions are carried by the Council, the Financial Statement shall be accordingly modified and finalized for the purpose of rule 127.

**136. Notice of motions -**

Notice of motion to refuse or reduce any demand shall be given to the Secretary one day before the day on which the demand is to be taken up for consideration.

**137. Statement of Supplementary or Additional grants -**

(1) The Chairman, in consultation with the Chief Executive Member from time to time, shall allot a day or days for the presentation of supplementary statement of expenditure and for discussion and voting on the demand thereof.

(2) A demand may be presented to the District Council for an additional or supplementary grant in respect of any demand for grant to which the District Council has previously refused its assent, or in respect of the amount the District Council has previously reduced.

(3) The consideration of the business stated in the foregoing sub-rules shall not, on the day or days allotted therefore, be anticipated by any motion for adjournment or be interrupted in any manner whatsoever, nor shall dilatory motion be moved in regard thereof.

**138. Limitations -**

The District Council Budget shall not in principle exceed the total amount available by way of grant-in-aids from the State Government, and by way of Special Grant, if any, from the Central Government under a special scheme, or otherwise, and also the revenue earnings anticipated or projected during the financial year under reference.

CHAPTER - XIII

## CONDUCT OF BUSINESS-MISCELLANEOUS

**139. Proceedings of the District Council -**

(1) The Secretary shall cause a full report of the District Council at each of its meetings, to be prepared as soon as possible after such meeting. He shall send a copy of such report signed by the Chairman to-

(a) The Governor through the Secretary to the Government,

(b) Chief Executive Member,

(c) Deputy Commissioner and

(d) All members of the District Council.

(2) A copy of such report, when confirmed and signed by the Chairman, shall be the record of the proceedings of the District Council.

**140. Other duties of the Secretary -**

In addition to the duties specially entrusted by these Rules, it shall generally be the duty of the Secretary -

(a) To take charge of all records of the District Council,

(b) To keep the books of the District Council,

(c) To keep a list of business for the time being before the District Council,

(d) To make out from time to time a list of all Committee-Sittings,

(e) To assist the District Council and all Committees in such manner as they may direct.

**141. District Council Committees and Powers of the Chairman -**

(1) The Chairman may at any time, nominate a Committee of Privileges and the Business Advisory Committee. The Chairman shall be the Chairman of the Committees and

the Secretary shall be the Ex-officio Secretary of the Committee.

(2) The size of such Committees and their powers and functions shall be as determined by the Chairman.

(3) The Chairman shall have the powers to regulate the conduct of business in the District Council in all matters not provided for in these Rules.

## CHAPTER - XIV

## ELECTION - GENERAL PROVISIONS

**142. Holding of General Elections -**

(1) A general election shall be held under these Rules for the constitution of the District Council of Lai Autonomous District on the expiration of the duration of the existing District Council or on its dissolution, as the case may be.

(2) The Governor shall, by notification in the official Gazette, call upon every constituency to elect a member in accordance with these Rules within such time as may be specified in such notification;

Provided that, if the Governor thinks fit, the said notification may be issued at any time not being more than six months prior to the date on which the duration of the District Council would expire in the ordinary course of events.

(3) Holding of election to the District Council shall be conducted by the District Council Affairs Department.

**143. Publication of results of the General Elections -**

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

**144. Casual vacancies -**

(1) When the seat of an elected member of the District Council becomes vacant, the Governor shall, by notification in

the official Gazette call upon each Constituency to elect a person to fill the vacancy within six months and these Rules shall apply to the procedure for the election of a member to fill such vacancy.

(2) If a vacancy occurs in the case of a nominated member, the Governor shall subject to the provisions contained in Rule 6 (4) of these Rules, appoint a person having the necessary qualification under these Rules.

**145. Effect of Disqualification :**

If any person having been elected or nominated is found to have been subject, at the time of this election or nomination, to any of the disqualifications prescribed in Rule 11 or lacking in the qualifications prescribed in Rule 9, the Governor may, if such disqualification has not been removed, declare, by notification in the official Gazette, such member's seat to be vacant.

CHAPTER - XV

**ELECTION-ELECTORAL ROLLS etc.**

**146. Qualification for electors -**

(1) Every person who is -

(a) A citizen of India belonging to any Scheduled Tribe.

(b) An ordinarily resident in any constituency within the Lai Autonomous District.

(c) Not below the age of 18 years on the qualifying date,

(d) Not of unsound mind and does not stand so declared by any competent court, and

(e) For the time being, not disqualified from voting under the provisions of any law relating to corrupt or illegal practice or other offences in connection with election, shall be entitled to vote at any election to the District Council of the Lai autonomous District.

(2) The expression " an ordinarily resident" used in sub-rule (1) shall have the same meaning as assigned to it by section

20 of the representation of the People Act, 1950 (XLIII of 1950).

(3) No person shall be entitled to be registered in the electoral roll for more than one constituency or for any constituency more than once.

(4) For the purpose of this rule, "the qualifying date," as used in sub-rule (1) and in relation to the preparation of every electoral roll under this Chapter, means the first day of January of the year it is so prepared or revised.

**147. Electoral roll for every Constituency -**

(1) There shall be an electoral roll for every Constituency for election to the District Council prepared in accordance with the Rules hereinafter provided -

(a) The electoral roll of constituency of the Mizoram Legislative Assembly prepared in accordance with the provisions of Section 23 of the Representation of the People Act, 1950 (No.43 of 1950) in as much as it relates to the areas comprised within the constituencies of the District Council shall be electoral roll for the purposes of the general elections to the District Council.

(b) There shall be conducted a summary revision of the electoral rolls for deletion, or correction of names in the electoral roll of the District Council preceding any election to the Council-constituencies/constituency by such time-frame as may be decided and notified by the Governor;

Provided that the entire process of revision of electoral rolls should be completed on or before the date fixed for filling of nomination-papers for the general elections to the District Council.

**148. Returning Officer -**

(1) The Returning Officers for the Constituencies in the District Council shall be the Deputy Commissioner, Lawngtlai while the Additional Deputy Commissioner

or (Sub-Divisional Officer (Sadar), Lawngtlai ) shall be the Additional or Assistant, Returning Officer for the purpose of election to the District Council, who shall perform all or any of the functions of the Returning Officer relating to the conduct of such elections and revision of the electoral rolls therefor;

Provided that no Additional or Assistant Returning Officer shall perform the functions of the Returning Officer, relating to the acceptance or scrutiny of nomination papers, counting of votes or declaration and publication of results of any such election, unless the Returning Officer is unavoidably prevented from performing the same.

**149. Appointment of Additional and Assistant Returning Officer -**

Notwithstanding anything in the foregoing Rule, the Governor may, by notification in the Official Gazette, appoint such other officer or officers as Additional Returning Officer or Assistant Returning Officer for the purposes of elections to the District Council, as may be deemed necessary.

**150. Decision of Returning Officer to be final -**

If any difficulty or question arises to the preparation or revision of any electoral roll under these Rules, the same shall be decided by the Returning Officer and his decision there-upon shall be final.

## CHAPTER - XVI

## ELECTION-NOMINATION etc. OF CANDIDATE

**151. Filling of nomination and steps to be taken thereunder**

(1) The Governor shall appoint for each constituency -

(a) a date or dates, not later than three weeks after the date of the notification under Rule 142 calling upon each constituency to elect a member, for filing of nomination papers by

candidates for scrutiny of such nomination papers, and

(b) a further date or dates on which a poll shall, if necessary, be taken, and

The dates so fixed shall be notified in the constituency in such a manner as the Returning Officer may think fit.

(2) On the date or dates so appointed for the filing of nomination papers by candidates, each candidate shall, either in person or by his proposer or seconder, between the hours of 11:00 O' Clock in the forenoon and 3:00 O' Clock in the afternoon, deliver to the Returning Officer or such other person as may be authorized in this behalf by the Returning Officer, nomination paper completed in the form prescribed in Appendix IV and subscribed by the candidate himself as assenting to the nomination and by two other persons referred to in sub-rule (3) of these Rule as proposer and seconder.

(3) Any person whose name is included in the electoral roll of the constituency and who is not subject to any disqualification for being so included under these Rules, may subscribe as proposer or seconder but no person shall be a proper and seconder of more than one candidate.

(4) Every nomination paper delivered under sub-rule (2) shall contain a declaration in writing subscribed by the candidate that the candidate has appointed or does thereby appoint as his election agent for the election either himself or some other person who is not disqualified under these Rules for such appointment and no candidate shall be deemed to be duly nominated unless such declaration is made on the nomination paper.

Provided that notwithstanding the fact that more than one nomination paper have been presented by or on behalf of a candidate, only such declaration by a candidate shall be necessary.

(5) Every nomination paper shall also contain a declaration in writing subscribed by the candidate that he has selected a particular symbol from the list specified in Appendix V of these Rules and no candidate shall be deemed to be duly nominated unless such declaration is made on the nomination paper.

(6) All nomination paper which is not received before 3:00 O' Clock the afternoon on the date fixed by the Governor for the nomination of candidates, shall be rejected.

(7) The Returning Officer or any other officer authorized by the Returning Officer in writing shall, on receiving a nomination paper under sub- rule (2), sign thereon a certificate stating the date on which and the hour at which nomination paper has been delivered to him, and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in the office a notice of all the nominations received containing same descriptions as contained in the nomination papers, both of the candidates and of the persons who have subscribed the nomination paper as proposers and seconders.

(8) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered by him either in person or by his proposer or seconder to the Returning Officer at any time before the Returning Officer has completed the preparation of the list of valid nomination under sub-rule (4) of rule 153. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to re-nominate as a candidate for the same election.

(9) The Returning Officer or any other person authorized in this behalf shall, on receiving a notice of withdrawal under sub-rule (8), as soon as may be, cause a notice of the withdrawal to be affixed in some conspicuous place in the office.

**152. Filling of nomination -**

(1) At the time of delivery of a nomination paper under sub-rule (2) of rule 151, each candidate shall deposit a sum of Rs.1000/- (Rupees one thousand) in cash to the

Returning Officer and no candidate shall be deemed to be duly nominated unless such deposit has been made and the office of the Returning Officer shall issue a proper receipt in duplicate of such deposit.

(2) If a candidate by whom or whose behalf the deposit referred to in sub-rule (1) has been made, withdraw his candidature or if the nomination of any such candidate is refused, the deposit should be returned to the candidate, and if any candidates die before the commencement of the poll, any such deposit shall be returned to his legal representative.

(3) If in a constituency, a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not declared elected and the number of votes polled by him does not exceed one-sixth of the total number of valid votes polled, the deposit shall be forfeited to the Government.

(4) The deposit made by or on behalf of a candidate who is not elected, shall, if it is not forfeited under sub-rule (3) be returned to the candidate as soon as may be after the publication of result of the election in the official Gazette, and the deposit made by or on behalf of a candidate who is elected shall be so returned as soon as may be after the publication of the result of the election in the official Gazette.

**153. Scrutiny of nomination -**

(1) After 3:00 O' clock in the afternoon on the date fixed by the Governor for the nomination of candidates under sub-rule (1) of rule 151, the candidates, their election agents, one proposer and one seconder of each candidate and one person duly authorized in writing by each candidate but no other person may attend at such place as may be notified by the Returning Officer who shall give them all reasonable opportunities for examining the nomination papers of all candidates, which have been delivered within the time and in the manner laid down in Rule 151.

(2) (a) The returning Officers shall then examine the nomination papers and shall decide on all objections which may be made to any nomination and may, either on such objection or in his own motion after such summary inquiry, as he may think necessary, refuse any nomination on any of the following grounds.

(i) that the candidate is not qualified to be elected to fill the seat under these Rules.

(ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 151.

(iii) that there has been a substantial failure to comply with any of the provisions of rule 151 or rule 152

(iv) that the candidate or any proposer or seconder is not substantially identical with the person whose number or name appearing in the electoral roll is given in the nomination paper as the number of name of such candidate, propose or seconder.

(v) that the signature of the candidate or any proposer or seconder is not genuine or has been obtained by fraud;

Provided that the Returning Officer shall not refuse any nomination paper on the ground of a minor technical defect such as wrong spelling of name, and the like and shall accept any nomination paper in respect of which he is satisfied that the candidate is qualified to be chosen to fill the seat and has been proposed and seconded by persons who are qualified.

(b) For the purpose of this rule, the publication of a certified copy of an entry made in the electoral roll of any constituency or holding of a voter's identity card issued by the concerned authority

shall be the conclusive evidence of the right of any voter named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate or the proposer or seconder is otherwise disqualified.

(3) (a)The Returning Officer shall endorse on each nomination paper his decision on accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reason for such rejection.

(b) The scrutiny shall be completed, if possible, on the day fixed for the nomination of candidate but if it cannot be completed on that day it may be adjourned to the following day, or if the following day is a holiday, to the next working day.

(4) On completion of the scrutiny of nomination papers, the Returning Officer shall forthwith examine the symbols chosen by the candidates, and if such symbols are found to be in conflict with each other or with any symbols already assigned, he shall allocate the symbols in conformity, as far as possible, with the choices of the candidates, as far as possible with the choices of the candidate, and if necessary, by lot, and his decision in this respect shall be final. Each candidate or his election agent shall, at the same time, be informed of the symbol assigned to him and shall be given a specimen thereof. The Returning Officer shall then prepare the list of valid nominations indicating therein the symbols assigned to each candidate and shall cause such list to be affixed in some conspicuous place in his office.

**154. Death of candidate before poll -**

If a candidate who has been duly nominated under these Rules dies after the date fixed for the scrutiny of nominations and before commencement of poll, the Returning Officer shall, on being satisfied of the fact of such death, countermand the poll in the constituency

concerned and report the fact to the Governor, and all proceedings with reference to the election in that constituency shall be commenced afresh in all respects as if for a new election;

provided that no fresh nomination shall be necessary in the case of a candidate whose nomination has been valid at the time of countermanding of the poll.

**155. Effect of nominations -**

(1) If the number of candidates who have been duly nominated and who have not withdrawn their candidature exceeds that of the seats to be filled, the Returning Officer shall forthwith publish in the official Gazette, in such manner and in such places in the constituencies as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order the symbols assigned to each candidate and the names of sponsoring political parties and in case, not sponsored by any political party, then showing such candidate or candidates as independent, a poll shall then be taken in the manner provided hereafter in the Rules.

(2) If the number of such candidates is equal to the number of seats to be filled, the Returning Officer shall declare all such candidates, if any, to be elected to fill as many of those seats and the poll shall be conducted in remaining constituency/constituencies in accordance with the notification issued under Rule 151, to elect a person or persons to fill the remaining seat or seats.

## CHAPTER - XVII

## DISTRICT COUNCIL ELECTIONS : VOTING

**156. Method of voting -**

(1) Voting at any election to a District Council shall be conducted by the Symbol system and the symbols to be utilized for the purpose shall be those as specified in Appendix -V to these Rules.

(2) At elections in every constituency where a poll is taken, votes shall be given by means of Electronic Voting Machine.

**157. Right to vote -**

(1) Every person who is not disqualified under these Rules and who is, for the time being , included in the electoral roll of the Constituency delimited for elections to the District Council shall be entitled to vote in that constituency.

(2) No person shall vote at any election in any constituency if he is, for the time being, not entitled to vote under the provision of rule 146 of these Rules.

(3) No person shall vote at any election in more than one constituency and if a person votes in more than one constituency, his vote in all such constituencies shall be void.

(4) No person shall vote at any election in the same constituency more than once. Notwithstanding that his name may have been included in the electoral roll for that constituency more than once, if he does so, all his votes in that constituency shall be void.

(5) No person shall vote at any election if he is confined in a prison whether under a sentence of imprisonment of transportation or otherwise or is in the lawful custody of the police.

**158. Hours of commencement and close of poll -**

(1) The Governor shall, by notification in the official Gazette, fix hours at which the poll shall commence and the hour at which it shall close on the date or dates fixed for the poll.

provided that the hours fixed for the polling shall also be published in the constituencies in such manner as the Returning Officer may consider necessary.

(2) The Returning Officer may, for sufficient cause and with the previous approval of the Governor, wherever possible, postpone the date or extend the period fixed polling.

**159. Selection of polling Station -**

(1) The Returning Officer shall select for each constituency such number of polling stations as he may consider necessary and shall allot a distinctive number to each of them.

(2) Not less than seven days before the date or on the first date of the dates fixed for election the Returning Officer shall post at his office and publish in such manner as he may consider necessary, a list showing the polling station as selected, the polling area for which each such station has been selected and the hours during which each such station shall remain open the recording of votes.

(3) No person shall be permitted to record his vote except at the polling station of the area to which, according to the electoral roll, he belongs and within the fixed hours for which the polling station remains open.

**160. Appointment of Presiding Officer and Polling Officer -**

(1) The Returning Officer shall appoint a Presiding Officer for each polling station and such other person (hereafter referred to as Polling Officer) to assist the Presiding Officer as he may consider necessary;

Provided that if a Polling Officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station to be Polling Officer during the absence of the former and inform the Returning Officer accordingly.

(2) A polling officer may, if so directed by the Presiding Officer, perform all or any duties assigned to a Presiding Officer under these Rules.

(3) if the Presiding Officer, owing to illness or unavoidable cause is obliged to absent himself from the polling station, his duties shall be performed by such Polling Officer as he has been previously authorized by the Returning Officer to perform such duties during any such absence.

**161. Duties of Presiding Officer at polling station -**

(1) The Presiding Officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of voters to be admitted at one time and shall exclude all other persons, except -

(a) The polling officers, the candidate and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate or his election agent.

(b) The Police officials or other public servants on duty and

(c) Such other persons as the Presiding Officer may from time to time admit for the purpose of conducting elections under succeeding rule 166.

(2) A contesting candidate or his election agent may appoint in prescribed form in Appendix VI one polling agent and two relief agents for each polling station and every such appointment shall be made over to the polling agents and other agents for production to the Presiding Officer at the Polling Station.

Provided that in case of revocation of appointment of or death of any polling agent, the candidate or his election agent may make a fresh appointment in the manner specified above.

(3) The Presiding Officer shall close at the hour fixed in that behalf under sub-rule (1) of the rule 158 so as to prevent the admission thereto of any other voters than those already admitted within the polling station before it was so closed, who shall be entitled to have their votes recorded.

(4) In emergencies, disturbance of the public peace or occurrences of any natural calamity etc., the Presiding Officer may, with the approval of the Returning Officer, close the poll and announce the adjournment of

postponement of the poll to a subsequent day. The Returning Officer shall immediately report the circumstances to the Governor for his approval.

**162. Fresh poll in case of Destruction etc., Of Electronic Voting Machine -**

(1) If at any election any Electronic Voting Machine is or are unlawfully taken out of the custody of the Returning Officer or of any Presiding Officer or is or are in any way tampered with, or is or are either accidentally or intentionally destroyed or lost, the election to which such Electronic Voting Machine relates or relate, shall be void, but only in respect of the polling station or stations provided under sub-rule (1) of rule 163, at which such Electronic Voting Machine was used and no further.

(2) Whenever the polling at any polling station or stations becomes void under sub-rule (1), the Returning Officer shall, as soon as practicable after the act or event causing such violence has come to his knowledge, report the matter to the Governor and shall, with the previous approval of Governor, appoint a day for the taking of a fresh poll in such or every such polling station and fix the hours during which the poll will be taken, and shall not count the votes casted at such election until such fresh poll has been taken.

(3) In every such case as aforesaid, the Returning Officer shall take a fresh poll in such or every such polling station on the day so appointed by him, and shall notify the day so appointed and the hours of polling so fixed by him in such of these rules or orders, if any, made thereunder shall apply to every such fresh poll as they apply to the original poll.

**163. Arrangement for Secrecy of Voting -**

(1) Each polling station shall be provided with necessary Electronic Voting Machines by the Returning Officer.

(2) Every Electronic Voting Machine used at a polling station shall be packed with its cover and bear labels outside the cover of the Electronic Voting Machine, marked with :

(a) Serial number, if any, and name of the constituency.

(b) Serial number and name of the polling station.

(c) Date of the poll.

(3) The Returning Officer shall provide each polling station with necessary Electronic Voting Machine, copies of the relevant part of the electoral roll. Postal ballot papers, instruments for stamping the official mark on postal ballot papers by the electors.

(4) Outside and inside each polling station there shall be displayed at a conspicuous place by the Presiding Officer before the commencement of the poll, a notice showing the name of each candidate in English or local language issued by the Returning Officer together with the symbol assigned for him, at the entrance of the polling station.

**164. Electronic Voting Machine to be locked up and sealed before Commencement of poll -**

(1) The Presiding Officer in any polling station immediately before the commencement of the poll, shall show to all such polling agents and others as may be present at such station that the Electronic Voting Machine is empty and in good order and place his seal upon it in such manner as to prevent it being opened without breaking such seal and shall keep it so locked and sealed.

(2) Where it is necessary to use a paper seal for securing the Electronic Voting Machine, the Presiding Officer shall fix in each paper seal provided for the purpose. He shall also affix on such candidates or of such election or polling agents of the candidates, as may be present. He shall then secure and seal each Electronic Voting Machine in their presence.

**165. Precautionary measures Before recording of votes -**

(1) Before the polling station is opened for recording of votes, the Presiding Officer shall read to such persons as may be present, the provision of rule 212,213,214 and shall explain the substance thereof in the language as may be understood by such persons.

**166. Procedure before Recording of votes -**

(1) Every voter, on entering the polling station, shall first approach the polling Officer in charge of that part of the electoral roll in which the voter's name, address, his or her father's name, or her husband's name and such other particulars as appear on the roll, and having checked those with the roll, the Polling Officer shall call out the number, name and description of the voters as printed, and shall then place against the number of the voter in the roll a short horizontal line. No other mark shall be made on the roll.

(2) If a voter's name, address or any other particular given in the roll is found incorrect owing to misprint or clerical error, the Presiding Officer may interpret the entry in the roll so as to overlook any such clerical or printing error, but shall record the reasons in writing for so doing in each case.

(3) On the voter's name being called out, the Polling Officer shall clearly instruct the voter how to use the Electronic Voting Machine for voting and also mark on left forefinger nail of the voter with indelible ink.

**167. Persons to be present at the polling station to assist the Polling Officer in identifying voters -**

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

**168. The manner of recording votes -**

A voter shall go inside the polling compartment and record his vote by pressing appropriate button against the symbol of the candidate he wishes to vote.

**169. Recording of votes by infirm voters -**

If owing to any physical infirmity or ignorance an elector is unable to recognize the symbol on the Electronic Voting Machine without assistance, the Presiding Officer shall permit the elector to take with him a companion.

**170 . Tendered votes -**

if a person representing himself to be a particular voter named on the electoral roll comes to cash vote after another person has voted as such voter, the applicant shall after satisfactorily answering such questions as the Presiding Officer may ask, be entitled to cast a vote. He shall then be supplied with tendered ballot paper as in Appendix - VII. The person tendering such ballot paper shall sign his name and address thereon or affix his or her thumb impression against relevant entry as in the list in Appendix VIII. Elector shall after casting vote in the voting compartment give the ballot paper to the Presiding Officer who shall place it in a cover envelope specially kept for the purpose.

**171. Challenged votes -**

(1) If any candidate, election agent or polling agent declares and undertakes to prove that any person by applying for a vote has committed the offence of false personation, the Presiding Officer shall require such person to enter in the list of " challenged votes" which shall be in the form in Appendix-IX, his name and address, or if he is unable to write, to affix his thumb impression there-to, and may further require such person to produce evidence of identification.

Provided that no action shall be taken by the Presiding Officer under this rule unless a sum of Two Hundred rupees (Rs.200/-) has been deposited in cash to the Presiding Officer by the candidates or his/her agent for each challenge he or she makes.

(2) If the person so challenged refuses to comply with such requisition, he shall not be allowed to vote, but if he does so comply and on being questioned whether he is the person

enrolled in the electoral roll in force and whether he has already voted at the present election in the constituency, answers the former questions in the affirmative and the latter in the negative, he shall be allowed to vote after he has been warned of the penalty for personation.

(3) If the presiding Officer, after such inquiry on the spot as he thinks necessary, is of the opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and has been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to government and his order in this respect shall be final.

(4) If the deposit made under sub rule (1) is not forfeit under sub rule (3), it shall be refunded to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The Presiding Officer shall in every case, whether or not the person challenged is allowed to vote, make note of the circumstances in the list of challenged votes.

**172. Provision for voting by post by persons on duty -**

Every Presiding Officer, Polling Officer or polling agent who, is being entitled to vote in the constituency is duly appointed or authorized for duty in connection with any election to the District Council at a polling station at which he is not ordinarily entitled to vote, may apply to the Returning Officer for a certificate entitling him to record his vote by postal ballot and the Returning Officer shall, is satisfied that the applicant is in order, grant a certificate in the form prescribed in Appendix -X.

**173. Method of voting by persons on duty -**

A person in possession of a certificate in the form prescribed in rule 172 shall record his vote at the time and place appointed by the returning Officer in a postal ballot paper issued by the Presiding Officer in a form of Appendix - XI. After casting vote in a voting compartment,

the voter shall place the ballot paper in the envelope and close the envelope in a cover and then hand over to the Returning Officer or any other officers authorized in this behalf.

**174. Delivery of Electronic Voting Machine to the Returning Officer after the close of the poll -**

The Presiding Officer of each polling station as soon as practicable after the close of the poll, shall in presence of the candidates or their polling agents who may be present, close the control unit to ensure that no further vote can be recorded and shall dispatch the balloting unit from the control unit, and pack the Electronic Voting Machine and seal with his own seal and the seals of the candidates or their agents who may desire to affix their seals, the following, namely -

(a) Marked copy of the electoral roll.

(b) The tendered votes list

(c) The list of challenged votes.

(d) The envelopes referred to in rule 173.

And shall deliver such packets or parcels or causes them to be delivered to the Returning Officer.

**175. Statement by the Presiding Officer after close of the poll -**

The packets of parcels as prepared under rule 174 shall be accompanied with a statement in the form given in the Appendix - XII by the Presiding Officer showing the number of votes polled and other related documents as may be directed by the Returning Officer.

## CHAPTER - XVIII
## DISTRICT COUNCIL ELECTIONS :
## COUNTING OF VOTES.

**176. Appointment of time, date for counting of votes -**

(1) The Governor shall appoint a time and place and place for the counting of votes, and the Returning Officers shall give notice thereof in writing to all candidate and their election agents.

(2) If, at the time appointed, all the Electronic Voting Machine have not been received by the Returning Officer or due to any other unavoidable cause he is unable to proceed with the counting of vote, he shall, with the previous approval of the Governor, postpone the counting to some other date and time as may be appointed by the Governor. The Returning Officer shall give notice thereof in writing to all candidates and election agents.

**177. Persons who may be present at the counting of votes -** No person shall be allowed to be present at the counting of votes except the Returning Officer with such other persons as he may appoint to assist him in counting the votes, the candidate, election agents and counting agents, as may be required, authorized in writing by the candidates who shall have the right to be present at the time of counting.

**178. Procedure to be followed at the counting of votes -**

(1) On the day and the day the time appointed under rule 176, the Returning Officer shall, before he commences counting of votes, read the provisions of rules 177 and 178 to such persons who may be present.

(2) The procedure for counting of votes shall be the same as normally followed in the counting of votes in the assembly election of the State of Mizoram.

(3) If an equality of votes is found to exist between any two candidates, and the addition of one vote will entitle any

such candidates to be declared elected, the returning Officer shall decide by drawing lots.

(4) The Returning Officer shall declare the candidate to whom the largest number of valid votes has been given, to be elected and grant to such candidate a certificate of election in the form given in Appendix - XII. An acknowledgement receipt shall be offered for sending the same to the Secretary.

**179. Report of the result Election to Government And publication of the Result in the Official Gazette -**

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

**180. Verification of Statement by the Presiding Officer -**

The Returning Officer shall not immediatelyopen sealed packets of tendered votes, marked copy of the Electoral roll or counterfoil of the ballot papers. He shall first verify the statements submitted by the Presiding Officer under rule 174 and then only after being satisfied, shall open or cause to open the sealed packets of tendered votes etc.

**181. Returned by the Returning Officer -**

The returning Officer shall then prepare and certify a return setting forth :

(a) Result of the verification referred to in rule 180;

(b) The names of the candidate for whom valid votes have been given;

(c) Number of valid votes given for each candidate;

(d) Names of candidates declared elected:

(e) Number of votes declared invalid, and

(f) Number of tendered votes given, and shall permit any candidate and his election agent or his authorized representative to take a copy of, or an extract from such return.

**182. Return to be sent to the Government**

The Returning Officer shall, after reporting the result of the election under rule 179 forward the return mentioned in the preceding rule to the secretary to the Government. Copies of returns by the Returning Officer may be obtained from the secretary to the Government on payment of a fee of Rs. 10 (Ten rupees) only.

## CHAPTER - XIX

## DISTRICT COUNCIL-ELECTION AGENT AND EXPENSES.

**183. Election agent -**

As provided for in sub-rule (4) of 151, every person nominated as a candidate at an election, shall appoint some other person who is not disqualified for such appointment to be his election agent.

**184. Revocation of appointment of agent -**

(1) The appointment of an election agent shall be revoked only in writing signed by the candidate and lodged with the Returning Officer and shall operate from the date on which it is so lodged.

(2) In the event of such a revocation or of the death of any election agent, whether it occurs before or during election, or after the election but before a return of the candidates election expenses has been lodged in accordance with the provisions of rule 186 the candidate shall appoint forthwith some other person to be his election agent, and shall give notice in writing of the appointment to the Returning Officer.

**185. Account of election -**

Every candidate or his agent shall keep an account of all expenses incurred in connection with his or her election.

**186. Return of election Expenses -**

(1) Within sixty days from the date of publication of the result of an election under rule 179, there shall be lodged with the Returning Officer in respect of each person who has been nominated as a candidate for the election, a return of the election expenses of that person, duly signed by him or his agent.

(2) The return of election -expenses shall be in the form in Appendix XIV which shall contain such particulars as prescribed therein. Every such return shall be submitted by the candidate or his election agent, which shall be in the form contained and shall be made an oath before a Magistrate.

(3) Every such return shall be accompanied by Rupees five in cash.

(4) If a candidate or an election agent who is required to sign the return of election expenses and declarations referred to in this rule is unable to write his name, then he may authenticate the same by making a mark as prescribed in rule 219.

(5) The Returning Officer shall report to the Governor within fifteen days from the date by which the return of election expenses of candidates ought to have been lodged with him whether or not the candidates and their election agents have complied with the requirements of the rule, in the form given in Appendix XV.

(6) On receipt of a report under sub rule (5), the Governor shall decide whether the disqualification under Clause (a) & (b) of sub-rule (4) of rule 11 has in fact been incurred in any election to fill a seat, with the result that the seat shall be declared by him as failing vacant.

**187. Inspection and copy of Return of election expenses-**

When any return and declaration made in respect thereof have been lodged with the Returning Officer, he shall, as soon as may be, cause notice of the date on which the return and the declaration in question have been lodged and of the time and place at which they can be inspected, to be posted in some conspicuous place in his office and to be published in the Gazette, and any person shall, on payment of a fee of Rs. 5/- (Rupees five), be entitled to inspect any such return and declaration and on payment of a fee of Rs.50 (Rupees fifty) only to obtain a copy or copies thereof or of any part thereof.

**188. Maintenance of record regarding such return of election expenses -**

The Governor shall cause to be prepared in the manner, and maintained for such time, as he may direct, a record showing the names of all the election agents of each such candidate and the date in which the return of the election expenses of each candidate has been lodged with the Returning Officer.

**189. Maximum of Election expenses -**

The maximum scale of election expenses (including the personal expenses of a candidate) which may be incurred by a candidate for any election in a constituency of the District Council shall not exceed Rs, 50,000/- (Rupees fifty thousand) only.

## CHAPTER -XX

## DISTRICT COUNCIL ELECTION : DECISION ON DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

**190. Definitions -**

In this Chapter, unless the context otherwise requires :-

(a) "agent" includes an election agent and any person who, on the trial of an election petition, is held by the Commissioner

to have acted as an agent in connection with the election with the knowledge or consent of the candidate ;

(b) "candidate" means a person who has been or claims to have been duly nominated as a candidate at an election and includes a candidate who, with the election in prospect, has held himself out as a prospective candidate;

(c) "costs" means all costs, charges and expenses incidental to a trial of election petition;

(d) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being a candidate, or to voting at an election;

(e) "returned candidate" means a candidate whose name has been published under these rules as duly elected.

**191. Election petition -**

Save as provided in rule 11 or in rule 145 no election shall be called in question except by an election petition presented in accordance with the provisions of the succeeding rules.

**192. Presentation of -**

(1) An election petition against any returned candidate may be presented to the Governor.

(a) By any candidate or elector on any of the grounds specified in sub-rule (2), within sixty days from the date on which result of the election is published in the Official Gazette.

Explanation -

In this sub-rule, "elector" means a person who was entitled to vote at the election petition relates, whether he has voted at such election or not.

(2) The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim for a declaration that he himself has been duly elected,

but such declaration shall only be claimed on one or other of the following grounds :-

(a) That in fact the petitioner received majority of the valid votes; or

(b) That, but for votes, obtained for the returned candidate by corrupt or illegal practices, the petitioner would have obtained a majority of the valid votes.

(c) That the returned candidate was disqualified for being elected as such member.

(3) An election petition shall be deemed to have been presented to the Governor when it is delivered to the Secretary to the Government-

(a) By the person making the petition; or

(b) By the person authorized in writing in this behalf by the person making the petition, or

(c) By registered post.

**193. Contention of election petition -**

(1) Every such petition shall contain a statement in materials facts on which the petitioner relies and shall be signed by the petitioner.

(2) Every such petition shall be accompanied by a list signed by the petitioner setting forth full particulars of any corrupt or illegal practice which the petitioner has alleged, including as full statement as possible of the names and address of parties alleged to have been committed by the Commission of each such practice.

**194. Deposit of security -**

At the time of presentation of the election petition the petitioner shall enclose with the petition a copy of the Government Treasury Challan showing the deposit of Rs. 100/- (Rupees one hundred) only as security deposit towards the cost of the petition.

**195. Petition when to be dismissed -**

If the Provision of rules 191,192,193 and 194 are not complied with, the Governor shall dismiss the petition in limine or at the outset.

**196. Appointment of Commissioner -**

(1) If an election - petition is not dismissed under rule 195, the Governor shall appoint a Commissioner for hearing and disposing of the petition, a person who is or has been an Additional District, Magistrate or Civil Judge (Senior Division) and thereafter all applications and proceeding in connection therewith shall be dealt with and held by such Commissioner.

(2) When, in respect of an election in a constituency more petitions than one are presented, the Governor shall refer all those petitions to the same Commissioner who may at his discretion inquire into the petitions either separately or jointly as he may think fit.

(3) Where the election petition relate to different constituencies of a District Council, the Governor shall refer all those petition to the same Commissioner or may appoint one Commissioner in respect of petition or petitions from each constituency or a group of constituencies and the provision of sub- rule (2) shall apply to the inquiry thereto.

**197. Hearing by Commissioner -**

(1) The Commissioner shall fix the date, time and place of hearing and shall cause a notice thereof to be served on the petitioner and on each respondent.

(2) As regard the procedure for hearing the petition, the Commissioner shall be guided by the spirit, not by the letters, of the Code of Civil Procedure, 1908 as amended from time to time.

Provided that he shall only be required to make such inquiry and to take so much evidence as may be considered sufficient in his opinion for the purpose of deciding the case, if so demanded by the parties.

**198. Withdrawal of petition -**

(1) An election petition may be withdrawn only with the permission of the Commissioner by filing an application for withdrawal before the Commissioner by the petitioner himself under his verification and signature.

(2) When an application for withdrawal is made to the Commissioner, notice thereof fixing a date for hearing of the application shall be given to all the parties to the petition.

(3) No application for withdrawal shall be allowed if in the opinion of the Commissioner, such application has been induced by any bargain on the part of the petitioner.

(4) If the application is allowed -

(a) The petitioner shall, where the application has been made to the Commissioner, be ordered to pay the cost to the respondent incurred therefore or such portion thereof as the Commissioner may direct;

(b) Any person who might himself have been a petitioner, may, within fourteen days of the grant of such withdrawal, apply to be substitute as petitioner in place of the party withdrawing, and upon compliance of the conditions of rule 194 as to security, shall be entitled to be so substitute and to continue the proceeding upon such term as the Commissioner may direct.

(5) When an application for withdrawal is granted by the Commissioner and no person has been substituted as petitioner in place of the party withdrawing under clause (b) of sub-rule (4), the Commissioner shall report the fact to the Governor.

**199. Abatement or Substitution on the death of an election petitioner -**

(1) An election-petition shall abate only on the death of a sole petitioner or of the survivor of several petitioner, provided

that where such sole petitioner was an officer empowered under clause (b) of sub-rule (1) of rule 191, the proceedings may continued by any other officer empowered in this behalf by the Governor.

(2) Any person who might himself have been a petitioner, and upon compliance with the requirement of rule 194 as to security, shall be entitled to be so substituted to continue the proceeding upon such terms as the Commissioner may think fit.

**200. Abatement or substitution on the death of respondent such :**

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

**201. Recrimination -**

(1) Where at an enquiry into an election petition any candidate other than the returned candidate, claims the seat as for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate complaining of his election.

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give evidence unless he has, within fourteen days from the date of submission of the election petition, given notice of his intention to the Commissioner and make the deposit under rule 194.

(2) Every notice referred to in sub-rule (1) shall be accompanied with a statement and list of particulars required under rule 193 in the case of an election and shall be signed and verified in the like manner.

**202. Grounds for declaring An election tobe void -**

(1) Subject to the provisions of this rule, if in the opinion of the Commissioner,

(a) The election of the returned candidate has been procured or induced, or the result of the election has been materially affected by any corrupt or illegal practice or

(b) Any corrupt or illegal practice has been committed in the interest of a returned candidates; or

(c) The result of election has been materially affected by the improper acceptance or rejection of any nomination or by reason of the fact that any person nominated was not qualified or was disqualified for election, or by any non-compliance with the provisions of the rules relating to the election, or by any mistake in the use of any prescribed form; or

(d) The election has not been a free election by reason of the large number of cases in which bribery or undue influence has been exercised or committed the election of the returned candidate shall be void.

(2) If in the opinion of the Commissioner, and agent other than the election agent of a returned candidate has been guilty of any corrupt or illegal practice but is satisfied.

(a) That no such corrupt or illegal practice was committed at the election by the candidate or his election agent, and every such corrupt, or illegal practices mentioned in the report were committed contrary to the orders, and without the consent or connivance of the candidate or his election agent.

(b) That the candidate and his election agent took all reasonable means for preventing the commission of such corrupt or illegal practices at the election.

(c) That the corrupt or illegal practice mentioned in the reports were of a trivial and limited character

or took the form of customary hospitality which did not materially affect the result of the election; and

(d) That in all respects the election was free from any corruption or illegal practice on the part of the candidate or his agents, then the Commissioner may decide that the election of the returned candidate should stand valid.

(3) If a person not being entitled to do, votes more than once at the same election, all his votes shall be deemed for the purpose of this rule to be void.

**203. Report of the Commissioner and Procedure thereon -**

(1) At the conclusion of the inquiry, the Commissioner shall report whether the returned candidate, or any other party to the petition, who has under the provisions of these Rules claimed the seat, has been duly elected, and so reporting shall have regards to the provisions of the rule 202.

(2) The report shall further include a recommendation by the Commissioner as to the total amount of costs which are payable and the persons by whom such costs should be paid.

(3) The report shall be in writing and shall be signed by the Commissioner. The Commissioner shall forthwith forward his report to the Governor who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the official Gazette and orders of the Governor shall be final.

**204. Findings as to corrupt Practices -**

Where any charge is made in an election petition of any corrupt or illegal practices, the Commissioner shall record in his report -

a) A finding whether a corrupt or illegal practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or

his agent, and the nature of such corrupt or illegal practice, and

b) The names of the person, if any who have been found on the inquiry to have been guilty of any corrupt or illegal practices, with any such recommendations as the Commissioner may desire to make for exemption of any such persons from any disqualification, under these Rules;

c) Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause as to why his name should not be so recorded.

## CHAPTER - XXI

## DISTRICT COUNCIL ELECTIONS : CORRUPT AND ILLEGAL PRACTICES

**205. Major corrupt practices -**

The following shall be deemed to be major corrupt practices for the purposes of election to the District Council namely-

(1) Bribery, that is to say,

(A) Any gift, offer or promise by a candidate or his agent or by any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing -

(i) a person to stand or not to stand as, or to withdraw from, being a candidate at an election, or

(ii) an elector having voted or refrained from voting;

(a) A person for having so stood or not stood or for having withdrawn his candidature or

(b) An elector for having voted or refrained from voting;

(B) Receipt of, or agreement to received, any gratification, whether as a motive or a reward,

(i) by a person for standing or not standing as, or for withdrawing or not withdrawing from being a candidate; or

(ii) by any person whomsoever for himself or any other person for voting for refraining for voting, or inducing or attempting to induce to elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation -

For the purposes of this rule, the term "gratification" is not restricted to pecuniary gratification or gratifications estimate in money and includes all forms of entertainment for reward, but it does not include the payment of any expenses incurred bonafide at, or for the purpose of any election;

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his election agent, with the free exercise of any electoral right;

Provided that without prejudice to the generality of the provisions of this clause, any such person as is referred to there-in who-

(i) threatens any candidate or elector, or any person in whom a candidate or an elector is interested, with any injury of any kind of social ostracism and the like, or

(ii) induces or attempts to induce a candidate, or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine pleasure or spiritual censure,

Shall be deemed to interfere with the free exercise of the electoral right of that candidate or elector within the meaning of this clause;

Provided further that a declaration of public policy, or a promise of public action or the mere exercise of a legal right without any intention to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) Personating, that is to say, procuring or abetting or attempting to procure by a candidate or his election agent or by any other person with the connivance of a candidate or his election agent the application by a person for a ballot paper in the name of any other person, whether living or dead, or in a fictitious name or by a person for a ballot paper in his own name, in spite of the fact that he has already voted in the same or other constituency and thus he is not entitled to vote;

(4) Publication of false statement, that is to say, publication by a candidate or his election agent, or by any other person with the connivance of such candidate or his agent, of any statement of fact, which is false and which he neither believes to be true in relation to the personal character or conduct of any other candidate, being a statement reasonable calculated to prejudice the prospect of such other candidate's election.

(5) Use of vehicle, that is to say, no Government vehicle including District Council's vehicles to be used by a candidate or his agents for that electioneering purposes.

**206. Minor corrupt practice -**

The following shall also be deemed to be corrupt practices of minor nature for the purpose of election to the District Council namely -

(1) Any act specified in rule 205, when done by a person who is not a candidate or election agent or a person acting with connivance of a candidate or his election agent;

(2) Personation, that is to say, application by a person at an election for voting in the name of any other person, whether living or dead, or in fictitious name, or for a ballot paper in his own name, in spite of the fact that he has already voted in the same or other constituency and thus he is not entitled to vote.

(3) Bribery, that is to say, receipt of or agreement to receive any gratification, whether as a motive or a reward,

a) By a person for standing or not standing as, or for withdrawing from, being a candidate or;

b) By a person who-so-ever for himself or any other person for voting, or for inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

**Explanation -**

For the purpose of this clause, the term "gratification" has the same meaning as it has for the purposes of sub-rule (1) of rule 205.

(4) False return, that is to say, making of any return of election expenses, which is false in any material particular, or making of a declaration verifying the truth of any such return;

(5) Use of or appeal to religious or national symbol, a systematic appeal to vote or refrain from voting on the grounds of caste, race, community or religion or use of or appeal to religious and national symbols such as the national flag and emblem for furtherance of the prospect of a candidate's election.

**207. Illegal practices -**

The following shall be deemed to be illegal practices for the purposes of election to the District Council, namely-

(a) Incurring election expenses without authority, that is to say, incurring or authorization by any person other than a

candidate or his agent, of expenses on account of holding any public meeting for upon any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorized in writing to do so by the candidate.

(b) Hiring of liquor shops, that is to say, hiring, using or letting as a Committee-room or for the purpose of any meeting to which electors are admitted or any building, room or other place where intoxicating liquor is served to such electors or sold to the public.

(c) Issue of circulars etc. without address, that is to say, issuing of any circular, placard or poster having a reference to the election, which does not bear on its face the name and address of the printer and publisher thereof.

## CHAPTER XXII

## DISTRICT COUNCIL ELECTION : OTHER ELECTORAL OFFENCES

**208. Prohibition of public Meeting on the poll day etc -**

(1) 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 theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, to any polling area during the forty eight hours ending with the hour fixed for conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) In this rule, the expression 'election matter' means any matter intended or calculated to influence or effect the result of any election.

**209. Disturbance at Election meetings -**

(1) Any person who at a public meeting to which this rule applies, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months with fine which may extend to two thousand rupees, or with both;

Provided that an offence punishable under this rule shall be cognizable.

(2) This rule applies to any meeting of a political character held in any constituency between the date of issue of a notification under these Rules calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police personnel on duty reasonable suspects any person of committing an offence under sub-rule (1), he may, if required so to do by the Chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, the Police Officer may arrest him without warrant.

**210. Duty to maintain secrecy of voting -**

(1) Every Officer, clerk, agent or other person who performs any duty in connection with the recording or counting votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not, except for some purpose authorized by or under any law, communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

**211. Officers etc. at election, not to act for candidates, or to influence voting -**

No person who is a Returning Officer, or an Additional Returning Officer or an Assistant Returning Officer or a Presiding or Polling Officer at an election or an Officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election to the District Council, shall in the conduct or the management of the election do any act, other than the giving of vote, for the furtherance of prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of any police force shall Endeavour :-

(a) To persuade any person to give his or her vote at an election, or

(b) To dissuade any person from giving his or her vote at an election, or

(c) To influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-rule (1) or sub-rule (2) shall be punishable with imprisonment which may extend to six months or with fine up to one thousand rupees or with both.

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

**212. Prohibition of canvassing in or near polling station -**

(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 area in any public or private place within a distance of one hundred meters of the polling station namely,

(a) Canvassing for votes,

(b) Soliciting the vote of any elector,

(c) Persuading any elector not to vote for any particular candidate

(d) Persuading any elector not to vote at the election, or

(e) Exhibition 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 fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this rule shall be cognizable.

**213. Penalty for disorderly conduct in or near Polling Station**

(1) No person shall, on the date or dates on which a poll is taken at any polling station,

(a) Use or operate 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, within or at the disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, annoyance so as to cause to any person visiting the polling station for the poll, or so as to interfere with or interrupt the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or willfully aids or abets the contravention of the provisions of sub-rule (1) shall be punishable with imprisonment which may extend to three months or with fine up to five hundred rupees or with both.

(3) If the Presiding Officer of a polling station has sufficient reasons to believe that any person is committing an offence punishable under this rule, he may direct the Police Officer on duty to arrest such person and thereupon the Police Officer shall arrest him.

(4) Any Police Officer may take such steps and used such force as may be reasonable necessary for preventing any contravention of the provision of sub-rule (1) and may seize any apparatus used for such contravention.

**214. Penalty for misconduct at polling station -**

(1) Any person who during the hours fixed for the poll at any polling station misconducts himself of fails to obey the lawful directions of the Presiding Officer may be removed from the polling station 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 under 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, he shall be punishable with imprisonment for a term which may extend to three months or with a fine up to five hundreds Rupees or with both.

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

**215. Penalty for illegal hiring or procuring of conveyanceat election -**

If any person is guilty of any such corrupt practice as is specified in rule 205 (6) in connection with an election, he shall be punishable with imprisonment which may extend to three months and with a fine.

**216. Breach of official duties in connection with election -**

(1) If any person to whom this rule applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be punishable with a fine which may extend to five hundred rupees.

(2) An offence punishable under sub-rule (1) shall be cognizable.

(3) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(4) The expression, namely, "persons whom this rule applies" shall mean and include the Returning Officers, Additional returning Officers, Presiding Officer, Assistant returning officer, Polling Officer and any other person appointed to perform any duty in connection with the receipt of nominations, withdrawal of candidature, recording or counting of votes at an election, and the expression, namely, "Official duty" shall, for the purposes for this rule, be construed accordingly, but shall not include duties imposed otherwise than by under these Rules.

**217. Removal of election Material -**

(1) Any person who at any election unauthorisedly takes or attempt to take election material out of polling station, or willfully aids or abets the doing of any such act shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

(2) If the Presiding Officer 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 the police officer on duty to arrest such person and may search such person or cause him to be searched by a polling officer;

Provided that when it is necessary to cause a women to be searched, the search shall be made by another women or a female police with strict regard to decency.

(3) An offence punishable under sub-rule (1) shall be cognizable.

**218. Other offence and penalties therefor -**

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

(a) Fraudulently defaces, or destroys any nomination paper.

(b) Fraudulently defaces, destroys or removes any list, notice or other documents fixed by or under the authority of a Returning Officer.

(c) Fraudulently defaces or destroys any ballot paper or the official mark on any ballot-paper on any declaration of identity, or of any official envelope used in connection with voting by postal ballot.

(d) Without due authority, supplies any ballot paper to any person, or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) Without due authority destroys, takes, opens or otherwise interferes with any Electronic Voting Machine or ballot papers then in use for the purposes of the election;

(f) Fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids abets the doing of any such acts;

(g) Having received a postal ballot paper, refuses to observe the procedure prescribed for voting.

(h) Being in the services of the Government, acts as an election-agent or a polling agent or a counting agent of a candidate at an election.

(2) Any person guilty of an electoral offence under this rule shall -

(a) If he is Returning Officer or an Additional or Assistant returning Officer, or a Presiding

Officer or Polling Officer at a polling station or any other official or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine up to two thousand rupees or with both;

(b) If he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine up to one thousand rupees or with both;

(3) For the purposes of this rule, a person shall 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 documents in connection with such election but the expression "official duty" shall not include any duty imposed otherwise than by or under these rules.

(4) An offence punishable under clause (b) of sub-rule (2) shall be cognizable.

## CHAPTER - XXIII

## DISTRICT COUNCIL ELECTIONS : MISCELLANEOUS

**219. Interpretation -**

In the foregoing Chapters relating to elections, unless the context otherwise requires -

(a) "serial number of an elector in an electoral roll" shall include such particulars regarding the name or description of the electoral area with reference to which the said electoral roll has been prepared, as will identify the entry relating to such electoral in that electoral roll.

(b) "sign" in relation to a person who is unable to write his name shall mean authenticating in the manner prescribed below :

A person who is unable to write his name shall, unless otherwise expressly provided in these Rules, be deemed to have signed an instrument or other paper in the

presence of the Returning Officer or the Additional or Assistant Returning Officer or the Presiding Officer or such others may be specified under these Rules and such officer on being satisfied as to his identity has attested the mark as being the mark of such person.

**220. Requisitioning of Premises, Vehicles, etc. for Election purposes -**

The provisions of sections 160, 161, 163, 164, 165, 166 and 167 of the representation of the People Act, 1951 (No. XLIII of 1951) and of rules 98 and 99 of the Conduct of Election Rules, 1961 shall apply mutatis mutandis in respect of elections to the District Council.

Provided that if the circumstances so demand, the Governor may apply other sections and rules of the said Act and Rules on the recommendation of the returning Officer.

## CHAPTER - XXIV

## GENERAL

**221. Jurisdiction of Civil Courts barred -**

No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Returning Officer or by any other person appointed under these Rules, in connection with an election.

**222. Repeal and savings -**

(1) The Lai Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2002 with all amendments made up to the date of commencement of these Rules and the Lai Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2010 as notified by the Government notification No.C.11018/2/ 2006-DCA dt 30.9.2010 and published in Mizoram gazette to issued No. 373 dt 4.10.10 are hereby repealed.

(2) Notwithstanding such repeal, any action taken or proceedings made under the repealed Rules shall be deemed to have been taken or made under these rules.

**223. Expressions not defined -**

Any expression not defined in these Rules but occurring therein shall be deemed to have the same meaning in which they are used in the Constitution of India.

**224. Overriding effect -**

In case of any conflict between the provisions contained in the Sixth Schedule to the Constitution and the provisions of these Rules, the former shall have the overriding effect.

**225. Special powers of the Governor -**

The Governor shall have the powers to regulate, by order or orders, official tours of Chairman, deputy Chairman, Chief Executive Member and Executive Members of the District Council beyond the State and to call for perusal any official records or documents of the District Council as may be found expedient for proper administration of the Autonomous District and in due discharge of his discretionary powers under paragraph 20 BB of the Sixth Schedule.

Provided that in normal cases the official tour programmes of Chairman, Deputy Chairman, Chief Executive Member and executive Members outside the State shall be given to the Governor for information.

## APPENDIX - I

**(See rule 22)**

FORM OF OATH OR AFFIRMATION TO BE MADE BY A CHIEF EXECUTIVE MEMBER OR AN EXECUTIVE MEMBER OF THE LAI AUTONOMOUS DISTRICT COUNCIL.

I_____having been appointed as the chief Executive Member/Executive Member of Lai Autonomous District Council, Lawngtlai, do swear in the name of God/ solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as the Chief executive Member or the Executive Member of the Lai Autonomous District Council and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will.

Signature of the Chief Executive Member/
Executive Member,
Lai Autonomous District Council.

Dated Lawngtlai_____, 20__.

## APPENDIX - I A

**(See Rule 30)**

FORM OF NOMINATION PAPER FOR THE ELECTION OFCHAIRMAN/DEPUTY CHAIRMAN/ CHIEF EXECUTIVE MEMBER

I, _____, propose Pi/Pu_____ for the election of Chairman/Deputy Chairman/chief Executive Member of the Lai Autonomous District Council.

I have ascertained that Pi/Pu _____ is willing to serve as Chairman/Chief Executive Member, if elected, and he/she does not suffer from any disqualification under the Rules.

*Signature of proposer,*

I, _____, second the above proposal.

*Signature of seconder*

**APPENDIX - II**
**[See Rule 30 (8)]**

FORM OF OATH OR AFFIRMATION TO BE MADE BY THE PROTEM CHAIRMAN.

I, _____ having been appointed as a Protem Chairman of the Lai Autonomous District Council do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.

Signature of Protem Chairman.

Signed before me

Deputy Commissioner,
Lawngtlai.

**APPENDIX - III**
**(See Rule 36 (1))**

FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER

I,_____having been elected or nominated as a member of the Lai Autonomous District Council, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to

the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.

Signature of Member.

Signed before me

Signature of the Protem Chairman.

## APPENDIX - IV
**(See Rule 151 (2))**

NOMINATION PAPER FOR ELECTION
TO THE LAI AUTONOMOUS DISTRICT COUNCIL

Name of the constituency for which the Candidate is nominated. _____

Name of the candidate & Postal address _____

Fathher's or Husband's name _____

Age _____

Name of the constituency on the Electoral roll of which the name of the Candidate is included, and the Part no. of such electoral roll _____

Name of seconder _____

Serial number of the seconder in the Electoral roll of the constituency. _____

Signature of the proposer _____

## DECLARATION BY PROPOSER

I, _____as above-named, propose to nominate _____as above-described, as a candidate for election to the Lai autonomous District Council from _____MDC- Constituency. His /Her particulars

and address as given above are true to the best of my information and knowledge. He/ She does not suffer from any disqualification under the Rules.

Place _____
Date_____

*(Signature of the proposer)*

**DECLARATION BY SECONDER**

I,_____as above named, do hereby second the nomination of Pi/Pu_____as proposed above.

My name is entered at S. No._____ in Part No._____ of the electoral Roll for the _____ MDC constituency.

Place _____
Date_____

*(Signature of Seconder)*

**DECLARATION BY CANDIDATE**

I _____ as above named assent to this nomination and hereby declare that -

(a) I have complete_____ years of age.

(b) That I am a candidate set up by the _____ party.

(c) That the symbols I have chosen are in order of preference, as follows, viz.

(1) (2) (3)

(d) That I have appointed Pi/Pu _____ (name) of _____(Address) to be my election agent for the ensuing election. Neither myself nor my election-agent as proposed suffer or suffers from any disqualification under the Rules.

Place _____
Date_____

*(Signature of Candidate)*

**CERTIFICATE OF DELIVERY**

(To be filled in by the Returning Officer or other authorized person)

Sl. No._____

This nomination paper was delivered to me at my office at _____ (date and hour)

*Seal Returning Officer*

**CERTIFICATE OF SCRUTINY**

(To be filled in by the Returning Officer or any other authorized person)

I have scrutinized the nomination paper in accordance with the Rules and found that they are respectfully qualified to stand for election, to propose and to second.

Date _____ *SealReturning Officer.*

## APPENDIX - V

**(See rule 156 (1))**

## LIST OF SYMBOLS.

1. Bicycle
2. Boat
3. Bulb (reserved for Mizoram People Conference Party)
4. Cart
5. Cup
6. Dao
7. Drum
8. Ears of Corn and sickle (reserved for Communist Party of India)
9. Elephant (reserved for Bahujan Samaj Party)
10. Fish
11. Flower
12. Haldhar within wheel (reserved for Janata Party)
13. Hammer, Sickle and Star [Reserved for Communist Party of India (Marxist)]
14. Hand (reserved for Indian National Congress Party)
15. Hat
16. House
17. Hut
18. Lantern
19. Lotus (reserved for Bharatya Janata Party)
20. Pot
21. Sun without ray (reserve for Zoram Nationalist Party)
22. Scale
23. Spade
24. Spectacle
25. Star ( reserved for Mizo National Party)
26. Tree
27. Two Leaves.

## APPENDIX - VI
**(See rule 161 (2))**

### FORM OF APPOINTMENT OF POLLING AGENT

**Election to Lai Autonomous District Council**

I, _____ a candidate/election agent in the ensuring election to the Lai Autonomous District council do hereby appoint _____ as a Polling agent / Relief agent to attend Polling Station No._____ at/place fixed for the Poll _____ at _____ Village.

Signature of

Date _____ Candidate/election agent.

**I agree to act as Polling agent/Relief agent.**

Date _____ Signature of
Polling agent/ Relief agent.

Signed before me.

Signature of Presiding Officer.

## APPENDIX -VII
**(See rule 170)**

FORM OF TENDERED BALLOT PAPER

Polling Station No. ……...

Constituency ……...

Name of voter ……...

Number of voter in electoral roll ……...

Name of candidate for
whom this is tendered ……...

Date …….. Signature of Presiding Officer.

## APPENDIX - VIII
**(See rule 170)**

## TENDERED VOTES LIST

Name and number of polling station :

……..……

Name of Constituency/
Name of Voter/Member
In electoral roll.

Signature of thumb impression of voter and his/her address.

……..……
……..……

## APPENDIX -IX
**[See Rule 171)**

**LIST OF CHALLENGED VOTES**

| Sl.No. in the Electoral roll | Name | Signature of coter, if literate, or thumb impression. | Signature & address of identifier, if any. | Order of the Presiding Officer | Remarks |
|---|---|---|---|---|---|
| | | | | | |

## APPENDIX - X
**(See rule 172)**

## CERTIFICATE

Certified that _____is registered as an election vide/no _____at polling station _____ in the _____constituency of the _____ District Council, and as he is prevented from voting at the said station by reason of his employment at the _____polling station in the _____constituency, I hereby authorized him to vote at the last named polling station.

Date

Signature
Returning Officer.

## APPENDIX - XI
**(See rule 173)**

## FORM OF POSTAL BALLOT PAPER

::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::

1. [Lawngtlai ] Council Constitution/03- General
Electoral Roll Part No ……
Serial No. of Elector ……
No. 00001

Signature/
Thumb Impression

::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::

::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::

Liana

☐

No.00001
Thanga

::::::::::::::::::::::::::::::::::::::::::::::::

Lawngtlai Council
Constitution/03 - General

::::::::::::::::::::::::::::::::::::::::::::::::

::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::

APPENDIX - XII
(See rule 175)

## FORM OF BALLOT PAPER ACCOUNT

| Sl.no | Particulars | Ordinary Ballot paper | Tendered Ballot paper |
|---|---|---|---|
| | | | |

1. No. of Ballot papers received by the Presiding Officer.
2. No. of unused ballot papers returned:
3. No. of spoilt ballot paper
4. No. of tendered ballot papers used
5. No. of ballot papers dealt with under rule 173
6. No. of ballot papers issued.

## APPENDIX - XIII
**[See Rule 178 (4)]**

## CERTIFICATE OF ELECTION

I, _____ Returning Officer for the _____ MDC Constituency hereby certify that I have on the _____ day of _____ declared Pi/Pu _____ of _____ to have been duly elected by the said constituency to be a Member of the Lai Autonomous District Council and that in taken thereof, I have granted to him this certificate of election.

Place _____
Date _____

Signature of
Returning Officer,
For the _____
MDC Constituency.

**APPENDIX -XIV**
**[See Rule 186 (2)]**

**FORM OF RETURN OF ELECTION EXPENSES**

**Election to the Lai Autonomous District Council.**

Name of Candidate : : _____
Name of Constituency : _____
Date of election : _____

| Sl.No. | Date of which Expenditure incurred | Particulars | Amount | Name and address of prayer | Particulars of Vouchers (copies be enclosed) | Remarks if any. |
|---|---|---|---|---|---|---|
| | | | | | | |

Certified that the above statement are true to the best of my knowledge and belief.

.
Place _____
Date _____

(Signature of the candidate/election agent)

**APPENDIX -XV**
**[See Rule 186 (5)]**

**REPORT OF THE SECRETARY TO THE GOVERNMENT OF MIZORAM**
**LODGING OF ELECTION EXPENSES ACCOUNTS**

_____District Council.
Serial Number and Name of Constituency _____
Date of declaration of result _____
Last date for lodging of accounts of Election expenses_____
Name of elected candidate _____

| Sl. No | Name (Party affiliation of candidate) and address of | Whether accounts have been Lodged | Date of lodging of ac | Whether lodged in time | Whether lodged in the manner | If not, a brief statement of defect/ lapses notice | Total expenses incurred as | Remarks |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

Place _____
Date _____

_____ Returning Officer.

## NOTIFICATION

No.C.11018/1/99-DCA, the 5th August, 2011 : In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules passed by the Lai Autonomous District Council. Which was approved by his Excellency the Governor of Mizoram on 1st August, 2011 is hereby published for general information, namely :-

## THE LAI AUTONOMOUS DISTRICT COUNCIL (CONSTITUTION, CONDUCT OF BUSINESS etc.) (AMENDMENT) RULES, 2011.

**1. Short title and Commencement -**

(1) These Rules shall be called The Lai Autonomous District Council (Constitution, Conduct of Business etc.) (Amendment) rules 2011

(2) It shall come into force from the date of its publication in the official Gazette.

2. Amendment of rule 2 - In Rule 2 of the Principal rules, after sub-rule (x) the following clause shall be added, namely :-

"(y) State Election Commission" means the state election Commission of Mizoram as constituted for the state of Mizoram under the provisions of part - IX and part - IX 'A' of the Constitution."

3. Amendment of rule 6 - In Rule 6 after sub-rule (4), the following sub-rules shall be added namely :-

"(5) Not less than two of the total number of Nominated Members of the council shall be women.

4. Amendment of rule 142. (1) In sub-rule (3) of rule 142 of the Principal Rules, the words occurring as "District Council Affairs Department" shall be substituted by 'State Election Commission" (2) In rule 142, after sub-rule 93) the following, sub-rule shall be added:

"(4) The superintendence, direction and control of the preparation of electoral rolls, for and the conduct of elections to the District Councils shall vest in the State Election Commission."

P.Chakraborty,
Principal secretary to the Govt. of Mizoram.
District Council Affairs Department.

## NOTIFICATION

No.C.31012/8/2011-DCA(L), the 27th January, 2012. In pursuance of paragraph II of the Sixth Schedule to the Constitution of India, the following Rules passed by the Lai Autonomous District Council which was approved by His Excellency the Governor of Mizoram on 19.1.2012 is hereby published for general information, namely :-

**"THE LAI AUTONOMOUS DISTRICT COUNCIL EMPLOYEES (PERFORMANCE APPRAISAL REPORT) RULES, 2011.**

P. Chakraborty,
Principal Secretary to the Govt. of Mizoram,
District Council Affairs Department.

**THE LAI AUTONOMOUS DISTRICT COUNCIL EMPLOYEES (performance Appraisal Report) RULES, 2011**

**A**
**RULE**

To provide for accurate and conditional assessment with regard to performance and conduct of Officers, and also, it is felt necessary to maintain a record of Performance Appraisal report of each and every Officer of Group 'A'.

Whereas Sub-Rule (2) of rule 25 (read with rule 20) of the Lai Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2010 empowered to make Rules regulating the conditions of service.

And whereas it is expedient to introduce a new set of rules with an aim for strengthening and developing the efficiency and conduct of its Officers.

Be it enacted by the Lai Autonomous district Council in the sixty -second year of the Republic of India as follows :-

## THE LAI AUTONOMOUS DISTRICT COUNCIL EMPLOYEES (PERFORMANCE APPRAISAL REPORT) RULES, 2011.

**1. Short title, application and commencement -**

(1) These rules may be called the Lai Autonomous District Council employees (Performance Appraisal report) Rules, 2011.

(2) They shall apply to all Group 'A' Officers under the Lai Autonomous district Council.

(3) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions -**

In these rules, unless the context otherwise requires :-

(a) "Accepting Authority" means the authority which supervises the performance of the reviewing authority as may be specifically empowered in this behalf by Executive Committee of the Lai Autonomous District Council:

(b) "Authority" means Executive Committee of the Lai Autonomous District Council;

(c) "Benchmark Score" shall mean the minimum numerical weighted mean score arrived at for overall grading above which an officer shall be regarded as fit for promotion to the next higher grade;

(d) :Dossier" means performance appraisal dossier;

(e) "Government" means the Government of Mizoram;

(f) "Member of the Service" includes a member of all Group 'A' Officer mentioned in sub-rule (2) of rule 1 of these rules;

(g) "Performance appraisal dossier" means the compilation of the performance appraisal reports written on a member of the service, referred to in rule 3, and includes such other documents as may be specified by Authority by general or special order, in this behalf;

(h) "Performance appraisal report" means the performance appraisal report referred to in rule 4 and 5;

(i) "Promotion" means appointment of a member of the service to the next higher grade over the one in which he is serving at the relevant time;

(j) "Referral Board" means a board consisting of officers of the Service designated by Authority for cases relating to all officers of the service governed by these rules;

(k) "Reporting Authority" means such authority or authorities supervising the performance of the member of the Service reported upon as may be specifically empowered in this behalf by Authority;

(Note : When the officer reported upon is looking after more than one Department, the Reporting Officer shall obtain a note from the head of the Department (s) concerned indicating the performance of the officer reported upon in respect of that department and enclose the same with the Performance Appraisal Report)

(l) "Reviewing Authority" means such authority or authorities supervising the performance of the reporting authority as may be specifically empowered in this behalf by the Authority;

(m) "Schedule" means the Schedule annexed to these rules;

(n) "Service Controlling Department" is the Personnel Reforms Cell which issue order of appointment of the officers concerned and which controls the officer in the

matter of career advancement, transfer and posting, disciplinary cases, etc;

**3. Maintenance and custody of performance appraisal dossier -**

A comprehensive performance appraisal dossier shall be maintain for each member of the service by the Personnel Reforms Cell of the Lai Autonomous District Council in the manner specified under these rules and the performance appraisal dossier shall consist of the documents specified in Schedule - I. the dossier shall be kept in the custody of Executive Secretary who is the head of the service Controlling Department.

**4. Form of the performance appraisal report -**

The reporting authority shall write the performance appraisal report in such form as specified in Schedule - II and the officer reported upon and the reporting, reviewing and accepting authority shall ensure that the portions of the forms which are to be filled in by them are completed by them within the time limit specified in this behalf from time to time.

**5. Performance Appraisal report -**

(1) A performance appraisal report assessing the performance, character , conduct and qualities of every Member of the service governed by these rules shall be written for each financial year or as may be specified by the Authority in the Schedule:

Provided that a performance appraisal report may not be written in such cases as may be specified by Authority, by general or special order:

Provided further that if a performance appraisal report for a financial year is not recorded by 31st December of the year in which the financial year ended, no remarks may be recorded thereafter and the officer may be assessed on the basis of the overall record and self assessment for the year, if he has submitted his self-assessment on time.

(2) Subject to the provisions of sub-rule (4), a performance appraisal report shall also be written when either the reporting or reviewing authority or the Member of the service reported upon relinquishes charge of the post, and, in such a case, it shall be written at the time of the relinquishment or ordinarily within one month of such relinquishment.

(3) Where more then one performance appraisal reports are written on a Member of the Service during the course of a financial year each such report shall indicate the period to which it pertains:

Provided that only one report shall be written on a Member of the Service for a particular period during the course of the financial year and there shall be a single reporting, reviewing and accepting authority at each level of assessment which shall be specified in the channel for writing performance appraisal reports by the concerned Department and in no circumstances more than one person shall write the performance appraisal reports in the capacity of reporting, reviewing or accepting authority for a given period of time:

Provided further that if more than one person of the same superior level supervises the performance of the Member of the Service, the Authority shall identify the person to report or review well in advance of the relevant assessment year.

(4) Where the reporting authority has not seen, but the reviewing authority has seen the performance of a Member of the service for al least three months during the period for which the performance appraisal report is to written the authority shall write the performance appraisal report of any such Member of the service for any such period.

(5) Where, both the reporting authority and the reviewing authority have not seen and the accepting authority has seen, as referred to in sub-rule (4), the performance of

any such Member of the Service, the accepting authority shall write the performance appraisal of any such Member of the Service during such period.

(6) Where the reporting authority, the reviewing authority and the accepting authority have not seen the performance of a member of the service for at least three months during the period for which the report is to be written, the authority shall make an entry to that effect in the performance appraisal report for any such period.

(7) Notwithstanding anything contained in sub-rules (1), (2),(4) and (5), it shall not be competent for the reporting authority, the reviewing authority or the accepting authority to write a performance appraisal report after he demits office when he is no longer a competent authority.

(8) Unless the officer reported upon submit his property return, his Performance Appraisal Report shall not be initiated, reviewed and accepted.

**6. Review of the performance appraisal report-**

(1) The reviewing authority shall record his remarks on the performance appraisal report, within the timeframe specified in the form I of schedule II (read with para 9 of General guidelines for filling up the PAR form)

(2) Where the report is written by the reviewing authority under sub-rule (4) of rule 5, or where the reviewing authority has not seen, and the accepting authority has seen, the performance of a Member of the service for at least three months during the period for which the performance appraisal report is written, the accepting authority shall review the performance appraisal report of any such member for any such period within the timeframe specified in schedule II.

(3) It shall not be competent for the reviewing authority, or the accepting authority to review any such performance appraisal report unless it has seen the performance of a Member of the Service for at least three months during

the period for which the report has been written, and in every such case an entry to that effect shall be made in the performance report.

(4) Notwithstanding anything contained in sub-rule (1) and (2), it shall not be competent for the reviewing authority or the accepting authority to review or accept any such performance appraisal report -

(a) Where the authority reviewing the performance appraisal report is a Member of the Service, after one month of his retirement from service, and

(b) In other cases, after one month of the date on which he demits office.

**7. Acceptance of the Performance Appraisal report -**

(1) The accepting authority shall within the timeframe specified in Schedule II, record his remarks on the performance appraisal report and may accept it, with such modifications as may be considered necessary, and sign the report :-

Provided that where the accepting authority has not seen the performance of any Member of the Service for at least three months during the period for which the performance appraisal report has been written, it shall not be necessary an entry to this effect shall be made in the performance appraisal report.

(2) Notwithstanding anything contained in sub-rule (1) , it shall not be competent for the accepting authority to accept and countersigned any such performance report -

(a) Where the accepting authority is a Member of the service, after one month of his retirement from service , and

(b) In other cases, one month after the date on which he demits the office.

(3) When the performance appraisal report is not written or revised :-

Notwithstanding anything contained in rule 5 or rule 6 where the accepting authority writes or reviews the performance appraisal report of any member of the Service, it shall not be necessary to review or accept any such report.

**8. Disclosure of performance appraisal report to the officer reported upon and procedure for representation to the Referral Board -**

(1) The full annual performance appraisal report, including the overall grade and assessment of integrity, shall be disclosed to the officer upon after finalization by the accepting authority to enable the officer reported upon to represent his case.

(2) The officer reported upon may have the opinion to give his comments on the performance appraisal report in writing to the accepting authority within fifteen days of the receipt of the Performance Appraisal report.

(3) The comments shall be restricted to the specific factual observations contained in the Performance Appraisal Report leading to the assessment of the officer in terms of attributes, work output and competency.

(4) The accepting authority shall within fifteen days of receipt of comments from the officer reported upon forward the same to the reviewing and the reporting authority and call for their views on the comments.

(5) The reporting authority shall within fifteen days of receipt of comments from the officer reported upon forward his own views on the comments to the reviewing authority failing which it shall be presumed that he has no views thereon.

(6) The reviewing authority shall forward the comments to the officer reported upon along with the views of the reporting authority and his own views to the accepting authority within fifteen days of receipt of the views of the reporting authority.

(7) The accepting authority shall consider the comments

of the officer reported upon, the views of the reporting authority and after due consideration may accept them and modify the performance appraisal report accordingly and the decision and final grading shall be communicated to the officer reported upon within fifteen days of receipt of the views of the reviewing authority.

(8) (a) In case of the officer reported upon chooses to represent against the final assessment conveyed to him according to this procedure, he may represent his case through the accepting authority for a decision by the Referral Board, specified in the schedule III, within one month, provided that such representation shall be confined to errors of facts.

(c) The representation of the officer reported upon along with the views of the reporting authority, the reviewing authority and the accepting authority shall be forwarded to the referral Board on the request of the officer reported upon within a period of fifteen days of receipt of communication.

(9) (a) The Referral Board shall consider the representation of the officer reported upon in the light of the comments of the reporting authority, the reviewing authority and the accepting authority and confirm or modify the performance appraisal report, including the overall grade and the decision of the Referral Board shall be confined only to errors of facts and the decision of the Referral Board shall be final.

(b) In case an entry or assessment is upgraded or downgraded, reasons for the same shall be recorded in the performance appraisal report.

(10) The entire performance appraisal report, including the overall grade, shall thereafter be communicated to the officer reported upon which shall conclude the process of assessment and no further representation of any kind shall be entertained thereafter.

**9. General -**

The Authority may issue instructions, not inconsistent with the provisions of these rules, or as it may considered

necessary, with regard to the writing of the performance appraisal reports, the maintenance of the performance appraisal dossier and the effect of the performance appraisal reports on the conditions of service of a member of the service.

## SCHEDULE -I

**[See rule 3]**

## FORMS FOR PERFORMANCE APPRAISAL REPORT

Documents to be maintained in the Performance Appraisal

Dossier

(i) A curriculum Vitae to be updated annually on the basis of the Performance Appraisal reports and a five-yearly Curriculum Vitae update submitted by the officer reported upon.

(ii) The performance appraisal reports earned throughout the career,

(iii) Certificate of training, academic courses attended after joining service, study leave,

(iv) Details of books, articles and other publications made by the officer concerned,

(v) Appreciation letters from Government or Secretary or Head of department of or Special bodies or Commissions or Authority,

(vi) Copy of order imposing any of the penalties specified the CCS (CCA) Rules, 1965 and final result of inquiry into allegations and charges against a Member of the service,

(vii) Warning or displeasure or reprimands of the Authority.

## SCHEDULE - II
**[See rule4]**

Forms for Performance Appraisal Report
APPENDIX - Performance Appraisal Report Forms Proforma

Form - I The Lai Autonomous District Council Employee Performance Appraisal Report.

Form - II Performance Report on Training.

Form - III Performance Report on study leave/ leave for study.

## SCHEDULE - III
**[See rule 2 (i)]**

## COMPOSITION OF THE REFERRAL BOARD

(i) Executive Secretary, LADC - Chairman

(ii) Head of the Department concerned - Member

(iii) Under Secretary, Personnel Reforms Cell Secretary - Member

Note : The Referral Board may co-opt any one senior/ experienced officer to participate in the deliberation of the Boards as and when considered necessary.

## FORM-I
**(See rule 4)**

THE LAI AUTONOMOUS DISTRICT COUNCIL EMPLOYEES (PERFORMANCE APPRAISAL REPORT) RULES,2011.

Performance Apraisal report for the period from_____ to_____

## Section - I

## BASIC INFORMATION.

*(To be filled in by the Personnel Reforms Cell)*

1. Name of the Officer reported upon : _____
2. Name of Service : _____
3. Date and year of entry into Service :_____
4. Date of Birth : _____
5. Present Grade : _____
6. Present Post : _____
7. Date of appointment to the present post : _____
8. Reporting, Reviewing and Accepting Authorities :

| | Name & Designation | Period worked |
|---|---|---|
| Reporting Authority | | |
| Reviewing Authority | | |
| Acccepting Authority. | | |

9. Period of absence on leave, etc.,

| | Period | Type | Remarks |
|---|---|---|---|
| On Leave (Specify type | | | |
| Others (Specity) | | | |
| | | | |
| | | | |

10. Training Programs attended:

| Date from | Date to | Institute | Subject |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

11. Awards / Honours.

12. Details of Performance Appraisal Report of Officers not written by the Officer as reporting/reviewing authority for the previous year.

13. Date of filling the property return for the year ending December _____.

(Note: Unless the officer reported upon submit his property return, his Performance Appraisal Report shall not be initiated, reviewed and accepted.)

Date: _____ Signature_____
Personnel Reforms Cell, LADC

## Section - II
## SELF APPRAISAL

1. Brief description of duties :

   (Objectives of the position you hold and the tasks you are required to perform, in about 100 words)

2. Annual work plan and achievement :

| Tasks to be performed | Deliverables (a) | Actual Achievement (b) |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

(a) Deliverables refers to quantitative or financial targets or verbal description of expected outputs.

(b) Actual achievement refers to achievements against the specified deliverables in respect of each task. No explanations for divergences are to be given in this table.

3. During the period under report, do you believe that you have made any exceptional contribution, e.g. successful completion of an extraordinarily challenging task or; major systematic improvement ( resulting in _ ).

   Significant benefits to the public and/ or reduction in time and costs? If so, please give a verbal description (within 100 words):

4. What are the factors that hindered your performance?

5. Please indicate specific areas in which you feel the need to upgrade your skills through training programs :

For the current assignment :

For your future career :

Please Note : You should send updated CV, including educational qualifications acquired / training programs attended / publications / special assignments undertaken, in a prescribed Proforma, to the Service Controlling Authority, once in 5years, so that the records available with the Service Controlling Authority remain updated.

6. Declaration :

| | | |
|---|---|---|
| Have you filled your immovable property return, as due. If yes, please mention date. | Yes/No | Date |
| Have you set the annual work plan for all officers for the current year, in respect of whom you are the reporting authority. | | |

7. Whether any order for transfer and posting of the officer was issued by the Authority during the period under report.

Yes/No

7(a) If yes, please indicate order No & date and date of joining at the new place of posting.

Date: _____

Signature of the Officer Reported Upon _____

## Section - III
## APPRAISAL

1. Please state whether you agree with the responses relating to the accomplishment of the work plan and unforeseen tasks as filled out in Section - II. If not, please furnish factual details.

2. Please comment on the claim (if made) of exceptional contribution by the Officer reported upon.

3. Has the Officer reported upon met with any significant failures in respect of his works? If yes, please furnish factual details.

4. Do you agree with the skill upgraded or needs as identified by the officer?

5. Assessment of work output: (This assessment should rate the officer vis-a -vis his peers and not the general population Grades should be assigned on a scale of 1-10, in whole numbers, with 1 referring to the lowest grade and 10 to the best grade. Weight age to this Section will be 40%).

| | | Reporting | Reviewing | Initial of Reviewing |
|---|---|---|---|---|
| i | Accomplishment of planned work | | | |
| ii | Quality of output | | | |
| iii | Accomplishment of exceptional work/ unforeseen tasks performed. | | | |
| | Overall Grading on 'Work Output'. | | | |

6. Assessment of Personal Attributes (on a scale of 1-10 weightage to this Section will be 30%)

| | Reporting Authority | Reviewing Authority | Initial of Reviewing Authority |
|---|---|---|---|
| i. Attitude to work | | | |
| ii. Sense of responsibility | | | |
| iii. Overall bearing and personality | | | |
| iv. Emotional stability | | | |
| v. Communication Skills | | | |
| vi. Moral courage and willingness to take a professional stand | | | |
| vii. Leadership qualities | | | |
| viii. Capacity to work in time limit | | | |
| Overall Grading on Personal Attributes | | | |

7. Assessment of Functional Competency (On a scale of 1-10 Weightage to this Section will be 30%)

| | Reporting Authority | Reviewing Authority | Initial of Reviewing Authority |
|---|---|---|---|
| i. Knowledge of laws/rules/ procedures/IT skills and awareness of the local norms in the relevant areas. | | | |
| ii. Strategic planning ability. | | | |
| iii. Decision making ability. | | | |
| iv. Initiative | | | |
| vi. Ability to motivate and develop subordinates/ work in a team. | | | |
| Over all Grading on Functional Competency. | | | |

8. Integrity:

   Please comment on the integrity of the officer.

9. Pen picture by Reporting Officer: Please comment (in about 100 words) on the overall qualities of the officer including areas of strengths and lesser strengths and his attitudes towards weaker sections.

10. Whether any order for the transfer and posting of the officer was issued by the Authority during the period under report?

Yes/No.

   (a) If yes, please comment whether the officer complied with the orders in time/without delay.

   (b) If no, reason for not complying with the orders.

11. Overall Grade ( on a score of 1-10 ) _____

Date:_____

Signature of Reporting Authority _____

**Section - IV**
**REVIEW**

1. Do you agree with the statement made by the reporting officer with respect to the work output and the various attributes in section - III? Do you agree with the assessment of the reporting officer in respect of extraordinary achievement and/ or significant failures of the officer reported upon?

   (In case you do not agree with any of the numerical assessment of attributes please record your assessment in the column provided for you in that section and initial entries).

   Yes/No.

2. In case of difference of opinion details and reasons for the same may be given.

3. Pen picture by Reviewing Officer : Please comment (in about 100 words) on the overall qualities of the officer including areas of strengths and his attitudes towards weaker sections.

4. Overall grade on a scale of 1-10 : _____.

Date : _____

Signature of Reviewing Officer _____

**Section - V**
**ACCEPTANCE**

1. Do you agree with the remarks of the Reporting / Reviewing Authorities?

   Yes/No

2. In case of difference of opinion details and reasons for the same may be given.

3. Overall Grade ( on a scale of 1- 10 ) _____

Date : _____

Signature of Reviewing Officer _____

**GUIDELINES FOR REPORTING AUTHORITIES WHICH MAY BE KEPT IN MIND WHILE AWARDING NUMERICAL GRADINGS**

1. Officers graded from 8 to 10 will be rated as ' outstanding' and will be given a score of 9 for the purpose of calculating average scores.

2. Officers graded from 6 to 7 will be rated as 'very good' and will be given a score of 7 for the purpose of calculating for empanelment | promotion just after officer who were graded Outstanding.

3. Officers graded from 4 to 5 will be rated as 'Good' and will be given a score of 5.

4. Officers graded below 4 will be given a score of Zero (0).

Note:-

(i) High credit should not be given to the officers in a routine manner by the Reporting/Reviewing Authorities and this

should be restricted to 20% of the Officers under their supervision.

(ii) If there is a decimal number in overall grading, it should be rounded of as 0.5 and below to the lower number and 0.6 and above to the next higher number.

(iii) Any grading more than 8 for each attribute must be justified by giving reasons in writing in a separate sheet.

**General Guidelines forfilling up the PAR form**

1. **Introduction :**

1.1 The performance Appraisal Report is an important document. If provides the basic and total inputs for further development of an officer. The officer reported upon, the Reporting Authority, Reviewing, Authority and the Accepting Authority should therefore, undertaken, mistake a duty of filling up the form with a high sense of responsibility.

1.2 Performance Appraisal should be used as a tool for career planning and training, rather than a mere judgmental exercise. Reporting Authorities should realized that the objective is to develop an officer so that he/she realizes his/her true potential. It is not meant to be a faultfinding process but a developmental tool. The Reporting Authority, The Reviewing Authority and the Accepting Authority should not shy away from reporting shortcomings in performance, attitude or overall personality of the officer reported upon.

1.3 The columns should be filled with due care and attention and after devoting adequate time. Any attempt to fill the report in a casual or superficial manner will be easily discernible to the higher authorities.

1.4 Although the actual documentation of performance appraisal is a year-end exercise, in order that it may be a tool for human resource development, career planning and training , rather than a mere judgmental exercised, the reporting authority and the officer reported upon should meet during the course of the year are regular intervals to review the performance and to take necessary corrective steps.

2. **Section - I**

2.1. This section should be filled up in the Personnel Reforms Cell. Period of report could either be the entire reporting year, namely, from 1st April to 31st March or a part of the year (exceeding 3 month). In case the period of reporting is a full year, it should be indicated accordingly; for example, 2007 - 2008 period of report is less than the entire year, specific start and end dates should be indicated, for example, 10th September, 2007 - 31st March, 2008.

2.2 Information on the present grade (pay scale) as well as present post (actual designation and organization) and the date from which he/she has been on his/her present post needs to be mentioned.

2.3 In the table relating to reporting, reviewing and accepting authorities the name and designation of clear about whom he/she is required to send the report.

2.4 The period of absence from duty, on leave, training, or for other reasons, should also be mentioned in this section in the table provided for the purpose. Details of a training attended, date of filling of property returns and whether the officer reported upon as reported/reviewed and the annual performance report of all his/her subordinate officers for the previous year should be mentioned in the table for the purpose.

3. **Section - II**

3.1 The officer reported upon is first required to give brief description of his/her duties and responsibilities, which would normally not exceed above 100 words. Ideally, this should be in bullet form.

3.2 All officers are required to develop a work plan for the year and agree Upon the same with the reporting officer. The work plan should incorporate the relative annual work rhythm and budgetary cycle. This exercise is to be carried out at the beginning of the year and finalized by 30th April,

positively. In case of a change of reporting officer during the year, the work plan agreed with the previous reporting officer would continue to apply. The work plan agreed upon at the beginning of the year has to be reviewed again during the month of Sept/October as a mid-some changes from that originally prepared.

3.3 After the work plan is prepared, it is possible that the officer reported upon is transferred out. There need not be more than one work plan for one post each year. The period spent by the officer during the year and his contribution could be considered for evaluating his performance against the work plan. In the case of mid-term transfers, continuity and assessment of work and the lower performance profile in the first quarter should be taken into consideration.

3.4 The work plans, duly signed by the officer reported upon and the reporting authority has to be submitted to the reviewing authority for his/her perusal and custody. The performance appraisal form provides for an assessment of the accomplishments vis-à-vis the work plan agreed at the commencement of the year and reviewed mid-year. The officer reported upon is required to fill up the table provided for the purpose in section - II.

3.5 It is not necessary that the work plan should be entirely quantitative in nature. While for field level posts, the work plan would consist essentially of quantifiable targets, for secretarial level posts it would consist of policy objectives to be achieved etc.

3.6 Section - II also provides an opportunity for the officer to reflect upon His/her performance during the year and indicate one item which he/She thought was a significant contribution even in activities otherwise Regarded as a routine in nature.

Examples of such contribution may be the successful organization of a major event like the Kumbh Mela or successful conclusion of an activity that has been going

on for a long time, or even successful dealing of an emergency (e.g. major earthquake/ flood) would certainly be an exceptional contribution.

3.7. The officer reported upon is required to indicate specific areas in which he/she feels the need to upgrade skills and attend training programs. He/she should also mention the specific steps that he/she has taken or proposes to take to upgrade his/her skills in the identified area.

3.8 There is an increased emphasis on competency building in the new performance appraisal and career progression system. There would be a premium on competency and skill upgradation. Hence all officers are advised, through a note in Section - II, to keep the service controlling authority informed, at least once in five years, of all educational and training programs attended, including the details of marks/grades in such programs, details of professional papers published. These would be taken into account in the future career progression.

3.9 This section also requires the officer upon to record certain certificates about submission of property returns and setting up of annual work plan for whom he/she would be the reporting authority.

**4. Section - III**

4.1 Section III requires the reporting authority to comment on Section - II as filled up by the officer reported upon, and specifically state whether he/she agrees responses relating to the accomplishment. In case of disagreement the reporting authority should highlight the specific portions with which he/she in unable to agree and the reasons for such disagreement.

4.2 This section then requires the reporting authority to comment on the skill upgradation needs as identified by the officers.

4.3 Thereafter, this section requires the reporting authority to record a numerical grade in respect of the work out-put of the officer reported upon both in respect of the planned work

as well as the unforeseen tasks. A numerical grade is also required in respect of the 'Quality' of the output. In doing so, the reporting authority should take into account the costs incurred (whether the officer reported upon has been cost conscious), the time taken and whether the laid down rules/ procedures have been adhered to in accomplishing the tasks.

4.4 The reporting authority is also required to record a numerical grade in respect of work output, personal attributes and functional competencies.

4.5 Section - III requires the reporting to comment on the integrity of the officer reported upon. In recording remarks with regard to integrity, he/she need not limit him/herself only to matters relating to financial integrity but could also take into account the moral and intellectual integrity of the officer reported upon. The following procedure should be followed in the filling up the column relating to integrity.

(i) If the officer's integrity is beyond doubt, it may be stated.

(ii) If there is any doubt or suspicion, the column should be left blank and action taken as under;

(a) A separate secret note should be recorded and followed up. A copy of the note superior officer who will ensure that the follow up action is taken expeditiously, where it is not possible either to certify the integrity or to record the secret note, the Reporting Officer should state either that he/she had not watched the Officer's work for sufficient time to form a definite judgment or that he/she has heard nothing against the officer, as the case may be.

(b) If, as a result of the follow up action, the doubts or suspicions are cleared, the Officer's integrity should be certified and an entry made accordingly in the Performance Appraisal Report.

(c) If the doubts or suspicions are confirmed, this fact should also be recorded and duly communicated to the officer concerned.

(d) If as a result of the follow up action, the doubts or suspicions are neither cleared nor confirmed, the officers conduct should be watched for a further period and thereafter action taken as indicated at (b) and (c) above.

4.6 The Reporting Authority is also required to record a descriptive pen-picture on the overall qualities of the officer reported upon his/her performance including his attitude towards weaker sections. This need not exceed about 100 words and should try to cover overall qualities of the officer including areas of strengths and lesser strengths. The-picture is also meant to be a qualitative supplement to the quantitative assessments made earlier part of this section.

4.7 Finally, the reporting authority is required to record an overall grade. This should also be done on a scale of 1-10, with 1 referring to the lowest grade and 10 to the highest.

## 5. Section - IV

5.1 This section is also to be filled up by the reviewing authority. He/she is required to indicate if he/she agrees with the assessments made by the reporting officer. In case of disagreement, he/she may record his/her own assessment against the work output or any of the attributes in the column specifically provided for the purpose. In case of agreement, he/she need not fill in the column meant for him/her in the attributes/work output tables.

5.2 The reviewing authority is required to record a pen-picture, not exceeding about 100 words, on the overall qualities of the officer reported upon including areas of strengths and lesser strengths and his/her performance including his attitude towards weaker sections. Finally he/she is required to record and overall grade in the scale of 1-10.

## 6. Section - V

6.1 This Section is to be filled by the accepting authority. He/she is required to indicate if he/she agrees with the assessments made by the reporting authority/reviewing authorities. In case of difference of opinion, he/she is required to give details and reasons for the same in the column specifically provided for the purpose in Section V.

## 7. Numerical Grades -

7.1 At a several places, numerical grades are to be awarded be reporting and reviewing authorities. These should be on a scale of 1-10, where 1 refers to the lowest grade and 10 to the highest. It is expected that any grading of 1 or 2 (against work output or attributes or overall grade) would be adequately justified in the pen-picture by way of specific failures and similarly, any grade of 9 or 10 would be justified with respect to specific accomplishment Grade of 1-2 or 9-10 are expected to be rare occurrences and hence the need to justify them. In awarding a numerical grade the reporting, reviewing and accepting should rate the officer against a larger population of his/her peers that may be currently working under them or would have worked under them in the past.

7.2 Weightage & Mean

Weights have been assigned to work output, personal attributes and functional competency. The overall grade will be based on the addition of mean value of each group of indicators in proportion to weightage assigned.

## 8. Disclosure -

8.1 There should be more openness in the system of appraisal. The annual Performance Appraisal Report, including the overall grade and integrity, should be communicated to the Officer reported upon after it has been finalized by the accepting authority.

**Representation:**

The Officer reported upon may have the option to give his comments on the Performance Appraisal Report. Such comments may be restricted to the specific factual observations contained in the Performance Appraisal Report leading to the assessment of the Officer in terms of attributes, competency and output. If comments are submitted, the Reporting/Reviewing/Accepting Authority would have the option to accept them and modify the Performance Appraisal Report accordingly. If the comments are not accepted, the views of the Reporting/ Reviewing/Accepting Authority would be communicated with reasons to the Officer reported upon. Thereafter, only if the Officer reported upon so desires, he may request for the matter to be forwarded to the Referral Board. The representation shall be confined to errors of facts and nothing else. The Referral Board shall give clear findings on the representation and take a final decision on the assessment, including the overall grading in regard to the parameters effect thereby. The decision along with details in case an entry is upgraded or downgraded with, reasons for same may be recorded in the PAR and the same communicated to the officer reported upon. The decision of the Referral Board shall be final.

**9. Schedule for completion of Performance Appraisal Reports :**

**9.1 The following schedule should be strictly followed :-**

| Activity | Cut-off dates |
|---|---|
| Blank PAR form to be given to the Officer reported upon by the Personnel Reforms Cell Specifying the reporting and reviewing authority. | 1st April |
| Self appraisal for current year | 30th April |
| Appraisal by Reporting Authority | 31st May |
| Appraisal by Reviewing Authority | 30th June |
| Appraisal by Accepting Authority | 31st July |
| Disclosure to the Officer reported upon | 15th August |
| Comments of the Officer Reported upon. If any (If non, Transmission of the Performance Appraisal Report) | 31st August |
| Forwarding of comments of the Officer reported upon to the reviewing and the reporting authority by the accepting authority, in case the Officer reported upon makes comments. | 15th September |
| Comments of Reporting Authority | 30th September |
| Comments of Reviewing Authority | 15th October |
| Comments of Accepting Authority Performance Appraisal Report to be finalized and discloed to the Officer reported upon | 31st October |
| Representation to the Referral Board by the Officer reported upon | 30th November |
| Forwarding of representation to the Referral Board along with the comments of reporting authority/reviewing authority and accepting authority. | 15th December |
| Finalization by Referral Board if the Officer reported upon represents against the decision of the Accepting Authority. | 15th January |
| Disclosure to the Officer reported upon. | 31st January |

9.2 The completed Performance Appraisal Report should reach the Service Controlling Authorities by 31st March the following year. The Service Controlling Authorities will prepare a list of performance Appraisal Reports not received and follow up with the Head of the Personnel Reforms Cell and the Executive Secretary.

9.3 Head of the Personnel Reforms Cell (i.e: Under Secretary) shall be the Nodal Officer to ensure that the Performance Appraisal Reports of the members of the Service, duly completed, are sent to the service Controlling Authority by 31st March of the following year. They shall send a list each officer whose Performance Appraisal Reports are to be written and reviewed to the concerned Reporting / Reviewing / Accepting Authorities by the 15th April every year to enable them to ensure completion of Performance Appraisal Report within the time-schedule

9.4 If a PAR relating to a financial year is not recorded by the 31st December of the year in which the financial year ended, no remarks shall be recorded thereafter. The Officer will be assessed on the overall record and self-assessment of the year concerned, if he had given his self- assessment in time and the Reporting Authority, Reviewing Authority and the Accepting have not completed the Performance Appraisal Report according to the time schedule given in Para 9.1

9.5 The officer reported upon shall, while forwarding his self-appraisal to the Reporting Authority, endorse a copy of the self-appraisal, to the Nodal Officer and keep of the same as evidence that he had submitted the same in time

9.6 The Reporting Authority shall record his comment in the Performance Appraisal Report of the Officer reported upon within the stipulated time and sent it to Reviewing Authority along a copy thereof to the Nodal Authority.

9.7 In case the Reporting Authority fails to submit the Performance Appraisal Report to the Reviewing Authority within the stipulated period under intimation to the nodal officer, the nodal officer shall sent a copy of self-appraisal directly to the Reviewing Authority and

authorize him to initiate the Performance Appraisal Report. The Nodal Officer shall also keep a note of failure of the Reporting Authority to submit the Performance Appraisal Report of his subordinate in time for an appropriate entry in the Performance Appraisal Report of such Reporting Authorities.

The Nodal Officer shall evolve a suitable mechanism to ensure that the remarks of the Reporting, the Reviewing and the Accepting Authorities are recorded without fail by the dates given in the schedule below Para 9.1

**FORM - II**

**(See rule 4)**

**THE LAI AUTONOMOUS DISTRICT COUNCIL EMPLOYEES**

**(PERFORMANCE APPRAISAL REPORT) RULES,2011.**

**PERFORMANCE REPORT ON TRAINING**

(For the year / period ending _____)

PERSONNAL DATA:

1. Name of the Officer

| | |
|---|---|
| 2. Service/year of allotment<br>3. Date of Birth<br>4. Present Grade<br>5. Study leave/Leave details<br>a) Course<br>b) Institution<br>c) Duration<br>6. Period of Sanctioned Leave<br>7. Details of Degree/Certificate/Diploma and Evaluation obtained during the period (copies to be enclosed).<br>8. Date of Filling Annual Property Returns.<br>SELF ASSESSMENT: | |

Officer's Signature : _____

Date : _____

To be filled in duplicate and submitted to Service Controlling Authorities.

**FORM - III**
**(See rule 4)**

THE LAI AUTONOMOUS DISTRICT COUNCIL EMPLOYEES (PERFORMANCE APPRAISAL REPORT) RULES, 2011.

PERFORMANCE REPORT ON STUDY LEAVE/ LEAVE FOR STUDY

(For the year / period ending _____)

A. PERSONAL DATA:

1. Name of the Officer

| | |
|---|---|
| 2. Service/year of allotment<br>3. Date of Birth<br>4. Present Grade<br>5. Study leave/Leave details<br>a) Course<br>b) Institution<br>c) Duration<br>6. Period of Sanctioned Leave<br>7. Details of Degree/Certificate/Diploma and Evaluation obtained during the period (copies to be enclosed).<br>8. Date of Filling Annual Property Returns. | |
| B. SELF ASSESSMENT : | |

Officer's Signature : _____

Date : _____

To be filled in duplicated and submitted to Service Controlling Authorities.

## STATEMENT OF OBJECTS & REASONS

As the erstwhile Annual Confidential Report (ACR) has been renamed as Annual performance Appraisal Report (APAR) In respect of group 'A' Officers, maintenance of performance Appraisal Report is mandatory as promotion in services is based on the assessment of performance Appraisal reports. Since the principal that confirmation crossing of efficiency bar, promotions etc should be based on the assessment of the confidential dossiers, this matter is of the greatest importance for the efficiency and morale of the service.

It is also very important in the interest of efficiency of the service and also of the Officers that the report are written with the greatest possible care so that the works, conduct, characters and capabilities of the Officers reported upon can be accurately judged from the recorded opinion.

It view of the above, it is proposed to enact a new legislation through the Lai Autonomous District Council employees (performance appraisal report, 2011)

Hence, the Bill.

C.Ngunlianchunga
Chief Executive Member
Lai Autonomous District Council
Lawngtlai

## CERTIFICATE OF AUTHENTICITY

Certified that the Bill was passed by the Lai Autonomous District Council in its Budget Session on thirtieth March two thousand and eleven.

And in authentication thereof, I put my signature on this Thirteenth December two thousand eleven Anno Domini.

F. Rohnuna,
Chairman,
Lai Autonomous District Council
Lawngtlai.

## NOTIFICATION

No.C.31012/6/2011-DCA/L, the 10th August, 2011. In exercise of the powers conferred by clause (h) of sub-paragraph 2 to the Sixth Schedule to the Constitution of India, the following Act passed by the Lai Autonomous District Council which received assent of the Governor of Mizoram on 2nd August, 2011 is hereby published for general information, namely :-

P.Chakraborty,
Principal Secretary to the Govt. of Mizoram,
District Council Affairs department.

## THE LAI AUTONOMOUS DISTRICT COUNCIL (GENERAL SERVICE) RULES, 2011.

PART -I - GENERAL

**1. Short title and Commencement -**

(1) These Rules may be called the Lai Autonomous District Council (General Service) Rules, 2011

(2) They shall come into force from the date of publication in the Mizoram Gazette.

**2. Definitions -**

In these Rules unless the context otherwise requires :

(1) "Appointing Authority" means the Executive Committee of the Lai Autonomous District Council.

(2) "Constitution" means the Constitution of India.

(3) "DPC" means the Departmental Promotion Committee, constituted by the Executive Committee of the Lai Autonomous District Council.

(4) "Executive Committee" means Executive Committee of the Lai Autonomous District Council.

(5) "Gazette" means the Mizoram Gazette.

(6) "Government" means the Government of Mizoram.

(7) "Governor" means the Governor of Mizoram.

(8) "Member" means a person appointed in a substantive capacity to any grade of the Lai Autonomous District Council General Service and included a person appointed on probation to the Lai Autonomous District Council General service in accordance with these rules.

(9) "Schedule" means schedule appended to these rules.

(10) "Schedule Caste" means such Castes are specified by the President of India under Article 341 (1) of the Constitution of India and as amended from time to time in so far as the specification pertains to the State of Mizoram.

(11) "Schedule tribes" means such Tribe as are specified by the President of India under Article 342 (1) of the Constitution of India as amended from time to time in so far as the specification pertains to the State of Mizoram.

(12) "Service" means the Lai Autonomous District Council General Service constituted under these Rules.

(13) "Year" means Calendar Year.

## PART - II

## CONSTITUTION, DESIGNATION AND CLASSIFICATION

**3. Constitution of the Services -**

There shall be constituted a Service to be known as the Lai Autonomous District Council General Service (LGS).

The Service Shall consist of the following persons namely :

(1) Persons already appointed to the existing post as mentioned in the Schedule - I appended to these Rules.

(2) Persons recruited to the Service after commencement of these Rules :

(a) By Selection as provided under Rule 6 of these Rules.

(b) Through Competitive Examination (Direct Recruitment) as provided under Rule 8 and 9 of these Rules.

**4. Classification :-**

The Service shall have the following Grades, namely :

(1) Senior Administrative Grade (Gazetted Group 'A')

(2) Selection Grade (Gazetted Group 'A')

(3) Junior Administrative Grade (Gazetted Group 'A')

(4) Senior Grade (Gazetted Group 'A')

(5) Junior Grade 'A' (Gazetted Group 'A')

(6) Junior Grade 'B' (Gazetted Group 'B')

**5. Designation -**

Members of the Service shall, at the commencement of these rules, be designated as mentioned in the Schedule -I appended to these rules and such other designations which the Governor may decide.

**6. Initial Constitution -**

On and from the commencement of these Rules the persons appointed under Schedule II appended hereto shall be Members of the Service and the past services rendered in any of the posts specified in the schedule appended to these rules shall be counted as Service under these Rules for all purposes other than seniority.

Provided that no persons shall be considered for inclusion under these rules who does not qualify for appointment as under Schedule - II appended.

## PART - III

## AUTHORISED PERMANENT STRENGTH OF THE SERVICE

**1. Authorised Strength of the Service -**

(1) The authorised permanent strength of the Service and number of the posts therein at the commencement of these rules shall be as specified in the Schedule I appended to these rules.

(2) The authorised permanent strength of the Service and number of the posts after the commencement of these rules shall be determined by the Executive Committee with prior approval of the Governor from time to time.

## PART -IV

## RECRUITMENT TO THE SERVICE

**8. Recruitment to the Service -**

Recruitment to the Service in the Junior Grade 'B'

(Entry Grade) after the commencement of these rules shall be by the following methods :

ninety percent of the vacancies shall be filled up by direct recruitment through Competitive Examination to be conducted and a list prepared by the Departmental Promotion Committee in the manner prescribed in these rules and in accordance with the syllabus appended as schedule III, and, another ten percent shall be filled up by induction into the service by selection method from amongst Assistant having a graduate degree from a recognized university and having eight years qualifying service in the grade through Limited Departmental Examination conducted by the DPC and passed such Limited Departmental Examination by securing atleast forty percent of total marks.

Provided that Limited Departmental Examination Regulation should be prescribed by the Executive

Committee and the examination should be conducted as per Regulation and no other process is admissible.

**9. Eligibility for Appearance at the Competitive Examination for Direct Recruitment -**

For appearing at the competitive examination, a candidate must satisfy the following conditions :

(1) He must be a citizen of India

(2) He must attain the age of 21 years of age but exceeded the age of 35 years on the first day of the year of Advertisement.

Provided that the upper age limit may be relaxed by five years in the case of candidates belonging to Schedule Tribes/Schedule Castes and in respect of candidates belonging to special categories of persons in accordance with any general or special orders issued by the Central/ State Government from time to time, in this regard.

(3) He must hold a degree of any University recognized by the Central/State Government.

(4) He must have the working knowledge of Lai language atleast Middle School standard.

PART - V

## APPOINTMENT, PROBATION, CONFIRMATION AND TRAINING

**10. Appointment to the the Service -**

(1) All appointment to the Service shall be made by the Executive Committee and shall be notified in the Mizoram Gazette.

(2) All appointments to the Service shall be made to the appropriate Grades of the Service and not against any specific posts.

**11. Appointment of Direct Recruits -**

(1) Subject to the provision of these rules, appointments to the Junior Grade 'B' of the Service shall be made from

candidate in the list referred to in Rule 8 of these strictly in order of merit recommended by the Departmental Promotion Committee.

(2) A direct recruits shall join within 45 days from the date of issue of the order of appointment, failing which and unless the Governor is otherwise pleased to extend the period, the appointment shall stand cancelled.

**12. Disqualification -**

No person :-

(1) Who has entered into or contracted a marriage with a person having a spouse living, or

(2) Who having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment under these rules.

Provided that the Governor may, if satisfied that, such marriage is under the personal law applicable to such person and to the other party to the marriage and there are other grounds for doing so, exempt any person from the operation of this rule.

**13. Physical fitness -**

No candidate shall be appointed to the Service unless he/she is declared after such medical examination, to be mentally and physically sound and free from and defect likely to interfere with the discharge of duties and his/ her Service.

**14. Probation -**

(1) Every person recruited to the Service in accordance with these rules shall be on probation for a period of two years.

Provided that the period of probation may, for good and sufficient reasons to be recorded in writing, be extended by the Executive Committee in the individual case.

(2) person on probation shall be liable to be discharged from the Service at any time without assigning any reason thereof during the period of probation;

Provided that if, during the period of probation or any extension period thereof, the Governor is of the opinion that the officer is not fit for permanent appointment, he may be discharged from service.

**15. Confirmation -**

A person who has been declared to have satisfactorily completed the period of probation shall be confirmed in the service .

**16. Training -**

Every person selected and appointed under these rules shall undergo such training and for such period as the Executive Committee may prescribe in any established training institute within or outside the state.

PART - VI

**MISCELLANEOUS**

**17. The scale of Pay/ pay Band and Grade Pay -**

The Scale of Pay (Based on 6th pay) and Grade admissible to the Members of the Service, subject to revision by the Governor from time to time, shall be as follows :-

| | | |
|---|---|---|
| (1) | Senior Administrative Grade | Rs.37400-67000-8900/- pm |
| (2) | Selection Grade | Rs. 37400-67000-8700 /- pm |
| (3) | Junior Administrative Grade | Rs.15600- 39100-7600/- pm |
| (4) | Senior Grade | Rs.15600- 39100-6600 /- pm |
| (5) | Junior Grade 'A' | Rs.15600-39100- 5400/- pm |
| (6) | Junior Grade 'B' | Rs.9300- 34800 - 4600 /- pm |

There shall be a combined gradation list as on 1st April of each year as illustration appended in Schedule - IV in respect of the officers in each grade.

**18. Increment -**

The first increment due, to a Member in the time scale of pay, shall be on the expiry of successful completion of the period of one year from his/her entry into the service.

**19. Promotion to higher Grades -**

(1) Subject to the provision of sub-rules 2,3,4,5 or 6 below, appointments of the members of the Service to the Junior Grade 'A' Senior Grade, Junior Administrative Grade, Selection grade and senior Administrative Grade shall be made in consultation with the Departmental Promotion Committee on the basis of seniority with due regard to merit.

(2) A member of the Service in the Junior grade 'B' shall be eligible for consideration for promotion in the Junior Grade 'A' after he/she rendered regular qualifying service for a minimum period of five years in the Junior Grade 'B' and passed Departmental Promotion Examination conducted by the DPC.

(3) A member of the Service in the Junior Grad 'A' shall be eligible for consideration for promotion to the Senior Grade after he/she rendered regular Qualifying service for a minimum period of five years in the Junior Grade 'A' and passed Departmental Promotion Examination conducted by the DPC.

(4) A member of the Service in the Senior Grade shall be eligible for consideration for promotion to the Junior Administrative Grade after he/she rendered regular Qualifying service for a minimum period of five years.

(5) A member of the Service in the Junior Administrative Grade shall be eligible for consideration for promotion to the selection Grade after he/she rendered regular Qualifying service for a minimum period of five years in the Junior Administrative Grade.

(6) A member of the Service in the selection Grade shall be eligible for consideration for promotion to the Senior Administrative Grade after he/she rendered regular Qualifying service for a minimum period of five years in the Selection Grade.

**20. Seniority -**

(1) The seniority interse of the members of the Service at its initial constitution shall be determined by the executive Committee in accordance with the orders and instructions in force before commencement of the Rules.

(2) The seniority interse of the members of the Service appointed after the commencement of these rules shall be determined from time to time in accordance with principles/rules by the Executive Committee.

**21. Other provision relating To conditions of service -**

(1) Notwithstanding anything contained in these Rules, the Executive Committee, in public interest shall have the right and power to transfer any officers so recruited under these rules to any other posts or positions which is equivalent rank or grade.

(2) Except as provided in these Rules, all matters relating to pay, allowances, leave, pension, discipline and other conditions of service shall be regulated by the General Rules in force or rules adopted by the State Government from time to time.

**22. Power of the Governor to dispense with or relax any rule -**

Where the Governor is satisfied that the operation of these rules caused undue hardship in any particular case he may, in consultation with the Departmental Promotion Committee, Lai Autonomous District Council dispense with or relax the rules to such extend and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.

Provided that the case of any persons shall not be dealt with in any manner less favorable to him than that provided by any of these rules.

**23. Interpretation -**

If any question arises relating to the interpretation of these rules, it shall be referred to the Governor whose decision thereon shall be final and binding.

**24. Repeal and saving -**

(1) (a) The Lai, Mara and Chakma District Councils (Group A,B,C &D posts) Recruitment Rules 1992, is hereby repealed for the Lai Autonomous District Council.

(b) The Lai Autonomous District Council Private Secretary to Chief Executive Member Recruitment Rules, 2002; and any other Recruitment Rule, or Recruitment Rules framed by the Lai Autonomous District Council which were in force and continued to be in existence shall stand hereby repealed; and

(2) The Recruitment Rules relating to any of the posts mentioned in Rule 6 of these rules shall stand repealed with effect from the date of commencement of these rules.

Provided that any order made or anything done or any action taken under the rules so repealed or under any general orders ancillary thereto, shall be deemed to have been mad, done or taken under the corresponding provisions of these rules.

## SCHEDULE - I

**(See rule 7 (1))**

**AUTHORISED PERMANENT STRENGTH OF THE GENERAL SERVICE AND PARTICULARS OF THE POST INCLUDED IN THE SERVICE RULES**

| | | | | |
|---|---|---|---|---|
| 1. | SENIOR ADMINISTRATIVE GRADE | | | |
| | 1. | Executive Secretary | - | 1 |
| | | Total | - | 1 |
| 11. | SELECTION GRADE | | | |
| | 1. | Secretary, District Council Secretariat | - | 1 |
| | 2. | Court President & Recorder | - | 1 |
| | | Total | - | 2 |

111. JUNIOR ADMINISTRATIVE GRADE

| | | | |
|---|---|---|---|
| 1. | Deputy Secretary (GAD) | - | 1 |
| 2. | Planning & Development Officer | - | 1 |
| 3. | Senior Revenue Officer | - | 1 |
| 4. | Education Officer (M&P) | - | 2 |
| 5. | Local Administrative Officer | - | 1 |
| 6. | Art & Culture Officer | - | 1 |
| 7. | Secretary LADBSE | - | 1 |
| | Total | - | 8 |

IV. SENIOR GRADE

| | | | |
|---|---|---|---|
| 1. | Under Secretary (GAD) | - | 1 |
| 2. | Under Secretary (PRC) | - | 1 |
| 3. | Revenue Officer (Hqrs) | - | 1 |
| 4. | Rural Development Officer | - | 1 |
| 5. | District Council Sports & Youth Officer | - | 1 |
| 6. | Taxation Officer | - | 1 |
| 7. | District Council Social Welfare Officer | - | 1 |
| 8. | District Council Industries Officer | - | 1 |
| 9. | Deputy Registrar (Co-op) | - | 1 |
| 10. | Assistant Planning & Development Officer | - | 1 |
| | Total | - | 10 |

V. JUNIOR GRADE 'A'

| | | | |
|---|---|---|---|
| 1. | Liaison Officer | - | 1 |
| 2. | private Secretary to CEM | - | 1 |
| 3. | Private Secretary to Chairman | - | 1 |
| 4. | Asst. Art & Culture Officer | - | 1 |
| 5. | Information & Publicity Officer | - | 1 |
| 6. | District Council Transport Officer | - | 1 |
| 7. | Academic Officer | - | 1 |
| 8. | Sanitation Officer | - | 1 |
| 9. | Revenue Officer (Div) | - | 3 |
| 10. | Asst. Education Officer | - | 2 |

| | | | |
|---|---|---|---|
| 11. | District Council Adult Education Officer | - | 1 |
| 12. | Controller of Examination | - | 1 |
| | Total | - | 15 |
| VI. | JUNIOR GRADE 'B' | | |
| 1. | Asst. Revenue Officer | - | 4 |
| 2. | Asst. Local Administrative Officer | - | 1 |
| 3. | Asst. Rural Development Officer | - | 1 |
| 4. | Circle Education Officer | - | 6 |
| 5. | Circle Adult Education Officer | - | 1 |
| 6. | Asst. Sports Promotion Officer | - | 1 |
| 7. | Asst. Taxation Officer | - | 1 |
| 8. | Assistant Survey Officer | - | 1 |
| | Total | - | 16 |
| | TOTAL OF - | - | 52 |
| | The total effective strength of the Service | - | 52posts |

## SCHEDULE - II

(See Rule 6)

LIST OF RECRUITMENT RULES AND NOTIFICATION WHOM SERVICE TO BE RENDERED;

1. The Lai, Mara & Chakma District Councils (Group A,B,C & D Posts) Recruitment Rules, 1992. In which it shall includes Serial No. 13, 35, 36, 45,52,63, of column1 of Annexure I, for the Lai Autonomous District Council.
2. The Lai Autonomous District Council Private Secretary to Chief Executive Member Recruitment Rules, 2002.
3. Lai Autonomous District Council Notification Nos. of the following :-
    1. A.32011/1/89 - LDC/GEN/6 of 5.12.1989
    2. A.12014/2/89-LDC/GEN/ 26 of 16.1.1990
    3. A.12014/1/91 -LDC/GEN/of 14.7.1995

4. A.12014/2/89-LDC/GEN/46 of 17.5.1990
5. A. 12014/1/91-LDC/GEN of 15/2/1996
6. A.12012/2/92-LDC/GEN of 23.8.1996
7. A.12014/2/91-LDC/GEN of 18.9.1995
8. A. 12014/2/91-LDC/GEN of 18.9.1995
9. A.11013/1/99-LDC/EST of 1.4.2002
10. A. 11011/2/08 - LDC/DCS of10.10.08
11. A.12012/3/95-LDC/GEN of 31.3.1997
12. A. 11012/2/99-LDC/EST of 21.7.2000
13. A. 11012/2/99-LDC/EST of 4.12.2003
14. A. 12012/3/85 - PDC (E) (Part) of 21.7.1987
15. M.11015/1/94 - LDC/EDN (Part-I) of 23.8.1996
16. A. 12012.2.99 - LDC/EST of 28.6.2001
17. A. 12014/2/91 -LDC/GEN of 14.7.1993
18. A. 12012/3/92 - LDC/GEN of 13.3.1997
19. A. 11012/3/99 - LDC/EST of 8.11.1999
20. A. 11012/2/99 - LDC/EST of 28.3.2002
21. A.11013/2/99 - LDC/EST of 12.4.2002
22. A.32014/1/06 LADC/GAD of 26.3.2007
23. A.11012/2/99 -LDC/EST of 21.2.2008
24. A.12026/1/06 - LADC/GAD of 26.2.2008
25. A. 12026/1/06 - LADC/GAD of 15.7.2008
26. A.11011/3/04 - LADC/DCS of 30.9.2004
27. A. 12026/1/06 - LADC/GAD of 11.11.2009
28. A.12026/1/06 - LADC/GAD of 5.10.2010.

SCHEDULE - III
(See rule 8)

**SYLLABUS FOR COMPETITIVE EXAMINATIONS FOR DIRECT RECRUITMENT TO JUNIOR GRADE 'B' OF GENERAL SERVICE**
**LAI AUTONOMOUS DISTRICT COUNCIL**

| *Sl.No.* | *Subject* | *Time allowed* | *Full Marks* |
|---|---|---|---|
| 1. | General English | - Paper I & Paper II 3 hrs | 100 Marks |
| 2. | General Studies | - Paper I & Paper II 3 hrs | 100 Marks |
| | | TOTAL 6 hrs | 200 Marks |

Details of Syllabus

Details Syllabus for the above mentioned papers shall be as follows :-

**(1) General English Paper - I: 50 Marks.**

(a) Comprehension of given passages.

(b) Grammar : Part of speech; Nouns, Adjective, Verb, Adverb, Preposition, etc.

(c) Compositions :

(i) Analysis of complex and compound sentences.

(ii) Transformation of sentences.

(iii) Synthesis of sentences.

(d) Usage and vocabularies.

**(II) General English Paper - II : 50 Marks**

(a) Essay writing

(b) Letter writing

(c) Idioms & Phrases

(d) Expansion of passages

**(III) General Studies Paper-I 50 Marks**

(a) Modern History of India and Indian Culture.

(b) Current events of national and international importance.

(c) Simple arithmetic, simple statistical analysis, graphs and diagrams.

(d) History of LAI.

In paper I, Modern History of India and Indian Culture will cover the broad history of the country from about the middle

of the nineteen century and questions on Gandhi, Nehru, Tagore and Cultural heritage. It would also include cultural and traditional practices of LAI community.

The part relating to simple arithmetic, simple statistical analysis and diagrams will include exercise to test the candidate's ability to draw common sense, conclusions from information presented in simple arithmetical, simple statistical, graphical or diagrammatical from and on to point out, deficiencies, limitations or inconsistencies therein and it will carry a weightage of not more than 25% marks and will be of HSLC standard.

**(IV) General Studies - Paper - II : 50 Marks**

(a) Indian Polity.

(b) Indian economy and Geography of India.

(c) Sixth schedule to the Constitution of India, and

(d) The role and impact of science and technology in the development of India.

In paper - II, the part relating to Indian Policy will include question, the modern political system in India and Sixth Scheduled to the Constitution of India. In the part pertaining to the Indian Economy and Geography of India, question will be put on planning in India and the general physical economic and social geography of India. In the third part relating to the role and impact of science and technology in the development of India, question will be asked to test the candidate's awareness of the role and impact of science and technology in India, emphasis will be on applied aspects. It will also include general knowledge relating to science, inventions and discoveries, terminologies, etc.

Sd/-
Chairman,
Lai Autonomous District Council,
Lawngtlai : Mizoram.

SCHEDULE - IV

(See Rule 17)

**COMBINED GRADATION LIST**

| Sl. No. | Name of Officers | Designation/ Post held | Date of Birth | Date of entry into service | Date of promotion to present post | Date of joining the present post | Code No. | Date of retirement |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | **SENIOR ADMINISTRATIVE GRADE (1 POST)** | | | | | |
| 1. | Mr. A. | Executive Secretary | 10.1.1950 | 4.2.1975 | 7.4.1998 | 8.4.1998 | 1 | 31.1.2010 |
| | | | **SELECTION GRADE (2 POSTS)** | | | | | |
| 1. | Mr. B. | CP&R | 10.1.1950 | 4.2.1975 | 7.4.1998 | 8.4.1998 | 2 | 31.1.2010 |
| | | | **JUNIOR ADMINISTRATIVE GRADE (8 POSTS)** | | | | | |
| 1. | Mr.C | Deputy Secretary | - | - | - | - | 3 | - |
| 2. | Mr.D. | (GAD) P&DO | - | - | - | - | 4 | - |
| | | | **SENIOR GRADE (9 POSTS)** | | | | | |
| 1. | Mr.E. | Under Secretary (GAD) | - | - | - | - | 5 | - |
| 2. | Mr.F. | Under Secretary (PRC) | - | - | - | - | 6 | - |
| | | | **JUNIOR GRADE 'A' (16 POSTS)** | | | | | |
| 1. | Mr.G. | Private Secretary to CEM | - | - | - | - | 7 | - |
| 2. | Mr. H. | Liaison Officer | - | - | - | - | 8 | - |
| | | | **JUNIOR GRADE 'B' (16 POSTS)** | | | | | |
| 1. | Mr. I | ARDO | - | - | - | - | 9 | - |
| 2. | Mr. J | ALAO | - | - | - | - | 10 | - |

## NOTIFICATION

NO.C.31012/6/2011/DCA/L, 23rd November, 2012. In exercise of the powers conferred by clause (h) of sub-paragraph 2 to the Sixth Schedule to the Constitution of India, the following Act passed by the Lai Autonomous District Council which received assent of the Governor of Mizoram on 20th November, 2012 is hereby published for general information, namely :-

**" THE LAI AUTONOMOUS DISTRICT COUNCIL (GENERAL SERVICE) (AMENDMENT) RULES, 2012".**

**1. Short title and Commencement Rules, 2012 -**

(1) These Rules may be called the Lai Autonomous District Council (General Service) (Amendment)

(2) They shall come into force from the date of publication in the Mizoram Gazette.

**2. Amendment of Rule 8 -**

In proviso of Rule 8 of the Principal Rules, after the words "Limited Departmental Examination Regulation", the words " and Competitive Examination Guidelines" shall be inserted.

**3. Amendment of -**

(1) After sub-rule (3) of Rule 19 of the Principal Rules, the following proviso shall be inserted namely :-

"Provided that failing which, Officers on regular service in Junior Grade 'A' at least for a period of two years but have completed not less than ten years service calculated from the year of entry in Junior Grade 'B' and passed Departmental Promotion examination conducted by the DPC shall be eligible for consideration for promotion to Senior Grade by selection method".

(2) After sub-rule (4) of Rule 19 of the Principal Rules, the following proviso shall be inserted namely :-

"Provided that failing which, Officers on regular service in Senior Grade at least for a period of two

years but have completed not less than fifteen years service calculated from the year of entry in Junior Grade 'B' shall be eligible for promotion to junior Administrative Grade by selection method."

(3) After sub-rule (5) of Rule 19 of the Principal Rules, the following proviso shall be inserted namely :-

"Provided that failing which, Officers on regular service in Junior Administrative Grade at least for a period of two years but have completed not less than twenty years service calculated from the year of entry in Junior Grade 'B' shall be eligible for promotion to Selection Grade by selection method."

(4) After sub-rule (6) of Rule 19 of the Principal Rules, the following proviso shall be inserted namely :-

**4. Amendment of Schedule I -**

(1) In Schedule -1 Para-II, "Secretary, District Council Secretariat" shall be omitted.

(2) In Schedule -1 Para -IV , after Serial No.10, Serial No "11. Liaison Officer (Lai House, Aizawl)" and "12. Revenue Officer (Sub-Hqrs; Bualpui)" shall be inserted and the existing Serial No. 1 and Serial No. 9 (1 Post) in para V of schedule - I shall be omitted.

(3) In Schedule - I Para - V, Junior Grade 'A' Serial No."3. Private Secretary to Chairman" shall be omitted.

(4) In Schedule - I Para - VI, Junior Grade 'B' after Serial No.8, Serial No. "9. Superintendent of Archives" shall be inserted.

**5. Amendment of Schedule - II -**

(1) In Schedule - II Para 3, Serial No."10" and "26" shall be omitted.

(2) In Schedule - II Para 3, After Serial No.28, Serial No. "29. A. 12026/1/06-LADC/GAD of 12.10.2010" shall be inserted.

P.Singthanga,
Secretary to the Govt. of Mizoram
District Council Affairs Department.

## NOTIFICATION

No.C.11019/1/2006 -DCA (L), the 23 October, 2012. In exercise of the powers conferred under Section 28 read with clause iv of sub-section (e) of section 2 of the RTI Act, 2005, the Lai Autonomous District Council (Right To Information) Rules, 2012 approved by His Excellency the Governor of Mizoram on 16.10.2012 is hereby published for general information namely -

## "THE LAI AUTONOMOUS DISTRICT COUNCIL (RIGHT TO INFORMATION) RULES, 2012."

**1. Short title and commencement -**

(1) These Rules may be called "The Lai Autonomous District Council (Right to Information) Rules, 2012".

(2) These Rules shall come into force on the date of their publication in the Official Gazette.

**2. Definitions -**

(1) In these Rules, unless the context otherwise requires :

(a) "Act" means the Right to Information Act, 2005.

(b) "Commission" means the Mizoram State information Commission constituted under section 15 of the act.

(c) "Executive Committee" means the Executive Committee of Lai Autonomous District Council.

(d) "Form" means forms appended to these Rules.

(e) "Fees" means fees prescribed under Rule 5.

(f) "Public Information Officer" means The Public Information Officer of Lai Autonomous District Council designated under Sub-section (1) of section 5 of the Act and includes an Assistant Public Information Officer of Lai Autonomous District Council designated as such under Sub-section (2) thereof;

(g) "Appellate Authority" means Persons designated as such by the Executive Committee.

(2) The words and expressions used but not defined in these Rules shall have the same meaning as assigned to them in Act.

**3. Appointment of Public Information Officers -**

(1) The Executive Committee shall designate as many officers as it deems proper, not below the rank of Group 'A' officers as Public Information Officer and First Appellate Authority shall be Head of the concerned Department.

(2) The Executive Committee shall also designate as many officers as they deem proper as Assistant Public Information Officer.

**4. Application for obtaining information -**

(1) A person who desires to obtain information pertaining to the Lai Autonomous District Council shall make an application in writing in Form A or through electronic means to the Public Information Officer accompanied by fees prescribed under Rule 5.

Provided that were a person applying through electronic means shall have to pay the fees within seven days from the date of application, failing which the application shall be treated as withdrawn.

(2) The Public Information Officer on receipt of application shall give the receipt of application in Form - B to the applicant.

(3) The Public Information Officer shall inform the applicant in Form - C regarding such further fees or charges to be paid by him under Rule 5 for the purpose of information sought for by him.

(4) The fees and charges payable under Rule 5 shall be paid either in cash or by Demand Draft or by Pay Order.

Provided that no fees and charges shall be payable by a person belonging to the Below Poverty Line (BPL) families. If such person submits an application with a certified copy of the BPL-Card prevailing on that point of time or a certificate issues in this behalf by a competent authority shall require to be enclosed.

**5. Disposal of the applicant -**

(1) The Public Information Officer shall provide information sought for to the applicant within thirty days of the receipt of the request in Form - D or inform the applicant about the rejection of application in Form - E stating the Reason or Grounds as provided under Section 8 and 9 of the Act, as the case may be.

(2) In case where the information sought for does not fall within the jurisdiction/purview of the Public Information Officer he shall forthwith transfer such application in Form -E to the concerned State Public Information Officer within five days of the receipt of the application and inform the applicant immediately after such transfer.

Provided that where the information sought for concerns with the life and liberty of a person, the Public Information Officer shall be required to provide such information within 48 hours of the receipt of such request or application.

**6. Rate of fees -**

**(1) The rate of fees and other charges for obtaining required information shall be as under -**

A. Application fees : Rs. 20/ (in cash)- per application.

B. Other fees and charges:

| Sl. No. | Details of information required | Price in Rupees |
|---|---|---|
| 1. | Any information available in the Form of publication. | Actual price of publication |
| 2. | Other information/Documents<br>(a) Information provided in i. A4, A3, Legal size | Rs.5/- per age or the amount of actual cost. |
| | (b) For sample model or photographs.<br>(c) For inspection of record<br>(d) For information to be furnished in Floppy or a disc wherever possible. | Amount of actual cost. No fees for the first half an hour and thereafter Rs.20/- for each half an hour. Minimum Rate Rs.60/- per Floppy disc or actual cost. |

(2) (a) The Public Information Officer shall issue a money receipt against every payments of fees and other charges as prescribed in Form - II to the applicant.

(b) The money so collected by the Public Information Officer shall be deposited to the Executive Secretary, Lai Autonomous District Council, fortnightly by the Public Information Officer through challan in Form - I, which shall be credited to the District Council Fund by the Executive Secretary.

**7. Appeal -**

(1) Any person aggrieved by the decision of the Public Information Officer or any person who does not receive any decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of Section 7 of the Act, as the case may be, may refer an appeal in Form -G within 30 days from the date of non-receipt of such decision to the Appellate Authority designated by the Executive Committee, Lai Autonomous District Council in this behalf.

(2) The applicant aggrieved by an order of the Appellate Authority under sub-rule (1) may prefer second stage appeal to the Mizoram State Information Commission within 90 days from the date of the receipt of the order of the Appellate Authority giving the following details.

(i) Name and address of the applicant.

(ii) Name and address of the Public Information Officer

(iii) Number, date and details of the order against which the second stage appeal is filed

(iv) Brief facts leading to the second stage appeal.

(v) Grounds for appeal.

(vi) Verification by the appellant.

(vii) Any information which the commission may deem necessary for deciding the appeal.

(3) Every appeal made to the Commission shall be accompanied by a certified copy of the order against

which second stage appeal is preferred and copies of other documents referred to and relied upon by the appellant alongwith a list thereof.

**8. Maintenance of records -**

The Public Information Officer shall maintain all the records in respect of the applications received for information and the fees collected for giving the information.

**9. Miscellaneous -**

For the purpose of removing any doubt, it is hereby clarified that the forms as prescribed under these Rules need not be in authorised pre-printed stationery, but any format neatly typed, hand written or in electronic form which covers essential details in the form shall be valid.

P.Singthanga,
Secretary to the Government of Mizoram,
District Council Affairs Department.

FORM - A
(See rule 3(1))
APPLICATION FORM OBTAINING INFORMATION
ID NO.
(For Office use)

To

The State Public Information Officer,
Lai Autonomous District Council,
Lawngtlai : Mizoram

1. Name of applicant :
2. Full address :
3. Particulars of information required : (in brief) ;
4. I hereby state that the information sought for is not covered under the categories which exempted from discloser of information under section 8 or under section 9 of the Right to Information Act, 2005 and to the best of my knowledge, it is pertaining to the Lai Autonomous District Council.

5. * (1) I hereby submit the prescribed application fees of Rs……. (rupees…….....……) only vide payment of applicant fee Receipt No……. dt…… of the Lai Autonomous District Council.

* (2) I enclosed herewith Demand Draft/Order No……. dt……. Drawn in favour of Lai Autonomous District Council issued by…….. (Bank)

* (3) I belong to BPL family. Xerox copy of BPL Card/Certificate is enclosed herewith.

Place :…….....
Date :…….

Signature of applicant:
E- Mail address, if any:
Telephone No.(Office)
(Residence)

N.B : Person belonging to BPL family need not to pay any type of fees * strike out whichever is not applicable .

FORM - B
(See rule 4 (2) )

**RECEIPT OF AN APPLICATION**

From :
The State Public Information Officer,
Lai Autonomous District Council,
Lawngtlai : Mizoram.

ID. No…… Date ……

1. Received the application dated in Form A, prescribed under sub-rule (2) of Rule 3 of the Lai Autonomous District Council (Right to Information) Rules, 2012 from Mr/Mrs/ Ms……...Resident of……
2. The information shall be provided within 30 days. In any case if it is found that it is not possible to give the required information, a letter showing reasons thereof or rejecting the request shall be issued.

3. The applicant may contact the undersigned during 11:00 A.M to 1:00 P.M on dated……. (here mention the date not later than 30 days from the date of receipt of an application)
4. If the applicant fail to remain present on the stipulated date, the Lai Autonomous District State Public Information Officer shall not be held responsible for delay in providing information.
5. The applicant shall be required to deposit the outstanding amount of fees or charges, if any, prior to collection of the information or the document.

State Public Information Officer
Lai Autonomous District Council,
Lawngtlai : Mizoram.
Telephone No……
E-Mail Id :……
Website :……

**FORM - C**
**(See rule 4 (3) )**
**INTIMATION TO APPLICANT TO DEPOSIT FEE AND CHARGES FOR REQUIRED INFORMATION AND /OR DOCUMENT**

To

Mr/Mrs/Miss……
Address.....……...

Sir,

With reference to your request/application dt…… (ID. No……. Dated ……) I am to state that you are required to deposit Rs……..……(Rupees……) only for required information and documents sought for. You may be given the required information/documents after depositing the amount to the Office of the State Public Information OfficerLADC;

(1) Total No. of page……(A3,A4 size) Rs 5/- per page.
(2) Total No. of large size pages(Except A3,A4 size) Rs……..

(3) Floppy disc charges Rs.....

(4) Charges for inspection of records Rs.....

(5) Charges for simple/model Rs.....

Total Rs.....

Yours faithfully,

State Public Information Officer
Lai Autonomous District Council,
Lawngtlai : Mizoram.
Telephone No.....
E-Mail Id :.....
Website :.....

**FORM - D**

**(See rule -5 (1))**
**SUPPLY OF INFORMATION TO THE APPLICANT**

From :

The State Public Information Officer,
Lai Autonomous District Council,
Lawngtlai : Mizoram.

To

Mr./Mrs./Miss.....
Address :.....

Sir,

With reference to your application dated..... (I.D. No..... dated .....) requesting for supply for information.

* 2. Details of required information are enclosed herewith.

* 3. Out of the required information sought for, the partial information is supplied as under :

(1)

(2)

(3)

(4)

* 4. With reference to your request for supplying information, the following information documents cannot be supplied for the following reasons.

(1)

(2)

(3)

(4)

* 5. Id you are aggrieved by the above decision, you may prefer an appeal to the Appellate Authority of Lai Autonomous District Council, Lawngtlai, Mizoram within 30 days from the date of receipt of the decision.

Note : The information given as a member of Below Poverty Line families shall not be used for any other purpose.

Yours faithfully,

State Public Information Officer
Lai Autonomous District Council,
Lawngtlai : Mizoram.
Telephone No……
E-Mail Id :……
Website :……

N.B. : * Strike out whichever is not applicable

**FORM - E**
**(See rule 5 (1))**
**ORDER OF REJECTION OF INFORMATION**

From :
The State Public Information Officer,
Lai Autonomous District Council,
Lawngtlai : Mizoram.

NO……  Dt……...……

To

Shri./Smt./Miss…….....
Address : …….....

Sir,

With reference to your application dated……(I.D. No…….. Date…….) requesting for supply for information, I am to state that…….

1. The information requested cannot be provided for the following reasons :

   The information requested falls within the exempted categories under Sub-Rule……. Of Section 8 or under section 9 of the Act.

2. If you are aggrieved by the above decision, you may prefer an appeal to the Appelate Authority Lai Autonomous District Council, Lawngtlai : Mizoram, within 30 days from the date of receipt of the decision.

Yours faithfully,

State Public Information Officer
Lai Autonomous District Council,
Lawngtlai : Mizoram.
Telephone No……
E-Mail Id :……
Website :……

FORM - F

(See rule 5(2))

TRANSFER OF APPLICATION PERTAINING TO OTHER AUTHORITY

From :
The State Public Information Officer,
Lai Autonomous District Council,
Lawngtlai : Mizoram.

NO……..... Dt……....

To,

Shri./Smt./Miss……....
Address :……....

Sir, Madam,

Please find herewith an application from Shri/ Smt…… (I.D.No……..... dt……) for reason stated below:

Required information does not fall within the jurisdiction of the Lai Autonomous District Council. As it falls within the jurisdiction of your department/ Office, the same is transferred herewith to you for further necessary action.

A fee of Rs…….(Rupees……..) only deposit by the applicant on account of obtaining required information is also transfer herewith.

Yours faithfully,

State Public Information Officer
Lai Autonomous District Council,
Lawngtlai : Mizoram.
Telephone No……
E-Mail Id :……
Website :……

Copy to:-

Shri/Smt……
(Applicant)

1. As your Application pertaining to required information doesn't fall within the jurisdiction of this Department/Lai Autonomous District Council, it has been transferred to the State Public Information Officer having jurisdiction. You are requested to contact the State Public Information Officer mentioned above.

**FORM - G**
**(See rule 7 (1))**

**FORM OF FIRST APPEAL**

I.D. No……..
Date ……

To,

The Appellate Authority
Lai Autonomous District Council,
Lawngtlai : Mizoram.

Sir,

As I have not received any decision, I am aggrieved by the decision of the State Public Information Officer, Lai Autonomous District Council, Lawngtlai, Mizoram, I hereby file this appeal. The particulars of my application is as under :

1. Name of the Appellant :
2. Address of the Appellant :
3. (a) Name of the State Public Information Officer
   (b) Address of the State Public Information Officer
   (c) Department/Office and Address :
   (d) Particulars of the decision against which the appeal is preferred including the No. and date of such decision:
4. Date of application submitted in Form A :
5. Details of information :
   (1) Information asked for :
   (2) Period for which information is sought for :
6. Date as on completion of 30 days after submitting application in Form A :

7. Reason for Appeal :

   (a) No decision is received within 30 days of submitting application Form A :

   (b) Aggrieved by the decision of the State Public Information Officer dated :

8. Ground for appeal, Brief facts of the case :

9. Last date for filling the appeal :

10. Prayer relief sought for :

I hereby state that the information and particulars given above are true to the best of my knowledge and belief .

Place :……
Date …….
Name of Appellant :

Signature of Appellant :
E-Mail address, if any:
Telephone No.
(Office)
(Residence)

……. Cut from here……

From :
The State Public Information Officer,
Lai Autonomous District Council,
Lawngtlai : Mizoram.

No…… Dt……..

1. Received an appeal application of Shri/Smt……a resident of ……. In Form G prescribed u nder sub-Rule (1) of Rule 6 of the Lai Autonomous District Council Right to Information rules, 2006.

Signature of the recipient
Office of the Appellate
Authority
E-Mail address, if any:
Telephone No. (Office) :
(Resident) :

**FORM - II**
**(See rule 5 (2) (a))**

**FORM OF MONEY RECEIPT**

From :
The State Public Information Officer,
Lai Autonomous District Council,
Lawngtlai : Mizoram.

No..…..... Dt…….....

I received a sum of Rs……. (in words Rupees……) only from Shri/Smt/Kumari ……..
Resident of……. Today, the…….20…..
Against the charges as follows :

| | | |
|---|---|---|
| 1. | Application fees | Rs…… |
| 2. | Other charges : | |
| | (a) A4,A3,FS,Legal size papers | Rs…… |
| | (b) Publication | Rs…… |
| | (c) Large size papers | Rs…… |
| | (d) Sample model/photographs | Rs…… |
| | (e) For inspection or records | Rs…… |
| | (f) Floppy/Disc | Rs…… |
| | Total | Rs…… |

**State Public Information Officer**
Lai Autonomous District Council,
Lawngtlai : Mzioram
Telephone No……
E-Mail Id :…….
Website :…….

**FORM - I**
**(See rule 5 (2) (b))**

**FORM OF CASH DEPOSIT**

Challan No……../20…… Dated Lawngtlai
The ……...20…

| Sl. No. | Particulars | Amount | Remarks. |
|---|---|---|---|
| | | | Received by me<br>Signature of Recipient<br>Name .....<br>Designation .....<br>Deposited by<br>Signature :<br>Name .....<br>Designation ..... |

Total Rs……/-
(Rupees……..) only.
Countersigned

Executive Secretary
Lai Autonomous District Council,
Lawngtlai : Mizoram.

**State Public Information Officer**
Lai Autonomous District Council,
Lawngtlai : Mzioram
Telephone No……
E-Mail Id :…….
Website :…….

**NOTIFICATION**

No. C.31012/9/2013-DCA (L), the 21st January, 2014.

In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulations passed by the Lai Autonomous District Council and approved by his Excellency the Governor of Mizoram on 9.1.2014 is hereby published for general information, namely :-

**"THE LAI AUTONOMOUS DISTRICT COUNCIL (CONTROL OF VEHICLE PRKING) REGULATIONS, 2012"**

P. Singthanga,
Secretary to the Govt. of Mizoram,
District Council Affairs Department.

**"THE LAI AUTONOMOUS DISTRICT COUNCIL (CONTROL OF VEHICLE PARKING) REGULATION, 2012 "**

**A**

**REGULATION**

To provide for the levy and collection of vehicles parking fee within the Lai Autonomous District.

Whereas under sub-paragraph (3) of paragraph 8 of the Sixth Schedule to the constitution of India, the District Council for an Autonomous District is empowered to make regulation for the levy and collection of taxes on vehicles within the District.

Now, therefore, in exercise of the said power and all other powers enabling it is in that behalf, the Lai Autonomous District Council is pleased to make this Regulation in the Sixty Third Year of the Republic of India as follows :-

**1. Short title, extent and Commencement -**

(1) These regulations may be called the Lai Autonomous District (control of Vehicles Parking ) Regulations, 2012.

(2) It shall extend to the Lai Autonomous District areas of such town or places as the Executive Committee may by notification declare.

(3) It shall come into force on such date of publication in the Mizoram Gazette.

**2. Definitions : In this regulation, unless the context otherwise requires -**

(a) " Collector " means any person authorized by the Executive Committee to collect the parking fees ;

(b) " Department " means Transport Department of the Lai Autonomous District Council ;

(c) " District " means the Lai Autonomous District ;

(d) " Executive Committee " means the Executive Committee of the Lai Autonomous District Council ;

(e) " Motor Vehicle " means all types of vehicle as defined in the Motor Vehicle Act, 1988 ;

(f) " Owner " means a person in whose name a motor vehicle is registered ;

(g) " Parking Areas " or " Parking Places " means places declared from time to time by the Executive Committee or any officer authorized in this behalf by the Executive Committee ;

(h) " Parking Fee " means fees in this regulation ;

(i) " Parking Hour " means a period from 8:00am to 10:00am in the morning and from 3:00pm to 5:00pm in the evening or any other period notified by the Executive Committee or any officer authorized in this behalf by the Executive Committee from time to time.

**3. Declaration of Parking Areas -**

1) The Executive Committee or any officer authorized in this behalf by the Executive Committee may declare and specify parking areas from time to time in different parts of the town areas within the District as parking places for vehicles of different kinds. Such parking areas shall be notified and published in local news papers for information of general public.

   Provided that the Executive Committee may by notification constitute an Advisory Committee to select site for parking areas or places.

2) On the recommendation of the Advisory Committee the Executive Committee may also select and declare from time to time suitable areas within the District as parking areas, places or dropping zone taking into consideration of the need of Shopping Centers, Public Officers, Bus Stands, Public Conveniences etc.

3) No motor vehicles shall be parked on any public Street, Road Sides, Thoroughfare or any open space limit of proper town areas except in particular places demarcated specifically by the Executive Committee as parking areas or places.

**4. Collection of Parking Fee -**

1) The Executive Committee or any officer authorized in this behalf may charge a parking fee on vehicles during the parking hours for parking on such places declared as parking areas as per the rate prescribed in Table 'A' of the Schedule to these Regulations. The Executive Committee may reduce or enhance the rate of parking fees from time to time.

2) Notwithstanding anything contained in sub-rule (1), no parking fees shall be charged to any vehicle belonging to the District Council, Central or State Government.

3) As soon as parking fee is collected on any vehicle the collector shall issue receipt in the form duly approved

by Executive Committee, or any person authorized by the Executive Committee. The receipt should specify the kind of vehicle, its registration number, time of entering into parking areas and also the agency who is making collection.

4) The parking fees shall be realized through department employees, duly authorized for the purpose or by any authorized agency appointed by auction or through license on such terms and conditions as the Executive Committee may determine.

**5. Parking of Vehicles at Parking Areas at the risk of the owner or Driver -**

A vehicle shall be parked in the parking area at the Owner's or Driver's risk and responsibility. The Executive Committee or the Department shall not be held responsible for any loss or damage of the vehicle parked at the parking areas.

**6. Prohibition of Parking of Vehicle on the middle of the road :**

No Owner or Driver of a motor vehicle shall park his vehicle on the middle of the road or in any inconvenient place other than the places notified as parking areas, stop or any bound corner for embarking and disembarking of passengers and their luggages.

Provided that parking on the road, thoroughfare or any other places other than the parking areas shall not be allowed for more than the time prescribed. Loading and unloading during the peak hours is prohibited unless special permit is granted by the authority.

**7. Prohibition of drawing out vehicles from the parking areas without payment of parking fee -**

No owner or Driver of any vehicle shall be allowed to move his vehicle from the parking area without payment of parking fee.

**8. Prohibition of Parking more than 10 hours without permission -**

No vehicle, whether serviceable or unserviceable belonging to District Council, Government or Private, shall be allowed to park at any parking place or any road within the proper town area more than 10 hours continuously whether it is during the working hour or night-time without prior approval of the Executive Committee or any officer authorized in this behalf. However, the Executive Committee may grant permission at the risk of the owner of the vehicle for parking of vehicle at various parking places or public roadside on payment of parking fees prescribed in Table 'B' of the schedule to these regulations.

**9. Seizure of Vehicle in case of refusal of payment -**

1) If the Owner or Driver of any vehicle refuses to pay fine for illegal parking, the vehicle may be seized by the Traffic Police on duty, after observing formalities of such seizures as provided in the Code of Criminal Procedure 1973. If a situation demands, such seized vehicles shall be removed to the Police Station or to a place specified by the Executive Committee at the cost of the owner of the vehicle. A vehicle so seized may be released on payment of additional fine of two hundred and fifty rupees, which may be extended to five hundred rupees, depending on the nature of the offences, public inconvenience or obstruction caused by the offender.

2) Defaulter on payment of fine if any shall entail seizure of registration certificate or driving license or with both by the authorized collector.

3) The State Police shall extend all necessary assistance to the collectors of parking fees in regulating and mortgaging the places of parking.

**10. Authority to impose fines -**

Notwithstanding anything contained in any order issued by the Executive Committee or any officer authorized by the Executive Committee, any Executive Magistrate or any Police Officer, not below the rank of Sub-Inspector or any Officer of the Department not below the rank of Motor Vehicle Inspector may compound an offence committed under these Regulations and impose fines as specified in these Regulations on the spot or otherwise. The fined money shall be deposited forthwith to the officer authorized to received payment thereof in this behalf.

**11. Power to make rules -**

The Executive Committee may by notification make rules for carrying out all or any of the purpose of these Regulations.

**SCHEDULE**

**1. Table 'A'**

**(Parking fees see rule 4 (1))**

| Sl.No. | Type of Vehicle | (Parking Hours) for the fist hour or part thereof | From 8.00 A.M. to 6.oo P.M. for every subsequent hour or part thereof. |
|---|---|---|---|
| *(1)* | *(2)* | *(3)* | *(4)* |
| 1. | Heavy/Medium Vehicle | 15:00 | 10:00 |
| 2. | LMV/Three Wheeler | 10:00 | 5:00 |
| 3. | Two Wheeler | 5:00 | 5:00 |

***Notes :-***

1) Town Buses in the demarcated stand/stop within town area 5:00 A.M to 6.00 P.M. are exempted from payment of parking fees. However exemption shall not be given if parked at other places other than their respective stand/stop and fees will be as per rate fixed at Sl.No.1 of the table above.

2) Maxi Cab/Tourist Taxi, Local Taxi while parking at their respective stand shall pay Rs.15/- per day. However, if parked at other places other than their respective stand the fees will be as per rate fixed at Sl.No.2 above.

3) Light vehicle belonging to Government/District Council shall pay Rs.10/- per day, parked at parking areas other than their respective office compound/ office garage.

4) Motor Cycles/Scooters belonging to Government/District Council servants shall pay Rs.5/- per day, if parked at parking areas other than their respective office compound/office garage the fees will be as per rate fixed Sl.No.2 above.

5) Parking fee forAuto-Rickshow shall be Rs./10/- per day of parks in their respective stand. However, if parked in other places other than their respective stand, the fee will be as per rate fixed at Sl.No.2 above.

6) Tourist Buses/Night Buses/Bazaar Buses while parking in their respective stand shall may Rs.10/- per day or Rs.300/- for a calendar month.

**TABLE 'B'**
**Road Side Parking Fees**
**(See rule 8)**

| Sl. No. | Types of Vehicle | For permitted vehicle to park for more than 10 hours at a time on the demarcated parking areas or any of the public roadside space other than private compound. |
|---|---|---|
| (1) | (2) | (3) |
| 1. | Heavy/Medium Vehicle | Rs. 10/- per day & night or Rs.500/- for a calendar month. |
| 2. | LMV/Three Wheeler | Rs. 10/- per day & night or Rs.250/- for a calendar month. |
| 3. | Two wheeler | Rs.5/- per day & night or Rs.100/- for a calendar month. |

Notes :-

Vehicle using public road-sides as garage regularly/ irregularly shall be given formal permission to park their vehicles on payment of the above fees.

**NOTIFICATION**

No. C.31012/3/2013-DCA (L), 11th December, 2013. In pursuance of paragraph 11 of the sixth Schedule to the Constitution of India, the following Regulations passed by the Lai Autonomous District Council and approved by His Excellency the Governor of Mizoram on 18.11.2013 is hereby published for general information, namely :-

**"THE LAI AUTONOMOUS DISTRICT (MOTOR VEHICLES TAXATION) REGULATIONS, 2013".**

P. Singthanga,
Secretary to the Government of Mizoram,
District Council Affairs Department.

# THE LAI AUTONOMOUS DISTRICT (MOTOR VEHICLES TAXATION) REGULATION, 2013

## A

## REGULATION

To provide for the levy and collection of Road Tax on motor vehicles within Lai Autonomous District. In exercise of the powers conferred on it by clause (b), sub-paragraph 8 of the Sixth Schedule to the constitution of India, the Lai autonomous district Council is pleased to make the following regulations in the sixty fourth year of the Republic of India as follows :-

**1. Short title, Extent and Commence cement -**

(1) This Regulation may be called the Lai Autonomous District (Motor Vehicles Taxation) Regulations, 2013.

(2) It shall extend to the whole of Lai Autonomous District.

(3) It shall come into force on and from the date of publication in the Mizoram Gazette.

**2. Definitions-**

1. In this Regulation unless the context otherwise requires:-

(a) "Check Post" means the Check Post set up under Section 10 of this regulation;

(b) "District" means the Lai Autonomous District;

(c) "Executive Committee" means the Executive Committee of Lai Autonomous District Council;

(d) "License" means a permission granted for the motor vehicles to ply within the District;

(e) "Licensing Officer" means an Officer appointed by the Executive Committee as such for the purpose of this Regulation;

(f) "Prescribed" means prescribed by the rules made under this Regulation;

(g) "Tax" means Tax leviable under this Regulation;

(h) "Transport Department" means Transport Department of the Lai Autonomous District Council;

(i) "Year" means the financial year.

2. Words and expressions used but not defined in this Regulation, but defined in the Central as adopted by the Government of Mizoram, Motor Vehicles Act, 1988 shall have the meanings assigned to them in this Regulation.

**3. Levy on Tax -**

On and from the commencement of this Regulation road tax shall be levied and collected on the Motor Vehicles used or kept for use and plying within the District at the rates specified as follows :

(1) All motor vehicles described in Column (1) of Schedule I and used or kept for use and plying within the District a tax at the rate specified in the corresponding entry in column (2) of the said Schedule;

(2) All motor cycles, not being Transport Vehicles, described in Part 'A' of Schedule - II and used or kept for use and plying in the District, a tax at the rate specified in the corresponding entry in column (2) of the said Schedule.

(3) All motor cars, not being transport vehicles, described in part 'B' of Schedule II and used or kept for use and plying in the District, a tax at the rate specified in the corresponding entry in column (2) of the said Schedule.

**4. Payment of tax and grant of License -**

(1) The Tax levied under section 3 of the Regulation shall be paid in advance and in the manner specified in section II by the registered owner of the vehicles or any other person having possession or control thereof, at his choice either quarterly, half-yearly or annually on a license to be taken on by him for the quarter, half-year or year, within fifteen days from the commencement of the quarter, half-year or year, as the case may be. Tax for a half-yearly license shall not exceed twice and the tax for an annual license shall not

exceed four times the tax for a quarterly license. The Executive Committee may grant such rebate as may be prescribed in case of half-yearly an annual license.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable to pay tax in respect of a motor vehicle for a particular period, if the tax due in respect of that motor vehicles for that period has already been paid by some other person.

(3) Where a tax in respect of a motor vehicle is paid by any person for a particular period or if no such tax is payable thereof, the licensing officer shall grant to such person a license, in such form as may be notified by the Executive Committee to use the motor vehicle in any public place in the District during the said period.

(4) Every license granted under sub-section (3) shall be valid throughout the District.

(5) Notwithstanding anything contained in section 3, the Executive Committee may, by notification from time to time, direct that temporary license for a period not exceeding thirty days at a time may be issued in respect of a motor vehicle of any class on payment of such tax, and subject to such condition as may be specified in such notification.

(6) No motor vehicle shall be used in any public place in the District at any time after commencement of this Regulation. Unless a license permitting its use during such time has been obtained as specified in sub-section (3) or sub-section (5).

**5. Motor vehicle to stop it on demand by certain officers**

(1) Any officer of the Transport Department not below rank of Enforcement Inspector or any police officer in uniform not below the rank of Sub-Inspector, or such other officer as may be prescribed may require the driver of any motor vehicles in any public place to stop that motor vehicle and cause it to remain stationary so long as may reasonably

be necessary for the purpose of satisfying himself that a license has been duly obtained in respect of such motor vehicles.

(2) Any person who willfully fail to stop a motor vehicle when required to do so by an officer under sub-section (1) or resists such officer, shall be punishable with fine which may extend to one hundred rupees.

**6. Penalty for failure to pay-**

If the tax due in respect of any motor vehicles has not been paid as specified Section 4, the registered owner or the person having possession or control thereof shall, in addition to payment of the tax due be liable to penalty which may extend to twice the quarterly tax in respect of the vehicle to be levied by such officer, by order in writing and in such manner as may be prescribed.

Provided that if the lump sum tax under this Regulation has not been paid the registered owner or the person having possession or control thereof shall, in addition to payment of the tax due, be liable to penalty which may extend to twice the lump sum tax payable under sub-section (1) of section 4.

**7. Recovery of tax, penalty or fine -**

Any tax, penalty or fine due under this Regulation may be recovered by way of detaining or selling such Motor Vehicles or such accessories which are in the possession or control of the person liable to pay the tax, penalty or fine as the case may be.

**8. Power to seize and detain motor vehicles in case of non-payment of tax.**

Without prejudice to the provisions of sections 6 and 7,

where any tax due in respect of any motor vehicles has not been paid as specified in section 4, such officer as may be prescribed, may seize and detain the motor vehicles in respect of which the tax is due under this Regulation and for this purpose take or cause to be taken

any steps he may consider necessary for the temporary safe custody of the vehicle, until the tax due in respect of the vehicles, is paid.

**9. Exemption, reduction of other modification of tax -**

(1) The Executive Committee may, by notification-

(a) grant an exemption. Make a reduction in the rate or order other modification not involving an enhancement in the rate of the tax payable-

(i) by any person or class of person : or

(ii) in respect of any motor vehicles or class of motor vehicles or motor vehicles running in any particular area; and

(b) Cancel or vary such exemption, reduction or other modification.

(2) No motor Vehicle other than motor vehicles belonging to the three Autonomous District Council of Mizoram, State Government or Government of India, shall be exempted from payment of tax if not specially exempted by the Executive Committee for certain periods not exceeding six month. Such exemption or reduction of tax; if any shall be notified in the Mizoram Gazette.

**10. Setting up of check posts -**

The Executive Committee may by Notification set up Check post at any suitable place and no Vehicle shall pass through the check post without payment of the tax, unless exempted under section 9 of this Regulation.

**11. Manner of payment of dues -**

Payment of every amount due under this Regulation shall be made in cash to the office of the Licensing Officer or in such other manner as may be prescribed.

**12. Appeal -**

(a) by an order of levy made under section 6

(b) by the seizure made under section 8 may, within a period of thirty days from the date of communication to him of the order of levy or the date of seizure, as the case may be, appeal to the Executive Committee in such manner and so payment of such fees as may be prescribed.

**13. Protection of Acts done in good faith -**

No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith, done or intended to be done under this Regulation or under the rules made there - under.

**14. Trial of Offences -**

No court inferior to that of a First Class Magistrate shall try any offence punishable under this Regulation.

**15. Procedure in certain cases-**

Where an accused person pleads guilty and remits the sum specified by the court, no further proceedings in respect of the offence shall be taken against him.

**16. Power to make rules -**

(1) The Executive Committee may, by notification make rules for carrying out all or any of the purpose of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely :-

(a) Levy of tax under section 3.

(b) Payment of tax and grant of license under section 4.

(c) Penalty for failure to pay under section 6.

(d) Recovery of tax, penalty of fine under section 7.

(e) Exemption, reduction or other notification of tax under section 9.

(f) Any other matter relating to the provision of this Regulation or for carrying out all or any of the purpose of this Regulation.

**17. Power to amend Schedule -**

(1) The Executive Committee may, by notification in the official Gazette, increase or, as the case may be, decrease from time to time, the rate(s) specified in the Schedule I and Schedule II in relation to any motor vehicles.

(2) When a schedule is so amended, any reference to the schedule in this Regulation shall be construed as a reference to such schedule as so amended.

**18. Powers to remove difficulty -**

If any difficulty arises in giving effect to the provisions of this Regulation in consequences of the transition to the said provisions from the corresponding provisions of the Regulation in force immediately before the commencement of this Regulation or otherwise, the Executive Committee may after previous publication by order published in the Mizoram Gazette, make such provisions not inconsistent with purposes of this Regulation, as appear to them to be necessary or expedient for removing the difficulty.

## STATEMENT OF OBJECT AND REASONS

It has been found absolutely necessary to make Regulation by which the District Council augments its revenue resources as empowered under clause (b) sub-paragraph (3) of paragraph 8 of the Sixth Schedule to the constitution of India and the entrustment of powers to the three Autonomous District Council (Vide the Mizoram Gazette Vol-XL Dt.1.9.2011. Issued No.388) to levy and Collect tax on Vehicles within the District.

Hence the Bill

Lallura Chinzah
Executive Member
i/c Transport Department etc
Lai Autonomous District Council
Lawngtlai

**SCHEDULE - I**
**(See Section 3 (1))**
**RATE OF TAX ON VEHICLES**

| | DESCRIPTION OF Motor Vehicles | Annual Rate of Tax for each Motor Vehicle |
|---|---|---|
| | (1) | (2) |
| Group | Motor Vehicles fitted solely with pneumatic tyres | Rupees |
| 1 | Motor Vehicles (including tricycles)used for transport or haulage of goods or materials the registered laden weight of which:- | |
| (a) | Does not exceed one ton | Eight hundred only |
| (b) | Exceeds one ton but does not exceed two ton | One thousand five hundred only |
| (c ) | Exceeds two tons but does not exceed four tons | Two thousand five hundred only |
| (d) | Exceeds four tons but does not exceed six tons | Three Thousand five hundred only |
| (e) | Exceeds six tons but does not exceed eight tons | Four thousand five hundred only |
| (f) | Exceeds eight tons but does not exceed nine tons | Five thousand only |
| (g) | Exceeds nine tons but does not exceed ten tons | Five thousand five hundred only |
| (h) | Exceeds ten tons | The rates specified in (g) above plus five hundred for every one tone or part thereof in addition to 10 tons. |
| II | Motor Vehicles (including tricycles) plying inter District for hire and used for the transport of passengers when:- | |
| (a) | Licensed to carry not more than two (exclusive driver) | Two hundred fifty only |
| (b) | Licensed to carry in all more than four passengers (exclusive driver & conductor) | Eight hundred fifty only |
| (c ) | Licensed to carry in all more than four passengers but not more than six passengers (exclusive driver & conductor) | One thousand five hundred only |

| | | |
|---|---|---|
| (d) | Licensed to carry in all more than six passengers but not more than twelve passengers (exclusive driver & conductor) | Two thousand five hundred only |
| (e) | Licensed to carry in all more than twelve passengers but not more than eighteen passengers (exclusive driver & conductor) | Three thousand five hundred only |
| (f) | Licensed to carry in all more than eighteen passengers (exclusive driver & conductor) | The rates specified in (e) above plus one hundred twenty for every passenger in addition to eighteen passengers. |
| III | Motor vehicles (including tricycle) plying inter District for hire used for the transport of passengers (Tourist Vehicles) when:- | |
| (a) | Licensed to carry in all more than two passengers but not more than four passengers (exclusive driver & conductor) | One thousand only |
| (b) | Licensed to carry in all more than four passengers but not more than six passengers (exclusive driver & conductor) | Two thousand only |
| (c) | Licensed to carry in all more than six passengers but not more than twelve passengers (exclusive driver & conductor) | Three thousand only |
| (d) | Licensed to carry in all more than twelve passengers but not more than eighteen passengers (exclusive driver & conductor) | Four thousand only |
| (e) | Licensed to carry more than eighteen passengers (exclusive driver & conductor) | The rates specified in (d) above plus one hundred fifty for every passenger in addition to eighteen passengers. |
| **IV** | Special Purpose: Transport vehicles like: Prime-mover, Tractor, Ambulance, Animal Ambulance, Mobile workshop/X-Van, mobile Canteen, Cash Van, Camper Van/Trailer, Hears, Fire-fighting vehicles, other special Transport vehicles not specified elsewhere in this Schedule | |
| (a) | Unladen weight up to 500kgs | Five hundred only |
| (b) | Unladen weight exceeding 500kgs | Two thousand only |

| | | |
|---|---|---|
| (c) | Unladen weight exceeding 2000kgs but less than 4000kgs | Three Thousound fivehundred only |
| (d) | Unladen weight exceeding 4000kgs but less than 8000kgs | Five thousand only |
| (e) | Unladen weight exceeding 8000 kgs | Seven thousand five hundred plus four hundred for every additional 500 kgs or part thereof above 8000 kgs |
| V | Articulated Trailers | |
| (a) | Gross Vehicle Weight up to 22600 kgs | Twelve thousand only |
| (b) | Gross Vehicle Weight exceeding 22600 kgs but less then 26400kgs | Fifteen thousand only |
| (c) | Gross Vehicle weight exceeding 26400 kgs but less than 36600 kgs | Twenty five thousand only |
| (d) | Gross Vehicle Weight exceeding 36600 kgs but less than 50000kgs | Thirty thousand only |
| (e) | Gross Vehicle Weight above 50000kgs | Thirty thousand plus five hundred for every additional GVW or part thereof above 50000 kgs. |
| VI | Special Purpose : Non-Transport vehicles like: For lift, Vehicle/Trailer fitted with equipment like Rig, Generator, Compressor, etc., Crane mounted Vehicles, Tractor, Trailer to carry personal effects, Tower wagons & Tree trimming vehicles, Tow-Trucks, Breakdown Van, Recovery vehicles, etc., Omni bus for private use, Camper van/ trailer for private use, Other Special non-transport vehicles not specified elsewhere in this Schedule. | |
| (a) | Unladen weight up to 500 kgs | Five hundred only |
| (b) | Unladen weight exceeding 500 kgs but less than 2000 kgs | Two thousand only |
| (c) | Unladen weight exceeding 2000kgs but less than 4000 kgs | Three thousand five hundred only |
| (d) | Unladen weight exceeding 4000kgs but less than 8000kgs | Five thousand only |
| (e) | Unladen weight exceeding 8000kgs | Seven thousand five hundred plus four hundred for every additional 500 kgs or part thereof above 8000 kgs |
| VII | Special Purpose : Non-transport Vehicles : | |
| (a) | Invalid Carriage | Three hundred only |
| (b) | Three-wheeler for personal use | One thousand five hundred only |

**SCHEDULE - II**
**[See Section 3(2) & (3)]**

**PART - 'A'**
**RATE OF TAX ON MOTOR CYCLE AND SCOOTER**
**(Not being Transport Vehicle)**

| Sl.No | Description of Motor Vehicles | Annual Rate of Tax |
|---|---|---|
| 1. | Upto 100 cc | 100 |
| 2. | Above 100 cc but does not exeed 200 cc | 200 |
| 3. | Above 200 cc but does not exceed 300 cc | 300 |
| 4. | 300 cc and above | 400 |

**PART - 'B'**
**RATE OF TAX ON MOTOR CARS**
**(Not being Transport Vehicle)**

| Sl.No | Description of Motor Vehicles | Annual Rate of Tax |
|---|---|---|
| 1. | Upto 800 cc | 750 |
| 2. | Above 800 cc but does not exceed 1000 cc | 850 |
| 3. | Above 1000 cc but does not exceed 2000 cc | 1000 |
| 4. | 2000 cc but does not exceed 3000 cc | 1500 |
| 5. | 3000 cc and above | 1300 |

## NOTIFICATION

No.C.31012/2/20012-DCA (L), the 20th May, 2013. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following act passed by the Lai Autonomous District Council and approved by His Excellency the Governor of Mizoram on 9th May, 2013 is hereby published for general information, namely :-

"THE LAI AUTONOMOUS DISTRICT (VILLAGE COUNCILs) (SECOND AMENDMENT) ACT, 2013"

An

Act

Further to amend the Lai Autonomous District Council (Village Councils) Act, 2010 (hereinafter referred to as the Principal act).

It is enacted by the Lai Autonomous District Council in this sixty third year of the Republic of India as follows :-

**1. Short title, extent and commencement -**

1) This Act may be called the Lai Autonomous District (Village Councils) (Second Amendment) Act, 2013.

2) It shall have the like extend as the Principal Act.

3) It shall come into force on the date of Publication in the Official Gazette.

**2. Amendment of Section 3 -**

(1) In sub-section (3) of Section 3 of the Principal act, the following shall be substituted, namely ;

" (3) A Village Council shall be composed of members according to the number of houses it contains as specified below:

| | | | |
|---|---|---|---|
| (a) | For a Village having | No. of members | |
| (i) | 50 to 150 houses | - | 3 |
| (ii) | 151 to 300 houses | - | 5 |
| (iii) | 301 houses and above | - | 7 |

Provided that the existing village council which have been elected prior to this amendment Act, shall continue for not more than three years".

(2) After sub-section (6) of Section 3 of the Principal act, the following sub-sections shall be added namely;

"(7) The Executive Committee may abolish a Village Council if the number of the householder of the village has become less than 50 houses due to migration or other reasons.

"(8) Subject to approval of the Governor, the Executive Committee shall have power to bifurcate the existing Village Council into two Village Councils.

Provided that if the existing Village Council is bifurcate into two Village Councils, the Executive Committee may make necessary arrangement in the formation of that Village Council from the existing Village Council Members until General election is held".

**3. Insertion of new sub-section after sub-section (3) of Section 6 -**

After sub-section (3) of Section 6 of the Principal Act, the following new sub-section shall be inserted, namely ;

"(4) All members of a Village Council shall hold office during the life of the Village Councils.

Provided that in the case of mid-term election or to fill casual vacancy, the members so elected shall hold office during the remaining term of the Village Council."

**4. Amendment of Section 7 -**

(1) In sub-section (1) of section 7 of the Principal act, words between ' shall be terminated' and ' by the Executive Committee' the words " or terminated" shall be inserted.

(2) In sub-section (2) of Section 7 of the Principal act, the following proviso shall be added, namely-

"Provided that in case of secretary is inconvenient to conduct election of the President and Vice President, Executive Committee may appoint any persons to conduct the said elections."

**5. Amendment of Section 9 -**

(1) After sub-section (1) of section 9 of the Principal act, the words "If the Executive Committee thinks appropriate" shall be added.

(2) After sub-section 6 of section 9 of the Principal act, the following sub-section shall be inserted, namely:

"(7) If and when the members of a Village Council desire to move a motion of no-confidence against the Vice President, they shall submit a notice of such motion duly signed by themselves to the President. In such cases, the President shall issue order for holding of special meeting for the purpose specifying the place, date and time and the meeting shall be conducted by the President.

Provided that the President shall have no casting vote at the first instance in a motion of no-confidence. But in the case of equality of votes, the President shall have casting vote.

Provided further that in the event of removal of the Vice President, a new Vice President shall be elected within forty eight hours from the time of removal of the Vice President."

**6. Amendment of Section 10 -**

In sub-section (3) of section 10 of the Principal act, for the words, two-thirds shall be substituted by the word "majority".

P. Singthanga,
Secretary to the Govt. of Mizoram,
District Council Affairs Deptt

## NOTIFICATION

No.C.31012/2/2012-DCA (L), the 17th January, 2014.
In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act passed by the Lai Autonomous District Council and approved by His Excellency the Governor of Mizoram on 9.1.2014 is hereby published for general information, namely :-

## "THE LAI AUTONOMOUS DISTRICT (VILLAGE COUNCILS) (THIRD AMENDMENT) ACT, 2013"

P.Singthanga,
Secretary to the Government of Mizoram,
District Council affairs Department.

THE LAI AUTONOMOUS DISTRICT (VILLAGE COUNCILS) (THIRD AMENDMENT) ACT 2013

AN
ACT

Further to amend the Lai Autonomous District Council (Village Councils) Act, 2010 (hereinafter referred to as the Principal Act).

Be it enacted by the Lai autonomous District Council in this sixty third year of the Republic of India as follows :-

**1. Short title, extent and commencement -**

1) This Act may be called the Lai Autonomous district (Village Councils) (Third Amendment) Act, 2013.

2) It shall have the like extent as the Principal Act.

3) It shall come into force from the date of publication in the Official Gazette.

**Amendment of Section 3**

In sub-section (3) (a) (i) of section 3 of the Principal Act for the words and figure, "50 to 150 houses-3," the words and figure "50 to 150 houses - 4" shall be substituted.

AUTHENTICATED

Chairman
LADC
Lawngtlai - 796891-Mizoram

**NO, A. 28012/2/011-LADC/PRC**
**LAI AUTONOMOUS DISTRICT COUNCIL**
**GENERAL ADMINISTRATION & CONTROL DEPARTMENT**
**PERSONNEL REFORMS CELL**

**NOTIFICATION**

In exercise of the power conferred by Rule 8 of the Lai Autonomous District Council General Sefvice Rule, 2011, Executive Committee of the Lai Autonomous District Council hereby prescribe the following Regulations regarding Limited Departmental Examination under Lai Autonomous District Council, namely :-

**1. Short title and commencemnt -**

(1) These Regulations may be called the Lai Autonomous District Council General Service (Limited Departmental Examination) Regulations, 2012,

(2) They shall come into force at once.

**2. Definitions -**

(1) In these Regulations, unless the context otherwise requires:-

(a) 'DPC' means the Departmental Promotion Committee Constituted by Executive Committee of lai Autonomous District Council .

(b) 'Examination' means a Limited Departmental Examination for promotion to the Junior Grade 'B' Junior Grade 'A' and senior Grade of the Lai Autonomous District Council General Service.

(c) 'Government' means the State Government of Mizoram.

(d) 'Governor' means the Governor of Mizorarn.

(e) 'LADC' means the Lai Autonomous District Council .

12) All other words and expressions used in these Regulations and not defined shall have the meanings retrospectively assigned to them is the Lai Autonomous District Council General Service Rules, 2011.

**3. Departmental Examinatio -**

(1) Every probationer who is in Group 'B' shall during the period of probation , appear at a Departmental Examination and shall be required to pass the Minimum standard prescribed under rule 5 before they are considered for promotion to the next higher grade.

(2) Every Officer who is in Group 'A' Junior Grade shall appear at a Departmental Examination and shall be required to pass the minimum standard prescribed under rule 5 before they are considered for promotion to the next higher grade,

(3) The examination shall be conducted by the DPC in the manner as laid down in these rules.

(4) The exact date and time on/at which the examination shall be hold shall fixed by

4. **Syllabus for Departmental Examination-**

There shall be one paper consisting of two section, 'A' and 'B' for the examination and the total marks being 100 and the time allotted 3 hours as follows :

Paper-I — Time- 3 hrs

Sections 'A' — 50 Marks.

1. CCS (Leave ) Rules, 1972
2. CCS (CCA) Rules, 1565
3. CCS{ Pension ) Rules, 1972
4. CCS (Conduct) Rules, 1964
5. SenJority and Promotion

Section 'B' — 50 Marks

1. The Lai Autonomous District Council Tax on Entry ofVehicles into the Autonomous District) Regulations, 2008.
2. The Autonomous District Council (Village Ceunci!) Act, 2010.
3. The Lai Autonomous District Council ( Constitution, Conduct of Business etc...) Rules, 2010-Chapter IV-XIII.
4. The las Autonomous District Council (Election-to Vrllage Council) Rules, 2011 5, The Lai Autonomous District Council ( Publication Boa/d ) Rules, 2010,

**Minimum Marks :**

Candidates shall be required to obtain 40 percent of marks in the examination.

C. Zoramthanga
Executive Secretary,
Lai Autonomous District Council,
Lawngtlai,

NOTIFICATION

No. C. 31025/1/91-DCA/L, the 6th March, 2014. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules passed by the Lai Autonomous District Council and approved by His Excellency the Governor of Mizoram on 21.2.2014 is hereby published for general information, namely :-

THE LAI AUTONOMOUS DISTRICT COUNCIL
(TRANSACTION OF BUSINESS) RULES, 2013.

P. Singthanga,
Secretary to the Govt. of Mizoram,
District Council Affairs
Department.

THE LAI AUTONOMOUS DISTRICT COUNCIL
( Transaction of Business ) RULES, 2013

to provide for smooth running of the functions of the different Department under Lai Autonomous District Council.

Whereas it is expedient to make rules for smooth and effective functioning of the different Departments under Lai Autonomous District Council.

**1. Short title, Extent and Commencement -**

(1) These rules may be called the Lai Autonomous District Council (Transaction of Business ) Rules, 2013.

(2) They shall come into force at once.

**2. Definitions -**

In these rules unless the context otherwise require.

(a) 'Chief Executive Member' means the Chief Executive Member of the Lai Autonomous District Council,

(b) 'Department' means a Department of the Lai Autonomous District Council as specified in the 1" Schedule.

(c) 'Department Head' means Head of the Department.

(d) 'District Council' means the Lai Autonomous District Council constituted under Sixth Schedule to the Constitution of India.

(e) 'Executive Committee' means the Executive Committee of the Lai Autonomous District Council (CCB etc.) Rules.

(f) 'Executive Member' means the member of the Executive committee appointed as such by the Governor.

(g) 'Executive Secretary' means the Secretary of the Executive Committee,

(h) 'Finance Department' means Finance Department of the Lai Autonomous District Council,

(i) 'Governor' means the Governor of Mizoram.

3. The Business of the Lai Autonomous District Council shall be transacted in the different Department specified in the First Schedule.

4. The Chief Executive Member shall allot among the Executive Member, the business of the Lai Autonomous District Council by assigning one or more Departments to the charge of an Executive Member.

5. Each Department of the Lai Autonomous District Council shall consist of the group 'A' Officer who shall be the administrative head of that Department.

Provided that more than one Department may be placed in charge of the same officer.

6. In matter of interpretation of the expression, 'Decision'or 'Orders'or'approval'the Lai Autonomous District Council mentioned in any rules, regulations, orders, or instructions for notification for the time being in force shall mean the decision of the Executive committee or the Chief Executive Member or the cocerned Executive Members.

7. Subject to the orders of the Chief Executive Members under rule 14, all cases referred to in the second schedule to this Rules shall be brought before the Executive Committee in accordance with the provisions of the Rules contained in Part-II.

8. The Executive Member in-charge of the Department shall be responsible for the disposal of business pertaining to his Department and Department head of the Department shall assist and carry out the instruction of the Executive Member in-charge in this regard.

9. ( 1 ) No Department shall without previous consultation with the Executive Committee authorize any other which -

(a) Either immediately or by their repercussion, will affect the finance of the District Council, or which, in particulars -

(i) Involved any grant of land or assessment of revenue or concession, grant, lease, or license of mineral of forest rights or a right to water or any easement or privilege in respect of such concession.

(ii) In any way involved any relinquishment of revenue; or

(b) Relate the numbers or grading of cadre of post or the emoluments or other conditions of service or post.

(c) Involved the addition of a post in public services in the variation of emoluments of any post.

Provide that all Group 'A' posts on fixed pay which is equivalent or more than that of the starting of Group 'A' pay per month shallbe created in consultation with the Department of General Administration and Finance & Account.

(d) Involved an expenditure for which no provisions has been made in the Appropriation Act or which in excess of the provision made in the Act.

(e) Involved the sanction of an allowances or special or personal pay for any post or class or posts or to any employees to the Lai Autonomous District Council.

(2) No re- appropriation shall be made by any department other than Finance Department except in accordance with General or specified delegation as the Executive Committee may have made.

(3) Except to the extent that powers may have delegated to the Departments ‘under rules approved by the Executive Committee, every order of an administrative Department conveying a sanction to be enforced in audit shall be communicated to the audit otherwise by the Finance Department.

(4) Nothing in this rule shall be construed as authorizing any Department including the Finance Department to make re-appropriation from one grant specified in the Appropriation Act to another such grant.

10. Orders or instruments made or executed by or on behalf of the Lai Autonomous District Council shall be expressed to be made or executed in the name of the Executive Committee.

11. Every order or instrument of the Lai Autonomous District Council shall be expressed to be made in the name of the Executive Committee and shall be signed by the Chief Executive Member or other member of the Executive Committeeor or any officer (s) authorized by the Chief Executive Member by an order in this behalf and such signature shall be deemed to the proper authenticated of such order or instruments.

Part - II

**Procedure of the Executive Committee**

12. The Executive Secretary, or such other officer as the Chief Executive Member may appoint, shall be the Secretary to the Executive Committee

13. All cases referred to in the second Schedule shall after consideration by the Executive Secretary for obtaining orders of the Chief Executive Member for bringing it up for consideration at a meeting of the Executive Committee or for circulation of the case under Rules 14 herein.

14. The chief Executive Member may direct that any case referred to in the Second Schedule or otherwise may

instead of being brought up for decision at the Executive Committee be circulated to the Executive Members for their opinion. The Chief Executive Member may refer such matter for discussion at a meeting, if he may consider necessary.

15. In cases, which are circulated for opinion under Rule 14, every Executive Member shall communicate his opinion by a date specified in the Memorandum of meeting for circulation. In case any Executive Member fails to communicate his opinion the Secretary to the Executive Committee shall bring the matter to the notice of the Chief Executive Member for further direction. The Chief Executive Member may return the case to the Secretary to the Executive Committee with orders. The Secretary to the Executive Committee will then pass it on the concerned Department head for taking steps for the implementation of the decision or for issuance of the orders accordingly.

16. When it has been decided to bring a case before the Executive Committee the Department to which the case belong shall, unless the Chief Executive Member otherwise directs, prepare a memorandum indicating with sufficient precision on the salient fact of the case and the points for decision. Executive Committee Memorandum having any financial implication shall be accompanied by Financial Memorandum obtained from Finance Department. Such Memorandum and such other papers as are necessary to enable the case to be disposed off shall be circulated to the Executive Members.

17. In cases, which concern more Executive Members than one, the Executive Member shall attempt by previous discussion to arrive an agreement. If an agreement is reached, the Memorandum shall contain the joint recommendation of the Executive Members, and if no agreement is reached, the Memorandum shall state points differences and the recommendations of each of the Executive Member concerned shall be submitted to the Chief Executive Member

for his decision.

18. (1) The Executive committee shall meet at such place and time as the Chief Executive Member may direct.

(2) After an agenda paper showing the cases to be discussed at a meeting of the Executive Committee has been approved by the Chief Executive Member, copies thereof, together with copies of such Memorandum as have not been circulated under Rule 16 shall be sent by the Secretary to the Executive -

Committee to the Chief Executive Member and other Executive Members so as to reach them two clear days before the date of such meeting. The Chief Executive Member may waive the said period of two days.

(3) Except with the permission of the Chief Executive Member, no cases shall be placed on the agenda of a meeting unless papers relating thereof have been circulated as required by Rule 16.

(4) If any Executive Member is on tour, the Secretary of the Executive Committee shall bring the matter to the notice of the Chief Executive Member before meeting of the Executive Committee for appropriate instructions. The Chief Executive Member may direct for a report from the concerned Head of Department for consideration of the Executive Committee.

(5) The Chief Executive Member may direct the Executive Secretary to obtain the opinion of Law Department as regards the proposal before the Executive Committee.

(6) The Chief Executive Member or in his absence any other Executive Member nominated by him shall preside at a meeting of the Executive Committee.

(7) The Secretary to the Executive Committee shall attend the meeting of the Executive Committee and shall prepare a record of the decision. He shall after approval of the Chief Executive Member, prepare the record of decision of the Executive Committee for communication to other

Members of the Executive Committee and concerned Department.

19. When a case has been decided by the Executive Committee after discussion at a meeting, the Executive Member concerned shall lake action to give effect to the decision. If however, any deviation is proposed to be made from that decision, the case shall be submitted to the Chief Executive Member by the Executive concerned and further action will be taken according to any direction of the Chief Executive Member.

Part - III

## Department Disposal of Business

### A. General

20. Except as otherwise provided by any other Rule, cases shall ordinarily be disposed off by or under the authority of the Executive Member in charge of the Department who shall give such directions as he thinks fit for the disposal of case in his Department. Copies of such important instructions shall be brought to the notice of the Chief Executive Member.

21. Whenever a matter concerns two Departments, the fact shall be specially brought to the notice of the Executive Members concerned. There-upon, the Executive Member of Department concerned shall hold discussion and try to arrive at an understanding. The Executive Member may, however, direct that the discussion may be held by the concerned Department heads. Such decision shall be recorded and placed before the Executive Members concerned. In case of any difference of opinion, the matter shall be put up before the Chief Executive Member for appropriate orders.

22. (I) The Chief Executive Member may call for records of any case relating to any Department.

(2) The Chief Executive Member may, in consultation with the Executive Member in-charge of the Department, pass such orders in any case as he consider necessary or may direct that the matter be placed before the Executive Committee.

(3) The Chief Executive Member may pass orders in a case relating to any Department when the case is referred to him by a Executive Member in-charge of the Department.

(4) The Chief Executive Member, in the absence of the Executive Member in-charge of the Department may, in a matter of urgent public importance relating to any Department, pass such orders as he consider necessary or expedient.

23. If a question arises as to the Department to which a case properly belongs, the matter shall be referred for the decision of the Chief Executive Member..

24. All communications received from the Government of India/ Mizoram (including those from the Prime Minister and other Minister of the Union, Chief Minister of Mizoram or other Minister of the Government of Mizoram) other than those of the routine or unimportant nature shall be placed by the Executive Secretary to the Executive Member in-charge and the Chief Executive Member for information.

25. Any matter likely to bring the Lai Autonomous District Council into controversy with the Government of Mizoram or any other State Government or Government of India shall be brougth to the notice of the Executive Member and the Executive Member in-charge forwith by the Executive Secretary.

26. The following classes of case shall be submitted to the Chief Executive Member before the issue of orders.

(1) Appointment, transfer, posting and deputation of all categories of employees under Lai Autonomous District Council. Such proposal should be routed through the Executive Secretary,

(2) Constitution of different communities.

(3) Cases, which effect the relation of the Lai Autonomous District Council with the Government of Mizoram.

(4) Important cases which effect or likely to effect the interest of the minority communities under Lai Autonomous District Council.

(5) Proposals in regards to the matter in connection with the 6th Schedule of the Constitution of India.

(6) Resignation/termination/dismissal/disciplinary action of all categories of employees under Lai Autonomous District Council. Such proposals should be routed through the Executive Secretary.

(7) All other policy and important matters.

(8) Council Budget/Planning and any other matter relating to financial involvement.

**Executive Secretary**

27. (1) The Executive Secretary as the head of the Lai Autonomous District Council, responsible to ensure the efficient functioning of the Lai Autonomous District Council administration shall be kept informed and apprised of all important decision who shall bring all such decisions or information to the notice of the Chief Executive Member.

(2) All cases of appointment, posting, deputation, termination, compulsory retirement, removal, planning & development, financial matters, correspondence with State or Central Government and all important matter shall be put up before the Chief Executive Member through the concerned Executive Member for orders.

(3) When a matter is required tobe placed before the Chief Executive Member, the heads of Department shall place the matter befor the Executive Member in-charge througth the Executive Secretary.

The matter shall then be placed before the Chief Executive Member for orders accordingly. In matter required to be

disposed off by the Executive Member concerned, the Department Head shall place the same before the Executive Member concerned for orders Rule 20 of these Rules.

**Finance & Account Department**

28. The Finance and Accounts Department shall have the following functions namely :-

(1) It shall in consultation with the General Administration and Control/Department frame Rules regulating the pay, of persons in the service of the Lai Autonomous District Council and Rules regulating the number, grading or cadre and emoluments of posts under Lai Autonomous District Council and also be responsible for seeing that these Rules are properly applied.

(2) It shall advise on the financial aspects of all transactions to loans granted by the Lai Autonomous District Council, State and Central Government.

(3) It shall be responsible in laying down appropriate financial rules for guidance of other Department who are responsible in proper maintenance of account by themselves and by the establishments subordinates to them. Finance and Accounts Department may take such function as may be appropriate to enforce such accountability.

Such financial Rules shall be placed before Executive Committee for approval.

(4) It shall prepare an estimate of the total receipts and disbursement of the Lai Autonomous District Council in each year and shall be responsible during Ihe year for watching the statement of the Lai Autonomous District Council cash balances or the ways or means and operation.

(5) In connection with the Budget and with Supplementary estimates ;-

(a) It shall prepare a statement of estimates revenue and expenditure to be laid before the Lai Autonomous District Council Session in each year and any supplementary estimates or demands for excess grant, which may be submitted to the vote of the Legislature/ Councilors or as the case may be, laid before the Legislature.

(b) For the purpose of such preparation it shall obtain from the Government concerned materials on which to base is estimate, and it shall be responsible for the correctness of the estimate framed on the materials supplied : and

(c) It shall examine and advise on all schemes of new expenditure for which it is proposed to make provision in the estimate, and shall decline to provide in estimate for any schemes which has not been so examined.

(6) On receipt of a report that a financial rule has been contravened or a financial irregularity has been committed, it shall take steps to enforce the rule or to stop or rectify the irregularity.

(7) It shall lay before the Committee on public accounts the report of the Auditor General of India relating to the appropriate accounts of the Lai Autonomous District Council and shall bring the notice of the committee oll expenditure which noy benn duly authorized and any finacial irregularities; and

(8) It shall advise the Departments responsible for collection of revenues regarding the progress of collection or the method of collection employed.

**General Administration and Control Department**

29. (1) The General Administration & Control Department shall be responsible for seeing that the rules and principles relating to service in general and properly followed :-

(2) The General Administration & Control Department shall be consulted for advise by other Departments in matter relating to frameset of service rules and general principles relating to service.

(3) The approval of the Chief Executive Member shall be obtained in the following matters;

(a) Relaxation of any service rules.

(b) Relaxation of any general service condition; and

(c) Creation of any gazetted or non-gazetted post or payment of Additional remuneration to any employees.

**Planning & Development Department**

30. (1) The Planning & Development Department shall be responsible for working out a strategy of development, laying down the guidelines for the Departments regarding the drawing up of Departmental programmes and schemes and working an economic, administrative and organizational appraisal of the plans and programmes of various Departments.

(2) The Planning & Development Department shall be consulted for advice by other Departments in matters relating to plan formulation or the general principles relating to planning.

Provided it shall be open to the Planning & Development Department to prescribe, by general or special order, case in which such consultation with it may not be necessary,

**Rural Development Department**

31. The Rural Development Department shall implement all Rural Development Schemes whet sponsored by Central Government or otherwise under the guidance and supervision of the Chi Executive Member or the Executive Member concerned. The Departmental Head shall seek guidan from the concerned Executive Member in this regard from time to time or shall be responsible in respects as to the planning evaluation, execution, due and national expenditure of funds provided this purpose.

32. The Heads of the Department concerned is, in each case responsible for the proper transaction c business and the careful observation of these Rules and when he consider that there has been an material departure from them he shall personally bring the matter to the notice of the Executiv Member in-charge.

Notwithstanding anything contained herein, the Executive Committee or the Chief Executive Membe may relax the Rules in the interest of Public or smooth functioning of the affairs of the Lai Autonomou District Council.

The matter in regard to which the rules are silent or adequate provision has not been made, th Heads in the Department shall obtain appropriate directions from the Chief Executive Member o the Executive Member concern through the Executive Secretary.

First Schedule

**( List of Department )**

1. General Administration & Control Department.
2. Local Administrative Department.
3. Arts & Culture Department.
4. Information & Public Relation Department.
5. Land Revenue & Settlement Department.
6. Sport & Youth Services Department.
7. Taxation Department.
8. Planning & Development Department.
9. Road & Transport Department.
10. Water Transport Department.
11. Environment & Forest Conservation Department.
12. Finance & Account Department.
13. District School Education Board.

14. Education & Human Resources Department.
15. Co-operation Department.
16. Social Welfare Department.
17. Sericulture Department.
18. Adult Education Department.
19. Law & Judicial Department.
20. Agriculture Department.
21. Public Health Engineering Department.
22. Public Works Department.
21. Industry department.
24. Animal Husbandry & Veterinary Department.
25. Soil & Water Conservation Department.
26. Rural Development Department.
27. Relief & Rehabilitation.department.

**Second Schedule**

1. Proposal for creation of any category of post.
2. Proposal for appointment/promotion of any category of post.
3. Proposal for sanction of advance increment/additional remuneration to any employee.
4. Proposal for making or amending rules/regulations, the recruitment and condition of services af the Lai Autonomous District Council employees.
5. Annual accounts.
6. Proposal for the making and amending any rules.
7. Any proposal involving any action for the dismissal, removal or suspension of any categories of employees.
8. Report of the Departmental Promotion Committee Selection Committee on its works and any action proposed to be taken thereto.
9. Proposal for imposition of a new tax or any change in the

method of assessment or the pitch of any existing tax or land revenue of the Lai Autonomous District Council.

10. Proposal involving the alienation either temporary or permanent, or of scale, grant or lease of any movable or immovable or the abandonment or reduction of revenue,
11. Proposals involving any major poli.:,> or practice.
12. Proposals to vary or reverse a decision previously taken by the Executive Committee.
13. Cases required by the Chief Executive Member to be brought before the Executive Committee.
14. The Financial statements to be laid before the Council Session.

## NOTIFICATION

No. C.31025/1/91-DCA/L, the 6th March, 2014. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules passed by the Lai Autonomous District Council and approved by His Excellency the Governor of Mizoram on 21.2.2014 is hereby published for general information, namely :-

## "THE LAI AUTONOMOUS DISTRICT CCOUNCIL (ALLOCATION OF BUSINESS) RULES, 2013".

P.Singthanga,
Secretary to the Govt. of Mizoram,
District Council Affairs Department.

THE LAI AUTONOMOUS DISTRICT COUNCIL
(Allocation of Business) Rules, 2013)

To provide for the allocation of business among the different Departments of Lai Autonomous District Council and for smooth function of the Lai Autonomous District Council.

Whereas it is expedient for the allocation of business to the different Departments of Lai Autonomous District Council.

**1. Short title, extent And Commencement -**

(1) These rules may be called the Lai Autonomous District Council (Allocation of Business) Rules, 2013.

(2) It shall come into force at once.

**2. Definitions -**

In these rules, unless the context otherwise requires :-

(a) "Chief Executive Member" means the Chief Executive member of the Lai Autonomous District Council.

(b) "Executive Committee" means the Executive Committee of the Lai Autonomous District Council.

(c) "Executive Secretary" means the Executive Secretary of the Lai Autonomous District Council.

(d) "Head of Department" means a Head in a Department and includes the Executive Secretary and the Legislative Secretary.

(e) "LADC" means Lai Autonomous District Council

(f) "Schedule" means the Schedule appended to these Rules.

3. The entire business in the Lai autonomous District Council shall be transacted in the Department of the Lai autonomous District Council as specified in the schedule and shall be classified and distributed between the departments as laid down therein.

Provided that the Executive Committee may from time to time make such additions to or modification in the list of business allotted to a Department as the Executive Committee thinks fit.

4. The Chief Executive Member shall allocate to the Executive Members so much of the business of the Lai Autonomous District Council if required to aid and advise him in exercise of his function and for that purpose assign

one or more Departments to the charge of the Executive Member.

Provided that nothing in this rule shall prevent the assignment of one Department to the charge of more than one Executive Member.

5. There shall be a senior / Selection Grade Officer for each Department who shall be an Official head of that Department.

Provided that more than one Department may be placed in charge of the same Officer and the work of a Department may be divided in between two or more Officers.

## THE SCHEDULES

**1. FINANCE & ACCOUNT DEPARTMENT -**

1. Financial Powers and delegation thereof.
2. Rules relating to pay, allowances and traveling allowances.
3. Implementation of Pay Committee recommendation.
4. Rules relating to advance.
5. Embezzlement and other financial irregularities.
6. General advice on financial aspects of Service Rules etc.
7. Rules relating to Grant-in-aid
8. Interpretation of Fundamental Rules, Supplementary Rules and Civil Service, Service regulation having financial implication.
9. All Budgetary matters including control of expenditure.
10. Audit.
11. Rules and procedure regarding GPF / CPF / EPF.
12. Insurance schemes of Lai Autonomous District Council employees / Salary Saving Schemes (PRSS)
13. Discretionary grants rules and procedures.
14. Loan & Advances (House Building Advance)

**2. GENERAL ADMINISTRATION AND CONTROL DEPARTMENT -**

1. General / Office Administration.
2. Creation of Sub-Headquarters.
3. Rest Houses
4. Census / Holiday
5. Ceremonial functions including celebration of Republic Day and Independence Day.
6. Posts / Telegraph / Bank.
7. Allotment of residential accommodation.
8. Civil Supplies.
9. Electricity / Water
10. Annual / Administration Report.
11. Protocol
12. Allotment of subject to the Department, creation, re-organization and amalgamation of Department.
13. Lai Autonomous District Council (Transaction of Business)
14. Visit of VVIPs / VIPs.
15. Matters relating to Sixth Schedule to the Constitution of India
16. Miscellaneous matters.
17. Correspondences with Central / State Govt. Election.
18. Election.
19. Executive Committee meeting.
20. Training.
21. All matters relating to recruitment / appointment / promotion / transfer & posting / Leave / Suspension / disciplinary action / reinstatement of all categories employees under Lai Autonomous District Council.
22. Rules & Procedures regarding fixation of seniority/ promotion and all matters relating thereto.
23. Creation / Classification of Posts / Service Rules.
24. Condonation of education deficiency for Lai Autonomous District Council Service.

25. All service matters relating to all categories of employees except teaching staff.
26. Maintenance of personal / service books / incumbency register of all categories of employees except teaching staff.
27. Deputation
28. Matter relating to service association.
29. Authorization of pension, DCRG, Commutation etc.
30. All pensionary matters.
31. Maintenance and control of Pension Fund Accounts.
32. Rules relating to pensionary matters.
33. Law & Order.
34. Employment Return / statistic of employees.
35. Security arrangement.
36. All other matters not specifically allotted to any Department.

**3. INFORMATION AND PUBLIC RELATION DEPARTMENT -**

1. Newspaper and periodicals
2. Publication and Publicity.
3. Advertisements.
4. Public relation and mass communications.
5. Co-ordination with AIR & Doordarshan.
6. Preparation of Calendar / Choice of the people.

**4. PLANNING AND DEVELOPMENT DEPARTMENT-**

1. Preparation of Annual / Five year plan.
2. Man - Power Planning.
3. Implementation of Plan Schemes and evaluation thereof.
4. Planning Advisory Board and other development committees.
5. Plan Publicity.
6. Plan Formulation.
7. 20-point program.
8. Evaluation and monitoring.
9. Preparation of Detailed Project Reports (DPRs)

**5. AGRICULTURE & HORTICULTURE DEPARTMENT -**

1. Agriculture Link road
2. Distribution of Planting materials / certified seeds
3. Procurement of Machineries.
4. Implements and Tools
5. Water pumping Machineries
6. Land Development by manuals
7. Minor irrigation / Construction of field channels
8. Jhum / Contour.

**6. FISHERIES DEPARTMENT -**

1. Grants-in-aid to individual Fish Farmers for fish pond development.
2. Procurement and distribution of fish-seeds / fish foods.

**7. PUBLIC HEALTH ENGINEERING DEPARTMENT-**

1. Rural Sanitation.
2. Spring sources Development
3. Public Latrine / Urinal (Rural Sanitation)

**8. INDUSTRY DEPARTMENT -**

1. Handloom and Handi-craft.
2. Grants-in-aid to individual for supply of tools and implements
3. Promotion of public / private / self-help group Co.Ltd
4. Promotion of small / Micro industries
5. Preparation of Industrial Estates
6. Promotion of Ware-housing

**9. SERICULTURE DEPARTMENT -**

1. Grant-in-aid to Private Rearers under promotion Schemes
2. Marketing / Selling of cocoon to State Government / Central Government
3. Creation of silk Industry Board

**10. ANIMAL HUSBANDRY & VETY DEPARTMENT -**

1. Subsidiary Schemes on :
   (a) Cattle development
   (b) Piggery
   (c) Poultry
   (d) Dispensary

**11. ART & CULTURE DEPARTMENT -**

1. Grants-in-aid for promotion of Art & Culture
2. District Library
3. District Museum
4. Assistance for Publication
5. Preservation of culture & tradition / ancient monuments.

**12. SOCIAL WELFARE DEPARTMENT -**

1. Old Age Pension (Plan & Non-Plan)
2. Assistance to voluntary organization
3. Pre-Schools
4. Welfare of Handicaps
5. Welfare of the Poor & Destitute
6. Promotion of Disabled / Accidentally disabled persons

**13. SOIL CONSERVATION DEPARTMENT -**

1. Implementation of Terracing
2. Plantation subsidiary Schemes
3. Village grassing ground
4. Promotion of Cattle-pounds and grazing grounds
5. Prevention of soil erosion

**14. LOCAL ADMINISTRATION DEPARTMENT -**

1. Urban Development.
2. All minor works such as :-
   (a) Construction of steps / Culvert / Retaining Walls
   (b) All matters relating to Village Councils
   (c) Town Administration
   (d) Improvement & Development of Town / Markets

(e) Establishment of new village
(f) Sanitation
(g) Town Planning
(h) Naming of Streets in Towns
(i) Financial Assistance to low-income group

**15. ENVIRONMENT & FOREST DEPARTMENT -**

1. Forest Acts & Rules thereof
2. Forest reserve & reclamation
3. Plantation Schemes
4. Protection of wild-life
5. Stone Quarry in Forest Areas
6. Conservation of Forest
7. Control & prevention of fire
8. Soil Conservation for afforestation
9. Promotion of tissue culture

**16. ROAD & TRANSPORT DEPARTMENT -**

1. Maintenance of Lai Autonomous District Council Vehicles
2. Allotment of Lai Autonomous District Council vehicles / and two wheelers
3. Motor Vehicle Taxation
4. Collection of Parking Fees

**17. SPORT & YOUTH SERVICE DEPARTMENT -**

1. Promotion of Games and Sports
2. Purchase & distribution of Sporting materials
3. Promotion of Incentive Cash Awards

**18. CO-OPERATION DEPARTMENT -**

1. Registration of Co-operation Societies
2. Financial assistance to Co-operative Societies
3. Share Certificate and Equity participation etc

**19. PUBLIC WORKS DEPARTMENT -**

1. Inter-village approach road to link up with the Public Works Department roads.

2. Construction and maintenance of Roads / Bridges and Buildings
3. Procurement of explosive and optical fibred cords.
4. Procurement of P & T.
5. Procurement of bitumen.

**20. EDUCATION DEPARTMENT -**

1. Primary Education.
2. Adult Education.
3. Middle Schools.
4. Matters relating to education at Primary & Middle School Teachers.
5. Appointment / Posting / Transfer of Primary & Middle School Teachers.
6. Training of Teachers / distribution of text books.
7. Construction of School building / stipend / distribution of furniture to school / SSA.
8. Publication of Text Books / Calendar etc.
9. Promotion of Research Work.

**21. RURAL DEVELOPMENT DEPARTMENT -**

1. Rural Communication.
2. Construction of Community Hall.
3. Rural Housing.

**22. WATER WAYS DEPARTMENT -**

1. Inland Water - Ways.
2. Ferry Ghat.
3. Tax on speed Boats / Boats.

**23. RELIEF & REHABILATION DEPARTMENT -**

1. Natural calamities / Drought & Food relief.
2. Gratuitous Relief.
3. Imparting training to mass people on Disaster Management.
4. Conducting of Awareness Campaign on Disaster Management.

5. Purchase and Distribution of tools / medicines etc. to prevent natural calamity.

**24. LAND REVENUE & SETTLEMENT DEPARTMENT-**

1. Land Revenue
2. Land Settlement for periodic patta
3. Land Records for sketch - maps
4. Compensation on account of damage of crops / private properties
5. Trade License / video / cable license.
6. Preservation of Minor - mineral products.

**25. TAXATION DEPARTMENT -**

1. Professional Tax
2. Entry of Vehicles
3. Taxes on lands / buildings / entry of goods into markets.

**26. LAW & JUDICIAL DEPARTMENT -**

1. Administration of Justice Rules.
2. Lai Customary Law.
3. Matters relating to inheritance of property under (Inheritance) Act.
4. Advice on legal matters
5. Contract deeds and Arbitration case.
6. General supervision of subordinate and Village Council Court.
7. Upgradation of District Council Court.

**27. DISTRICT SCHOOL EDUCATION BOARD -**

1. To prescribe course of instruction including teaching works and the like where necessary for Pre-Primary, Primary, Middle Schools and Adult Education.
2. To conduct and supervise the examinations based on such course as prescribed.
3. To demand and receive such fees and fines.
4. To institute and award scholarship prizes and the like

5. To prescribe, prepare and select text books and supplementary books or cause to prepare or publish and select Text Books for any or all of its prescribed courses for its various examinations.
6. To lay down conditions for recognition of Schools, Pre-Primary candidates for various school courses or such other courses.
7. To recognize Pre-Primary, Primary, Middle Schools in Lai Autonomous District Council and withdrew such recognition on grounds considered reasonable.
8. To take disciplinary action against institutions, the teachers and the employees which it thinks fit.
9. To prescribe necessary qualifications of teachers in recognized schools.
10. To receive grants from District Council & Government & donations from Private individuals and other non-Government bodies or Central Government for some specific purpose and to administer it.
11. To prescribe and administer school syllabus curriculums, school calendar and school time tables.
12. To receive purchase and hold any movable property which may become essential for it and to dispose off.

**STATEMENT OF OBJECTS AND REASONS**

It is necessary to provide for the allocation of business among the different departments under Lai Autonomous District Council for smooth functioning of the Lai Autonomous District Council except the Legislative Department which has to function by its separate rules.

Hence, the Bills

U. Zathang,
Executive Member,
i/c Law & Judicial etc.
Lai Autonomous District Council,
Lawngtlai.

**"THE LAI AUTONOMOUS DISTRICT COUNCIL (CONSTITUTION, CONDUCT OF BUSINESS, ETC.) (Second Amendment) Rules, 2014".**

In exercise of the powers conferred by sub-paragraph (7) of paragraph 2 of the Sixth Schedule to the Constitution of India, read with paragraph 20BB of the said Schedule, the Lai Autonomous District Council makes the following rules further to amend the Lai Autonomous District Council (Constitution, Conduct of Business, etc) Rules, 2010 (hereinafter referred to as Principal Rules) namely:-

1. Short title and Commencement:-

(1) These rules shall be called the Lai Autonomous District Council (Constitution, Conduct of Business etc.,) (Second Amendment) Rules, 2014.

(2) They shall come into force from the date of publication in the Mizoram Gazette.

**2. Amendment of Rule 2 -**

In Rule 2 of the Principal Rules, the following definitions shall be added, namely:

(j) (i) "Electronic Voting Machine" means electronically operated Machine for use in voting.

(y) "State Election Commission" means the State Election Commission Of Mizoram as constituted for the State of Mizoram under the provision of Part-IX and Part-IX A of the Constitution.

(y) (i) "District Election Officer" means the District Election Officer Under Rule 148B.

(y) (ii) "Returning Officer" means an officer appointed or designated as such under Rule 149A, who shall be responsible for proper conduct of election in one or more constituencies, and he may be assisted by Assistant Returning Officer.

(y) (iii) "Electoral Registration Officer" means an officer appointed or designated as such under Rule 148C in connection with preparation and revision of electoral rolls and he may be assisted by Assistant Electoral Registration Officer.

**3. Amendment of Rule - 142 -**

In Rule 142, after sub-rule (2) of the Principal Rules, sub-rule (3) shall be inserted namely:

(3) State Election Commission:

(a) The State Election Commission duly constituted by the State Government, consisting of a state Election Commissioner appointed by the Governor under the provisions of Part-IX and Part-IX A of the Constitution shall be vested with superintendence, direction and control of the preparation, revision and correction of electoral rolls and the conduct of elections under these rules.

(b) The State Election Commission shall co-ordinate and supervise the works of the District Election Officer in due discharge of his functions and duties under these rules.

**4. Amendment of Rule - 144 -**

In sub-rule (1) of Rule 144 of Principal rules, the words "the Governor shall" shall be substituted by the words "Governor shall in Consultation with the State Election Commission".

**5. Amendment of Rule - 145 -**

In Rule 145 of the Principal Rules, the words "the Governor shall" shall be substituted by the words "Governor may in consultation with the State Election Commission".

**6. Amendment of Rule - 147 -**

In clause (b) of sub-rule (1) of Rule 147 of the Principal Rules, for the word 'Governor' the words "State Election Commission" , shall be substituted.

**7. Amendment of Rule - 148 -**

Entries under Rule 148 of the Principal Rules shall be substituted as follows namely:-

148 A - Election Observers:

1) The State Election Commission may appoint adequate number of officials of the State or Central Government as observers for observing the elections to the Lai Autonomous District Council.

2) The Observer appointed under sub-rule (1) shall assist the State Election Commission to ensure free and fair election and shall discharge such other functions as may be entrusted by the Commission.

148B - District Election Officer:

1) 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 also appoint officers in the office of Deputy Commissioner concerned 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 all 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.

4) The District Election Officer, Electoral Registration Officers etc, referred to in this part, 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.

148C - Electoral Registration Officer:

1) For each Autonomous District Council Constituency to which these rules extend, the State Election Commission shall appoint or designate any officer of the State Governments as Electoral Registration Officer for each Autonomous District Council area to performall necessary functions for the preparation and revision of Electoral Rolls for all constituencies in the said area.

2) The State Election Commission may also appoint officers in the office of Deputy Commissioner concerned 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 all 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.

4) The District Election Officer, Electoral registration officers etc. referred to in this part, 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.

148 C- Electoral Registration Officer :

1) For each Autonomous District Council Constituency to which these rules extend, the State Election Commission shall appoint or designate any officer of the State Government as Electoral registration Officer

for each Autonomous District Council area to perform all necessary functions for the preparation and revision of Electoral Rolls for all constituencies in the said area.

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 restriction, employ such other persons as he thinks fit for the preparation and revision of the electoral roll for the constituency.

**8. Amendment of Rule - 149 -**

Entries under Rule 149 of the Principal rules shall be substituted as follows, namely :-

149 A- Returning Officer :

For every election to fill a seat or seats in the Lai autonomous District Council, the State Election Commission shall appoint or nominate a Returning Officer who shall be an Officer of the State Government or of a local authority. 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 this rules or orders made there-under.

Provided that nothing in this Rule shall prevent the State Election Commission from appointing or nominating the same person to be the Returning Officer for more than one constituency.

149 B-Assistant Returning Officer :

1) The State Election Commission may appoint one or more persons to assist any Returning Officer in the performance of his functions.

Provided that every such person shall be an officer of the State Government or of a local authority.

2) 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.

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the scrutiny of nominations unless the Returning Officer is unavoidable prevented from performing the said function.

**9. Amendment of Rule - 150 -**

Entries under Rule 150 of the Principal Rules shall be substituted as follows, namely :-

"If any difficulty or question arises to the preparation or revision of any electoral rolls, or dispute as to whether a person is ordinarily resident in that locality/constituency under these Rules, the same shall be decided by the District Election officer who shall function as Appellate Authority and his decision there-upon shall be final".

**10. Amendment of Rule - 151 -**

In Rule 151 of the Principal rules, for the word "Governor" the words "state Election Commission" shall be substituted.

**11. Amendment of Rule - 153 -**

In Rule 153 of the Principal rules, for the word "Governor" the words "State Election Commission" shall be substituted.

**12. Amendment of Rule - 154 -**

In Rule 154 of the Principal Rules, for the word "Governor" the words "State Election Commission" shall be substituted.

**13. Amendment of Rule - 156 -**

(i) In Rule 156 of the Principal rules, sub-rule (3) shall be added as follows :-

"An Electronic Voting Machine shall be common for all the candidates and there shall be only one Electronic Voting Machine in use at a time and place in such manner to ensure secrecy of voting."

**14. Amendment of Rule - 158 -**

In sub-rule (1) & (20 of Rule 158 of the Principal Rules, for the word "Governor" the words "State Election Commission" shall be substituted.

**15. Amendment of Rule - 161 -**

In sub-rule 4 of rule 161 of the Principal Rules, the word "Governor" shall be substituted by the words "State Election Commission".

**16. Amendment of Rule - 162 -**

In sub-rule (2), the word "the Governor" appearing in two places shall be substituted by the words "state Election Commission" respectively.

**17. Amendment of Rule - 166 -**

(iii) In Rule 166 of the Principal rules, after sub-rule 3, sub-rule 4 shall be added namely :

(4) The Presiding Officer or any other Officer as may be authorized by him in every Polling Station, shall keep the "Control Unit" on; before casting of every vote to ensure the Electronic Voting Machine is ready to record of every casting vote".

**18. Amendment of Rule - 168 -**

Rule 168 of the Principal Rules shall be substituted by the following namely:

" A voter shall go inside the voting compartment and record his vote by pressing appropriate button of the Electronic

Voting Machine against the symbol of the candidate he or she wishes to vote".

**19. Amendment of Rule - 176 -**

(i) In sub-rule 176 of the Principal Rules, for the word "Governor" the words "State Election Commission" shall be substituted.

**20. Amendment of Rule - 178 -**

The word "Secretary" appearing under sub-rule (4) shall be substituted by the "State Election Commission".

**21. Amendment of Rule - 179 -**

The word "Secretary to the Government and to such other Officers as the Government may direct" shall be substituted by the words "State Election Commission, Secretary to the Govt. of Mizoram and to such other Officers as the State Election Commission may direct".

**22. Amendment of Rule - 182 -**

The words "Secretary to the Government at two places" shall be substituted by the words "State Election Commission with a copy to the Secretary to the Government of Mizoram" respectively.

**23. Amendment of Rule - 186 -**

The word "Governor" appearing under sub-rule (5) & (6) shall be substituted by the words "State Election Commission" respectively.

**24. Amendment of Rule - 188 -**

The word "Governor" appearing under Rule 188 shall be substituted by the words "State Election Commission".

**25. Amendment of Rule - 189 -**

In Rule 189 of the Principal Rules, the words & figure, "Rs.50,000/- (Rupees Fifty Thousand) only", shall be substituted by the word & figure, " Rs.1,00,000/- (Rupees one Lakh) only".

**26. Amendment of Rule - 192 -**

The word "Governor" appearing under Rule 192 shall be substituted by the words "State Election Commission" and the word "Governor" appearing under sub-rule (3) shall be substituted by the "State Election Commission" and the word "Secretary to the Government" shall be substituted by the words "Secretary, state election commission'.

**27. Amendment of Rule - 195 -**

Rule 195 shall be substituted as follows :- If the provisions of rules 191,192,193 and 194 are not complied with, the "State election Commission shall dismiss the petition without further hearing'.

**28. Amendment of Rule - 196 -**

The word "Governor" appearing under sub-rule (1),(2) &(3) shall be substituted by the words "State election Commission" respectively.

**29. Amendment of Rule - 198 -**

The word "Governor" appearing under sub-rule (5) shall be substituted by the words "State Election Commission"

**30. Amendment of Rule - 199-**

The word "Governor" appearing under sub-rule (1) shall be substituted by the words "State Election Commission".

**31. Amendment of Rule - 203.-**

The word "Governor" appearing under sub-rule (3) shall be substituted by the words "State Election commission". And after sub-rule (3) , sub-rule (4) shall be inserted.

"(4) the inquiry into election petition shall be completed within 60 days from the date of appointment of Commissioner by the State Election Commission under sub-rule (1) of Rule 199.

## NOTIFICATION

NO. A.12018/1/2011-DCA/L, the 28th February, 2014 : In exercise of the powers conferred by clause (h) of sub-paragraph (6) of paragraph 2 to the Sixth Schedule to the Constitution of India, the following rules passed by the Lai Autonomous District Council which received the assent of the Governor of Mizoram on 23.1.2014 is hereby published for general information, namely :-

## "THE LAI AUTONOMOUS DISTRICT COUNCIL (Group A,B,C & D posts) Recruitment Rules, 2014.

P.Singthanga,
Secretary to the Government of Mizoram,
District Council Affairs Department.

"In exercise of the powers conferred by clause (h) of sub-paragraph (6) of paragraph 2 of the Sixth Schedule to the constitution of India, the Governor of Mizoram is pleased to make the following rules for regulating the method of recruitment to the posts specified in the Schedule -i-XXV under the Lai Autonomous district Council, Mizoram; namely :-

## THE LAI AUTONOMOUS DISTRICT COUNCIL (GROUP 'A','B','C' &'D' POSTS) RECRUITMENT RULES, 2014

**1. Short title and commencement -**

(1) These rules may be called the Lai Autonomous District Council (Group 'A' 'B', 'C' & 'D' posts) recruitment Rules, 2014.

(2) They shall come into force on the date of their publication in the Mizoram Gazette.

**2. Application -**

The Rules shall apply to the posts specified in column 1 of the Schedules hereto annexed.

**3. Number of posts, classification and scale of pay/pay band and Grade pay -**

The number of the said post (s), their classification and the scale of pay, pay band and grade pay attached thereto shall be specified in columns 2-4 of the said Schedule.

**4. Method of recruitment, age limit and other qualification etc.-**

The age limit, qualification and other matters relating to the said post shall be as specified in column 5 to 14 of the foresaid Schedules.

Provided that the age limit prescribed for direct recruitment may be relaxed in the case of candidate belonging to the Schedule Castes/ the Schedule Tribes and other special categories of persons in accordance with the orders issued by the Central Government or Government of Mizoram from time to time.

**5. Disqualification -**

No person -

(a) Who has entered into or contracted a marriage with a person having a spouse living, or

(b) Who, having a spouse living has entered into contracted a marriage with any person shall be eligible for appointment to the said post (s)

Provided that the Governor may, if satisfied that such marriage is permissible under the personal law applicable to such person and to other party to the marriage and that there are other grounds for doing so, exempt any such person from the operation of this rule.

**6. Training and Departmental Examination -**

Every person recruited under these rules shall undergo such training or pass such departmental examination as may be prescribed by Executive Committee of the Lai Autonomous district Council from time to time.

**7. Power to relax -**

Where the Governor is of the opinion that it is necessary or expedient so to do, he may, by order and for reasons to be recorded in writing and in consultation with the concerned Executive Committee relax any of the provisions of these rules with respect to any class or category of persons.

**8. Reservations and other Concession -**

Nothing in these rules shall affect any reservation or other concession required to be provided for the Scheduled Tribe/the Scheduled Castes and other categories of persons in accordance with the order issued by the Central Government or Government of Mizoram from time to time in this regards.

**9. Repeal and savings -**

(1) The Lai, Mara and Chakma District Councils (Group A,B,C &D Posts) Recruitment Rules, 1992 published in Mizoram Gazette vol-xxi E.O. issue No-142 dt 5.8.1992, is hereby repealed for the Lai Autonomous district Council areas.

(2) The Lai Autonomous District Council Private Secretary to Chief Executive Member Recruitment Rules, 2002; and any other Recruitment rule, or Recruitment rules framed by the Lai Autonomous District Council which were in force and continued to be in existence shall stand hereby repealed.

Provided that any order made or anything done or any action taken under the rules so repealed or under any general orders ancillary thereto, shall be deemed to have been made, done or taken under the corresponding provisions of these rules.

SCHEDULE -I
(See rules 2,3,&4)

RECRUITMENT RULES FOR MINISTERIAL GROUP 'A' 'B' AND 'C' POSTS UNDER

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and qualification required for direct recruitd |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. Deputy Secretary DCS | 1 (One) | Group 'A' (Ministerial) | Rs.15600-39100+7600GP | Selection | Not applicable | Not applicable | Not applicable |
| 2. Under secretary (DCS) | 1 (One) | Group 'A' (Ministerial) | Rs.15600-39100+6600GP | Selection | Not applicable | Not applicable | Not applicable |
| 3. Superintendent | As sanctioned | Group 'A' (Ministerial) | Rs.15600-39100+5400GP | Selection | Not applicable | Not applicable | Not applicable |
| 4. Assistant Inspector of Statistic | Do | Group 'B' NG | Rs 9300-34800+4400GP | Selection | Not applicable | Not applicable | Not applicable |
| 5.Upper Divisional Clerk | Do | Group 'C' | Rs.9300-34800+4200GP | Selection in case of promotion | Not applicable | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST | Atleast Graduate from a recognized University |
| 6.Lower divisional Clerk | Do | Group 'C' | Rs.5200-202004+2400GP | | Not applicable | 18-30 years of age. The upper age limit is relaxable upto 5 years for SC/ST. | HSLC or above |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/deputation, grade from which promotion/ deputation/transfer to be made. | If DPC exists what is its composition ? | Circumstance in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. Not applicable | Not applicable | 100% by Promotion from Under secretary having at least 5 yrs. Service in the grade | In case of failure of promotion from U/S, deputation from General Service amongst the same grade | 1.Executive Secretary as Chairman DPC<br>2. Deputy Secretary (GAD)/ US(PRC) as Member Secretary of DPC<br>3. Department Head concerned as Member of DPC<br>4. One Senior, experienced officers to be nominated by the Chief executive Member as member DPC<br>5. One non-official expert to be nominated by the Chief Executive Member as Member, DPC | Not applicable |
| 2. Not applicable | Not applicable | 100% by promotion from superintendent having at least 5 yrs. Service in the grade | Not applicable | | Not applicable |
| 3. Not applicable | Not applicable | 100% by promotion from amongst Assistant at least 7 years regular service in the grade | Not applicable | | Not applicable |
| 4. Not applicable | Not applicable | 100% by promotion from amongst UDC at least 5 years of regular service in the grade | Not applicable | | Not applicable |
| 5. Not applicable | 2 years direct recruits | 50% by Direct recruitment and 50% by Promotion from amongst LDC at least 5 years of regular service in the grade | Not applicable | | Not applicable |
| 6. Not applicable | 2 years | 2 years 100% by direct recruitment | Not applicable | | Not applicable |

SCHEDULE - II
(See rules 2, 3, 7 4)

RECRUITMENT RULES FOR GROUP 'A' 'B' & 'C' POST IN THE DEPARTMENT FINANCE & ACCOUNT

| Name of post | No. of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules, 1972 | Age limit for direct recruits. | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. Senior Account Officer | 1 (One) | Group 'A' | Rs.15600-39100+6600GP | Selection | N.A | N.A | N.A |
| 2. Finance & Account Officer | 1 (One) | Group 'A' | Rs.15600-39100+ 5400 GP | Selection | N.A | N.A | N.A |
| 3. Superintendent of Account/Senior Accountant | As sanctioned | Group 'B' (G) | Rs.9300-34800+ 4600 GP | N.A | N.A | 21-35 years of age.The upper age limit is relaxable for SC/ST upto 5 years | 1. Preferably Graduate with one of the subjects; Accountancy/ Mathematics. Failing which;<br>2. Graduate from a recognized university with Accountancy Training/knowledge. |
| 4. Accountant | As sanctioned | | Rs. 9300-34800+ 4400 GP | N.A | N.A | | |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/deputation, grade from which promotion/ deputation/transfer to be made. | If DPC exists what is its composition ? | Circumstance in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 100% by Promotion | Promotion :<br>Promotion from FAO having 5 years regular qualifying service. | 1. Executive Secretary as chairman DPC<br>2. U.S (PRC) as Member Secretary of DPC<br>3. Department Head of the concerned Department as Member of the DPC. This may not be applicable to the promotion for Sr. A.O<br>4.OneSenior, experienced officers to be nominated by the chief executive Member s Member, DPC<br>5. One non-official expert to be nominated by the chief Executive Member as Member, DPC | Not applicable |
| 2. N.A | N.A | 100% by promotion from | Promotion from Suptt. Of Acct/ Senior Acct having 5 years regular qualifying service | | Not applicable |
| 3. N.A | 2 years fir Direct Recruits | 50% by direct recruitment and 50% by Promotion from senior accountant | PROMOTION :<br>Promotion from Accountant having 5 years regular qualifying service | | Not applicable |
| 4. N.A | | 100% Direct | -do- | | Not applicable |

SCHEDULE - III
(See rules 2,3 & 4)

RECRUITMENT RULES FOR GROUP 'A' & 'B' (TECHNICAL) GAZETTED POSTS IN THE DEPARTMENT OF ENVIRONMENT & FOREST UNDER LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No. of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules, 1972 | Age limit for direct recruits. | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. District Council Conservator of Forest | 1 (One) | Group 'A' Gazzette | Rs.15600-39100+6600 GP | Selection | Not applicable | Not applicable | Not applicable |
| 2. Assistant Conservator of Forest | 2 (One) | Group 'A' Gazzette | Rs.15600-39100+ 5400 GP | Selection in case of promotion | Not applicable | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST | Preferably B. Sc from a recognized University with one of the subjects namely; Botany , Forestry, and Zoology. |
| 3. Range Officer | As sanctioned | Group 'B' (NG) | Rs.9300-34800+4400 GP | -do- | Not applicable | -do- | B. Sc. With Diploma Course in Forestry from a recognized Institution. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/deputation, grade from which promotion/ deputation/transfer to be made. | If DPC exists what is its composition ? | Circumstance in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | Not appli-cable | 100% by promotion from ACF having atleast 5 years regular service in the grade. Failing which or in case of absence of qualified person by transfer on deputation. | Not applicable | 1. Executive secretary as Chairman<br>2. U.S (PRC) as Member Secretary of DPC.<br>3. Department Head of the concerned Department as Member of the DPC. This may not be applicable to the promotion for DCCF<br>4. Two Senior, experienced officers to be nominated by the Chief executive Member as Member<br>5. One non-official expert to be nominated by the Chief | Not applicable |
| 2. N.A | 2 years for direct recruits | 75% Direct recruitment, and 25% by Promotion from Range Officer who have complete 10 years of regular service in the grade. | Not applicable | | Not applicable |
| 3. N.A | | 50% Direct and another 50% promotion from Deputy Ranger | Not applicable | | Not applicable |

SCHEDULE - IV
(See rules 2,3,& 4)

RECRUITMENT RULES FOR GROUP 'A' 'B' (TECHNICAL) POSTS IN THE DEPARTMENT OF AGRICULTURE UNDER

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. District Council Agriculture Officer | 1 (One) | Group 'A' | Rs.15600-39100+6600 GP | Selection | Not applicable | Not applicable | Not applicable |
| 2. Sub- Divisional agriculture Officer/district Council Horticulture Officer | As sanc-tioned | Group 'A' | Rs.15600-39100+5400GP | Selection | Not applicable | Not applicable | Not applicable |
| 3. Agriculture Extension Officer/Horticulture extension officer | As sanc-tioned | Group 'B' NG | Rs.9300-34800+4600 GP | Not applicable | Not applicable | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST | Preferably B.Sc in Agriculture/Horticulture Science from a recognized University. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. Not applicable | Not appli-cable | 100% by promotion from SDAO/ DCHO having 5 years regular service in the grade. Failing which on deputation from General Service. | Not applicable | 1. Executive secretary as Chairman<br>2. U.S (PRC) as Member Secretary of DPC.<br>3. Department Head of the concerned Department as Member of the DPC. This may not be applicable in case of promotion of DCAO<br>4. One Senior, experienced officers to be nominated by the Chief executive Member as Member<br>5. One non-official expert to be nominated by the Chief Executive Member as Member, DPC<br>-do- | Not applicable |
| 2. Not applicable | Not appli-cable | 100% by promotion from AEO/HEO having at least 5 years regular service in the grade. | Not applicable | | Not applicable |
| 3. Not applicable | 2 years | 100% by direct recruitment, failing which by transfer on deputation from the LADC General Service. | Not applicable | | Not applicable |

SCHEDULE - V
(See rules 2,3,& 4)

RECRUITMENT RULES FOR GROUP 'A' 'B' (TECHNICAL) POSTS IN THE DEPARTMENT OF SOIL CONSERVATION UNDER LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. District Council Soil Conservation Officer | 1 (One) | Group 'A' | Rs.15600-39100+6600 GP | Selection | Not applicable | Not applicable | Not applicable |
| 2. Assistant Soil Conservation Officer | 1 (One) | Group 'A' | Rs.15600-39100+5400GP | Selection in case of promotion | N.A | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST | Preferably B.Sc in Agriculture/Forestry/ Soil Science from a recognized university. |
| 3. Range Officer | As sanc-tioned | Group 'B' (NG) | Rs.9300-34800+4600 GP | N.A | N.A | -do- | B.Sc & complete Training in Soil Science course from a recognized institution. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 100% by promotion and Failing which or in case of the absence of qualified person, on deputation from Lai Autonomous District Council General Service. | On deputation from the Lai Autonomous District Council General Service of those officials who have held equivalent post or posts/grade having the same scale of post pay | 1. Executive secretary as Chairman<br>2. U.S (PRC) as Member Secretary of DPC.<br>3. Department Head of the concerned Department as Member of the DPC except in the case of promotion of DCSCO<br>4. One Senior, experienced officers to be nominated by the Chief executive Member as Member<br>5. One non-official expert to be nominated by the Chief Executive Member as Member, DPC | Not applicable |
| 2. N.A | 2 years in case of direct recruits | 50% Direct 50% promotion from R.O having at least 7 years regular service in the grade | Not applicable | | Not applicable |
| 3. N.A | 2 yrs for direct recruits | 50% by Direct, 50% by promotion from Demonstrator having 7 years service | Not applicable | | Not applicable |

SCHEDULE - VI
(See rules 2,3,& 4)

RECRUITMENT RULES FOR GROUP 'A' 'B' (TECHNICAL) POSTS IN THE DEPARTMENT OF SERICULTURE

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. District Council Sericulture Officer | 1 (One) | Group 'A' | Rs.15600-39100+6600 GP | Selection | Not applicable | Not applicable | Not applicable |
| 2. Assistant Sericulture Officer | 1 (One) | Group 'A' | Rs.15600-39100+5400GP | Selection in case of promotion | N.A | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST | B.Sc (Gen) with Post-Graduate Diploma in Sericulture |
| 3. Sericulture Extension Officer (SEO) | 1 (One) | Technical Group'B'(G) | Rs.9300-34800+4400 GP | N.A | N.A | -do- | 1. Preferably B.Sc with Biology failing which<br>2. B.Sc (Gen) |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 100% by promotion from ASO having 5 years regular service in the grade | On deputation from the Lai Autonomous District Council General Service of those officials who have held equivalent post or posts/grade having the same scale of post pay | 1. Executive secretary as Chairman<br>2. U.S (PRC) as Member Secretary of DPC.<br>3. Head of the Department Concerned as member of DPC except in case of DCSO<br>4. One Senior, experienced officers to be nominated by the Chief executive Member as Member, DPC<br>5. One non-official expert to be nominated by the Chief Executive Member as Member, DPC<br>-do- | Not applicable |
| 2. N.A | 2 years For direct recruits | 50% by Direct Recruitment & 50% promotion from SEO. Failing which on deputation from Lai Autonomous District Council General Service. | Not applicable | | Not applicable |
| 3. N.A | | 100% Direct Recruitment. | Not applicable | | Not applicable |

SCHEDULE - VII
(See rules 2,3,& 4)

RECRUITMENT RULES FOR GROUP 'A' 'B' & C (TECHNICAL) POSTS IN THE DEPARTMENT OF VETERINARY DEPARTMENT UNDER LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. District Council Veterinary Officer | 1 (One) | Group 'A' | Rs.15600-39100+5400 GP | Selection | Not applicable | Not applicable | Not applicable |
| 2. Sub-Divisional Vety Officer | 1 (One) | Group 'A' | Rs.9300-34800+4600 GP | Not applicable | Not applicable | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST | Preferably B.V.Sc from a recognized University Graduate with training in Veterinary Course HSLC or equivalent with VFA Training Course passed from a recognized institutions |
| 3. Vety Inspector | 1 (One) | Group 'B' (NG) | Rs.9300-34800+4400 GP | Selection in case of promotion | Not applicable | -do- | |
| 4. Vety Field Asstt | As sanc-tioned | Group 'C' | Rs.5600-20200+2400 GP | Not applicable | Not applicable | 18-30 years of age. The upper age limit is relaxable upto 5 years for SC/ST | |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 100% by promotion from SDVO having 5 years qualifying service in the grade. Failing which on deputation from Lai Autonomous District Council general Service | On deputation from the Lai Autonomous District Council General Service of those officials who have held equivalent post or posts/grade having the same scale of post pay | 1. Executive secretary as Chairman<br>2. U.S (PRC) as Member Secretary of DPC.<br>3. Head of the Department Concerned as member of DPC except in case of DCVO<br>4. One Senior, experienced officers to be nominated by the Chief executive Member as Member, DPC<br>5. One non-official expert to be nominated by the Chief Executive Member as Member, DPC | Not applicable |
| 2. N.A | 2 years For direct recruits | 75% Direct 25% promotion from Veterinary Inspector with 10 yrs. Service in the grade | -do- | -do- | -do- |
| 3. N.A | 2 years | 50% Direct 50% by promotion | -do- | -do- | -do- |
| 4. N.A | 2 years | 100% by direct | Not applicable | -do- | -do- |

SCHEDULE - VIII
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'A' & 'C' (TECHNICAL) POST IN THE DEPARTMENT OF FISHERIES

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. District Council fisheries Development Officer | 1 (One) | Group 'A' | Rs.15600-39100+5400 GP | Selection | Not applicable | Not applicable | Not applicable |
| 2. Asst. Fisheries Development Officer | As sanctioned | Group 'A' | Rs.9300-34800+4600 GP | Selection | Not applicable | Not applicable | Not applicable |
| 3. Fisheries extension officer | As sanc-tioned | Group 'B' (NG) | Rs.9300-34800+4400 GP | Not applicable | Not applicable | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST | 1. Preferably B.F.Sc<br>2. Failing which M.Sc (Zoology) with one year Certificate Course in inland Fisheries. |
| 4. Fisheries Demonstrator | As sanc-tioned | Group 'C' | Rs.5200-20200+2400 GP | Not applicable | Not applicable | Between 18-30 years of age the upper age limit is relaxable upto 5 years for SC/ST | HSLC or equivalent from a recognized Board with working knowledge of local language. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | | 11 | 12 | 13 | 14 |
| 1. N.A | 10<br><br>N.A | 100% by promotion from AFO having at least 5 years regular service in the grade. | Failing which deputation from the Lai Autonomous District Council General Service of those officials who have held equivalent post or posts/grade having the same scale of post pay | 1. Executive Secretary as Chairman DPC<br><br>2. U.S (PRC) as Member Secretary of DPC<br><br>3. Head of the Department Concerned as member of the DPC except in case of DCFO<br><br>4. One senior, experienced Officers to be nominated by the Chief executive Member as Member, DPC<br><br>5.One non-official expert to be nominated by the Chief Executive Member as Member, DPC | Not applicable |
| 2. N.A | 2 years | 100% by promotion from FEO having at least 5 years regular service in the grade. | -do- | | Not applicable |
| 3. N.A | -do- | 50% Direct and 50% by promotion from Fisheries Demonstrator having at least 8 years regular service in the grade. | -do- | | -do- |
| 4. N.A | 2 years | 100% direct | N.A | | -do- |

SCHEDULE - IX
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'A' 'B' & 'C' (TECHNICAL) POST IN THE DEPARTMENT OF PWD &PHE UNDER LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. Executive Engineer | 1 (One) | Group 'A' | Rs. 15600-39100 +7600 GP | Selection | N.A | N.A | N.A |
| 2. Senior Asst. Engineer | 1 (One) | Group 'A' | Rs. 15600-39100+6600GP | Selection | N.A | N.A | N.A |
| 3. Asst Engineer | As sanc-tioned | Group 'A' | Rs. 15600-39100+5400GP | Selection in case of promotion | N.A | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST | Preferably B.E (Civil) from a recognized University. |
| 4. Junior Engineer | As sanc-tioned | Group 'B' (NG) | Rs.9300-34800+4400GP | N.A | N.A | -do- | A candidate must be a Diploma older in civil Engineering from a recognized Institution. |
| 5. Sectional Asst | As sanc-tioned | Group 'C' | Rs. 5200-20200+2400 GP | N.A | N.A | Between 18-30 years of age | HSCL or above |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 100% by promotion from Senior AE having a tleast 5 years regular service in the grade | N.A | 1. Executive Secretary as Chairman DPC<br>2. U.S (PRC) as Member Secretary of DPC<br>3. Department Head of the Concerned as member of the DPC. This may however be not applicable in case of promotion to E.E<br>4. One senior, experienced Officers to be nominated by the Chief executive Member as Member.<br>5. One non-official expert to be nominated by the Chief Executive Member as Member, DPC | N.A |
| 2. N.A | 2. N.A | 100% by promotion from AE having at least 5 years regular service in the grade | N.A | | N.A |
| 3. N.A | 2 years for direct recruits | 50% by Direct Recruitment and 50% by promotion from JE having at least 7 years service in the grade | N.A | | N.A |
| 4. N.A | 2 years for direct recruits | 75% by direct recruitment and another 25% by Promotion from amongst S.A having 5 years of qualifying service in the grade | N.A | | N.A |
| 5. N.A | 2 yrs | 100% direct | N.A | | N.A |

SCHEDULE - X
(See rules 2,3, & 4)

RECRUITMENT RULES FOR DRIVERS (TECHNICAL) POSTS IN VARIOUS DEPARTMENTS UNDER

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1) District Council Inspector of Vehicles | 1 (One) | Group 'B' (Non-Gazette) (Non-ministerial) | Rs. 9300-34800+4400 GP | Selection in case of promotion | Not application | Between 18 to 30 years (relaxable by 5 years in case of candidate belonging to SC/ ST) | HSLC or equivalent with Diploma in Automobile Engineering |
| 2) drivers grade-I | As sanctioned | Group 'C' (Non-ministerial) | Rs. 5200-20200+2800 GP | Selection | Not application | Not application | Not application |
| 3) driver Grade -II (non functional) | -do- | -do- | Rs.5200-20200+2400 GP | Not application | Not application | Not application | Not application |
| 4) Driver Grade - III | -do- | -do- | Rs. 5200-20200+1900 GP | Not application | N.A | Between 18 to 30 years (relaxable by 5 years in case of candidate belonging to SC/ ST) | 1. Class VII & above<br>2. having professional valid Driving License in heavy/Medium/LMV, as the case may be, with at least 5 years experience in Professional driving<br>3. the Candidate must be conversant with the components and mechanism of all types of vehicles. He must be able to detect the defects in the mechanism of engine, gear, differential and all important parts of the vehicles. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 50% by promotion and 50% by direct recruitment | Driver Grade -I who had completed 7 years of service calculated from the year of entry into Grade -I with diploma certificate in automobile engineering shall be eligible for promotion to inspector of vehicles by Selection method | 1. Executive Secretary as Chairman DPC<br>2. U.S (PRC) as Member Secretary of DPC<br>3. District Council Transport Officer as Member of the DPC<br>4. One senior Officers to be nominated by the CEM as Member, DPC<br>5.One non-official expert to be nominated by the CEM as Member, DPC. | Exempted |
| 2. N.A | N.A | 100% by promotion | Driver Grade -II with 7 years regular service shall be eligible for promotion to Driver-Grade-I by selection method | -do- | Exempted |
| 3. N.A | N.A | 100% by promotion | Driver Grade-III with 7 years regular service shall be eligible for promotion to Driver Grade-II. | -do- | Exempted |
| 4. N.A | 2 years | 100% by direct recruitment | Not applicable | -do- | Exempted |

SCHEDULE - XI
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'C' & 'D' (TECHNICAL) POST IN THE DEPARTMENT OF REVENUE UNDER LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. Head Circle Supervisor | 1 (One) | Group 'C' | Rs. 9300-34800+4200 GP | Selection | N.A | N.A | N.A |
| 2. Record Asst | As sanc-tioned | -do- | Rs. 9300-34800+4200 GP | Selection | N.A | N.A | N.A |
| 3. Circle Supervisor -I | As sanc-tioned | -do- | Rs.5200-20200+2800 GP | Non-Selection | N.A | N.A | N.A |
| 4. Circle Supervisor - II | -do- | -do- | Rs. 5200-20200+2400 GP | -do- | N.A | Between 18-30 years of age. The upper age limit is relaxable upto 5 years for SC/ST | HSLC or above |
| 5. Market Inspector | -do- | Group 'B' (NG) | Rs.9300-34800+4400 GP | -do- | N.A | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST | Graduate or above |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 100% by promotion from CS-I with not less than 10 years regular service in the grade. | N.A | 1. Executive Secretary as Chairman DPC<br>2. U.S (PRC) as Member Secretary of DPC<br>3. Department Head of the concerned Department as Member of the DPC<br>4. One senior experienced officer to be nominated by the Chief Executive Member as member, DPC<br>5.One non-official expert to be nominated by the Chief Executive Member as Member, DPC. | Not applicable |
| 2. N.A | 2 years for direct recruits | 50% Direct Recruitment, 50% promotion from CS-I with not less than 10 years regular service in the grade | N.A | -do- | Not applicable |
| 3. N.A | -do- | 100% by promotion from CS-II with not less than 7 years regular service in the grade. | N.A | -do- | Not applicable |
| 4. N.A | -do- | 100% Direct recruitment | N.A | -do- | Not applicable |
| 5. N.A | 2 years for direct | 50% by direct recruitment 50% by promotion from UDC/HCS/RA with not less than 7 years regular service in the grade. | N.A | -do- | Not applicable |

SCHEDULE - XII
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'C' POSTS IN THE DEPARTMENT OF ART & CULTURE UNDER LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1.Asst.Librarian | 1 (One) | Group 'B' (Technical) | Rs. 9300-34800+4400 GP | Selection in case of promotion | N.A | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST | 1. Graduate, preferably B.Lib from a recognized University or its equivalent |
| 2. Instructor (culture. music, drama) | As sanc-tioned | -do- | Rs. 5200-20200+2400 GP | N.A | N.A | -do- | 1. HSLC or equivalent.<br>2. Experience in LAI culture, Tradition & language |
| 3. Cameraman / Photographer/PA set operator | -do- | -do- | Rs.5200-20200+2400 GP | N.A | N.A | -do- | 1. HSLC or equivalent or above<br>2. Diploma in Photography/ trained in ITI from recognized institution. |
| 4.Library Asst. | -do- | -do- | Rs. 5200-20200+2400 GP | N.A | N.A | -do- | HSLC or equivalent or above. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | 2 Yrs. For Direct | 50% By Promotion from Cultural instructor/Library Asst. with 10 years service and 50% by Direct Recruit. | N.A | 1. Executive Secretary as Chairman DPC<br>2. U.S (PRC) as Member Secretary of DPC<br>3. Department Head of the concerned Department as Member of the DPC<br>4. One senior experienced officer to be nominated by the Chief Executive Member as member, DPC<br>5.One non-official expert to be nominated by the Chief Executive Member as Member, DPC. | Not applicable |
| 2. N.A | 2 years | 100% By Direct Recruitment | Not applicable | | Not applicable |
| 3. N.A | 2 years | 100% By Direct Recruitment | Not applicable | | Not applicable |
| 4. N.A | 2 years | 100% By Direct Recruitment | Not applicable | | Not applicable |

SCHEDULE - XIII
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'B' & 'C' (TECHNICAL) POST IN THE DEPARTMENT OF GAD & PLANNING

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1.Computer Programming Assistant | 1 (One) | Group 'B' (G) | Rs. 9300-34800+4600 GP | Selection | N.A | N.A | N.A |
| 2.Computer Operator grade - A | As sanc-tioned | Group 'B' (NG) | Rs. 9300-34800+4400 GP | Selection in case of promotion | N.A | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST | 1. Graduate from a recognized university, and<br>2. A Diploma holder in Desktop management |
| 3. Computer Operator grade - B | -do- | Group 'C' | Rs.9300-34800+4200 GP | Selection in case of promotion | N.A | -do- | -do- |
| 4.Date Entry operator? Other electronic operated machines operator | | Group 'C' | Rs. 5200-20200+2400 GP | N.A | N.A | Between 18-30 years of age. The upper age limit is relaxable upto 5 years for SC/ST | 1. HSLC from a recognized institution, and<br>2. Diploma holder in Desktop Management/ electronic |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | | 11 | 12 | 13 | 14 |
| 1. N.A | 10<br>N.A | 100% by promotion from Computer Operator Grade -A who had completed 5 years of service. | N.A | 1. Executive Secretary as Chairman DPC<br>2. U.S (PRC) as Member Secretary of DPC<br>3. Deputy Secretary or P&DO as the case may be as Member of the DPC<br>4. One senior experienced officer to be nominated by the Chief Executive Member as member, DPC<br>5. One non-official expert to be nominated by the Chief Executive Member as Member, DPC. | Not applicable |
| 2. N.A | 2 years | 50% by promotion from Computer Operator Grade -B having 5 years regular service in the grade, and 50% by Direct | Not applicable | | Not applicable |
| 3. N.A | 2 years | 50% by direct and 50% by promotion from Data Entry Operator at least 5 years regular service in the grade. | Not applicable | | Not applicable |
| 4. N.A | N.A | 100% By Direct Recruitment | Not applicable | | Not applicable |

SCHEDULE - XIV
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR STENOGRAPHER POSTS (TECHNICAL) IN THE DEPARTMENT OF GAD UNDER LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1.Stenographer Grade -I | As sanc-tioned | Group 'B' | Rs. 9300-34800+4600 GP | Selection | Selection | N.A | N.A |
| 2. Stenographer Grade -II | -do- | Group 'B' (NG) | Rs. 9300-34800+4400 GP | Selection | Selection | N.A | N.A |
| 3. Stenographer Grade -III | -do- | Group 'C' | Rs.9300-34800+4200 GP | -d0- | -d0- | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST | 1. Graduate from a recognized university.<br>2. Having speed of 80WPM in English Stenography. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 100% by promotion from Grade Ii having 5 years regular service in the grade. | Not applicable | 1. Executive Secretary as Chairman DPC<br>2. U.S (PRC) as Member Secretary of DPC<br>3. Deputy Secretary or P&DO as Member of the DPC<br>4. One senior experienced officer to be nominated by the Chief Executive Member as member, DPC<br>5. One non-official expert to be nominated by the Chief Executive Member as Member, DPC. | Not applicable |
| 2. N.A | N.A | 100% by promotion from Grade III having 5 yrs regular service in the grade. | Not applicable | | Not applicable |
| 3. N.A | 2 years | 100% By Direct Recruitment | Not applicable | | Not applicable |

SCHEDULE - XV
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'C' & 'D' POST IN THE DEPARTMENT OF GAD
UNDER LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. Carpenter | As sanc-tioned | Group 'C' | Rs. 5200-20200+ 2400 GP | N.A | N.A | Between 18-30 years of age. The upper age limit is relaxable upto 5 years for SC/ST. | 1. Class-VIII<br>2. Training in ITI or equivalent institution or<br>3. 5 yrs experience in the line |
| 2. Duftry | As sanc-tioned | As sanctioned | Rs. 5200- 20200 + 1900 GP | Selection | N.A | -do- | Class VIII with working knowledge of local language. |
| 3. Process server/ garden/Mali/Peon/ Dak Runner/ Postman/Chowkider/ Pounds keeper/ Mali/ Cook/Sweeper/ Handyman/Porter/ Market checker/ Watcher/Plumber/ Labour/Intercom operator/store keeper/ Gate keeper | As sanc-tioned | As sanctioned | Rs. 4440-7440 + 1650 GP | N.A | N.A | -do- | -do- |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | 2 yrs | 100% Direct Recruitment | Not applicable | 1. Executive Secretary as Chairman DPC<br>2. US,PRC as Member Secretary of the DPC<br>3. LAO/SRO as Member, DPC<br>4. One non-official expert to be nominated by the Chief Executive Member as Member, DPC | Not applicable |
| 2. N.A | 2 yrs | 100% promotion from IV grade (peon/chowkider etc) | Not applicable | | Not applicable |
| 3. N.A | 2 yrs | 100% Direct Recruitment | -do- | | -do- |

SCHEDULE - XVI
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'B' & 'C' (TECHNICAL)POST IN THE DEPARTMENT OF SANITATION (LAD) UNDER LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. Sanitation Inspector (S.I) | As sanc-tioned | Group 'B' (NG) | Rs. 9300 - 34800 + 4400 GP | Selection | N.A | N.A | N.A |
| 2.Asst. Sanitation Inspector (ASI) | | Group 'C' | Rs. 9300 - 34800 + 4200 GP | N.A | N.A | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST. | 1. Graduate or equivalent from a recognized University.<br>2. Trained in Sanitation & Rural Health Course from a recognized institution. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 100% by Promotion from A.S.I Promotion from ASI having atleast 7 yrs regular service in the grade. | N.A | 1. Executive Secretary as Chairman DPC<br>2. US,PRC as Member Secretary of the DPC<br>3. Department Head of the concerned Department as Member of DPC<br>4. One senior, experienced officers to be nominated by the Chief Executive Member as Member, DPC<br>5. One non-official expert to be nominated by the Chief Executive Member as Member, DPC | Not applicable |
| 2. N.A | 2 yrs | 100% by Direct Recruitment. | N.A | | Not applicable |

SCHEDULE - XVII
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'B' & 'C' (TECHNICAL)POST IN THE DEPARTMENT OF LEGISLATIVE

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. Sr. Translator | 1 (One) | Group 'B' (G) | Rs. 9300 - 34800 + 4600 GP | Selection | N.A | N.A | N.A |
| 2. Translator | As sanc-tioned | Group 'B' (NG) | Rs. 9300 - 34800 + 4400 GP | N.A | N.A | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST. | Graduate from a recognized University with working knowledge of local language. |
| 3. Marshall | 1 (One) | Group 'C' | Rs.5200 - 20200 + 2400 GP | N.A | N.A | Not exceeding 35 years of age. The upper age limit is relaxable upto 5 years for Ex-servicemen/Ex-policemen. | Ex-Policemen/ Ex servicemen not below the rank of Havilder with working knowledge of local language. |
| 4. Proceeding Writer | -do- | -do- | Rs. 5200 - 20200 + 2400 GP | N.A | N.A | 18-30 years of age. The upper age limit is relaxable upto 5 years for SC/ST | HSLC or above with working knowledge of local language |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | | 11 | 12 | 13 | 14 |
| 1. N.A | 10<br><br>N.A | 100% Promotion from Translator | Not applicable | 1. Executive Secretary as Chairman DPC<br>2. US,PRC as Member Secretary of the DPC<br>3. Secretary DCS as Member, of DPC<br>4. One senior, experienced officers to be nominated by the Chief Executive Member as Member, DPC<br>5. One non-official expert to be nominated by the Chief | Not applicable |
| 2. N.A | 2 yrs | 100% by direct recruitment | -do- | | Not applicable |
| 3. N.A | 2 yrs | 100% by direct | Transfer on deputation from Central/State Government holding analogue post | | Not applicable |
| | | | | | |

SCHEDULE - XVIII
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'C' & 'D' (TECHNICAL)POST IN THE DEPARTMENT OF FOREST UNDER LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. Deputy Ranger | As sanc-tioned | Technical Group 'C' | Rs. 5200- 20200 + 2800 GP | Selection | N.A | N.A | N.A |
| 2. Forester | -do- | -do- | Rs. 5200- 20200 + 2400 GP | Selection in case of promotion | N.A | Between 18-30 years of age. The upper age limit is relaxable upto 5 years for SC/ST. | HSLC or equivalent from a recognized Board with working knowledge of local language. |
| 3. Forest Guard | -do- | Group 'D' | Rs. 5200- 20200 + 1800 GP | N.A | N.A | -do- | Class VIII or equivalent with working knowledge of local language. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 100% by Promotion from Forester having 7 yrs regular service in the grade. | N.A | 1. Executive Secretary as Chairman DPC<br>2. US,PRC as Member Secretary of the DPC<br>3. Department Head of the concerned Department as Member of DPC<br>4. One senior, experienced officers to be nominated by the Chief Executive Member as Member, DPC<br>5. One non-official expert to be nominated by the Chief Executive Member as Member, DPC | Not applicable |
| 2. N.A | 2 years for direct recruits | 50% by direct, 50% by promotion from Forest Guard having 7 yrs regular service in the grade. | N.A | | Not applicable |
| 3. N.A | | 100% Direct | N.A | | Not applicable |

SCHEDULE - XIX
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR SURVEYOR (TECHNICAL)POST IN THE DEPARTMENT OF LAND REVENUE UNDER LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1.Surveyor - I | As sanc-tioned | Group 'B' (NG) | 9300 - 34800-4400 | Selection | N.A | N.A | N.A |
| 2. Surveyor - II | -do- | Group 'C' | 9300 - 34800 - 4200 | N.A | N.A | N.A | N.A |
| 3. Surveyor - III | -do- | Group 'C' | 5200-20200 -2800 | N.A | N.A | Between 18-30 years of age. The upper age limit is relaxable upto 5 years for SC/ST. | HSLC with the subject Science and Training in Survey Course and working knowledge of local language upto Middle School. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 100% by Promotion from Surveyor -II having 5 yrs regular service in the grade. | Not applicable | 1. Executive Secretary as Chairman DPC<br>2. US,PRC as Member Secretary of the DPC<br>3. Department Head of the concerned Department as Member of DPC<br>4. One senior, experienced officers to be nominated by the Chief Executive Member as Member, DPC<br>5. One non-official expert to be nominated by the Chief Executive Member as Member, DPC | Not applicable |
| 2. N.A | N.A | 100% by promotion from Surveyor - III having 5 yrs regular service in the grade. | Not applicable | | Not applicable |
| 3. N.A | 2 yrs | 50% by direct Recruitment and another 50% by promotion form amongst CS-I having 5 yrs. Regular service in the grade | Not applicable | | Not applicable |

SCHEDULE - XX
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'A'POST IN THE DEPARTMENT OF ADMINISTRATION OF JUSTICE UNDER LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Judicial Officer | As sanc-tioned | Group 'A' | 15600-39100-5400 | N.A | N.A | Between 18-30 years of age. The upper age limit is relaxable upto 5 years for SC/ST. | LL.B from a recognized University and working knowledge of local language. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | 2 yrs | 100 % by Direct Recruitment | Not applicable | 1. Executive Secretary as Chairman DPC<br>2. D.S (GAD)/ US,PRC as Member Secretary of the DPC<br>3. Department Head of the concerned Department as Member of DPC<br>4. One senior, experienced officers to be nominated by the Chief Executive Member as Member, DPC<br>5. One non-official expert to be nominated by the Chief Executive Member as Member, DPC | Not applicable |

SCHEDULE - XXI
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'A' & 'B' (NON-MINISTERIAL)POST IN THE DEPARTMENT OF EDUCATION UNDER LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. Hindi Propagation Officer | As sanc-tioned | General Edn. Service Group 'A' (Non-Ministerial) | 15600-39100-5400 | Selection | N.A | N.A | N.A |
| 2. Asst. Hindi Propagation Officer | -do- | General Edn. Service Group 'B' (Non-ministerial) | 9300-34800-6600 | -do- | N.A | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST. | 1) Graduate in general line with parangat.<br>2) Praveen/ Madhyama / Ratna or equivalent Degree in Hindi<br>3) Working knowledge of mizo/ Lai language upto Middle school. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 100% by promotion failing which direct recruitment/transfer on deputation. | PROMOTION:<br>Graduate AHPO possessing required qualifications and with not less than 5 yrs. Service in the grade.<br>TRANSFER/DEPUTATION<br>Officer holding analogous posts in the Education Deptt. Gom or from other states. | 1. Executive Secretary as Chairman DPC<br>2. Education officer (M/S) as Member Secretary of the DPC<br>3. Two senior, experienced officers to be nominated by the Chief Executive Member as Member, DPC<br>4. One non-official expert to be nominated by the Chief Executive Member as Member, DPC | N.A |
| 2. N.A | 2 yrs | 100% by Direct Recruitment | N.A | | N.A |

SCHEDULE - XXII
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'C' POST IN AGRICULTURE, HORTICULTURE, SOIL, SERICULTURE, INDUSTRIES, R.D. FISHERIES, DEPARTMENTS LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. Demonstrator :- Agri. Horti. Soil, Fisheries, Seri. VLW/ Field Worker/ Field Asst. | As sanc-tioned | Group 'C' | 5200-20200-2400 | N.A | N.A | Between 18-30 years of age. The upper age limit is relaxable upto 5 years for SC/ST. | HSLC or equivalent from a recognized Board with working knowledge of local language. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | 2 yrs | 100 % by Direct Recruitment | N.A | 1. Executive Secretary as Chairman DPC<br>2. D.S (GAD)/ US,PRC as Member Secretary of the DPC<br>3. Department Head of the concerned Department as Member of DPC<br>4. One senior, experienced officers to be nominated by the Chief Executive Member as Member, DPC<br>5. One non-official expert to be nominated by the Chief Executive Member as Member, DPC | N.A |

SCHEDULE - XXIII
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'C' POST (TECHNICAL) IN SOCIAL WELFARE DEPARTMENT UNDER LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. Supervisor | As sanc-tioned | General Edn. Service Group Group 'C' | 9300- 34800-4200 | Selection | N.A | N.A | N.A |
| 2. Village Level Worker | -do- | -do- | 5200-20200-2400 | -do- | N.A | Between 18-30 years of age. The upper age limit is relaxable upto 5 years for SC/ST. | HSLC or equivalent from a recognized Board with working knowledge of local language. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 100 % by promotion from VLW having atleast 7 years regular service in the grade. | N.A | 1. Executive Secretary as Chairman DPC<br>2. US,PRC as Member Secretary of the DPC<br>3. Department Head of the concerned Department as Member of DPC<br>4. One senior, experienced officers to be nominated by the Chief Executive Member as Member, DPC<br>5. One non-official expert to be nominated by the Chief Executive Member as Member, DPC | N.A |
| 2. N.A | 2 yrs | 100% by direct Recruitment | N.A | | N.A |

SCHEDULE - XXIV
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'B' & 'C' POST IN PRIMARY EDUCATION DEPARTMENT
LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. Trained Graduate Teacher Selection Grade | As sanc-tioned | Group 'A' (Non-Ministerial) | Rs. 15600-39100+ 5400 GP | Selection | N.A | N.A | N.A |
| 2. Trained Graduate Teacher | -do- | Group 'B' (Non-Ministerial) | Rs. 9300- 34800+ 4600 GP | -do- | N.A | -do- | -do- |
| 3. Graduate Teacher | -do- | Group 'B' (Non-Ministerial) | Rs. 9300- 34800 +4400 GP | N.A | N.A | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST. | Graduate and above with diploma Certificate in Teacher Education or B.ED with working knowledge of local language |
| 4. Trained Under Graduate Teacher, Selection Grade | -do- | Group 'B' (Non-Ministerial) | Rs. 9300-34800 + 4400 GP | Selection | -do- | N.A | N.A |
| 5. Trained Under Graduate Teacher | -do- | Group 'C' | Rs. 9300-34800 + 4200 GP | Selection | -do- | N.A | N.A |
| 6. Under Graduate Teacher | -do- | Group 'C' | Rs. 5200 - 20200 + 2400 GP | N.A | -do- | Between 18-30 years of age. The upper age limit is relaxable upto 5 years for SC/ST | HSLC and above with working knowledge of local language. |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 100% by promotion | Promotion from trained Graduate Teacher having 8 yrs regular service. | 1. Executive Secretary as Chairman DPC<br>2.Department Head of the concerned Department (i.e: E/O-P/S)as Member of DPC<br>3. Two senior, experienced officers to be nominated by the Chief Executive Member as Member, DPC<br>4. One non-official expert to be nominated by the Chief Executive Member as Member, DPC | N.A |
| 2. N.A | N.A | -do- | Promotion from Graduate Teacher after completing Training and 7 yrs regular service | | -do- |
| 3. N.A | 2 years | 100% by Direct Recruitment | N.A | | -do- |
| 4. N.A | N.A | 100% by promotion | Promotion from trained Under Graduate teacher having 8 yrs regular service. | | -do- |
| 5. N.A | N.A | 100% by promotion | Promotion from Under Graduate Teacher after completing Training and having 8 yrs regular service | | -do- |
| 6. N.A | 2 years | 100% by Direct Recruitment | N.A | | -do- |

SCHEDULE - XXV
(See rules 2, 3, & 4)

RECRUITMENT RULES FOR GROUP 'A' 'B' & 'C' POST IN MIDDLE SCHOOL EDUCATION DEPARTMENT
LAI AUTONOMOUS DISTRICT COUNCIL

| Name of post | No.of post | Classification | Scale of pay/ pay band and grade pay | Whether selection post or Non-selection posts | Whether benefits of added years of service admissible under rule 30 of the CCS (Pension) Rules 1972 | Age limit for direct recruits | Educational and other qualifications required for direct recruits. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1. Trained Graduate Teacher , Selection Grade | As sanc-tioned | Group 'A' (Non-Ministerial) | Rs. 15600-39100+ 5400 GP | Selection | N.A | N.A | N.A |
| 2. Trained Graduate Teacher | -do- | Group 'B' (Non-Ministerial) | Rs. 9300- 34800+ 4600 GP | -do- | N.A | -do- | -do- |
| 3. Graduate Teacher | -do- | Group 'B' (Non-Ministerial) | Rs. 9300- 34800 +4400 GP | N.A | N.A | Between 21-35 years of age. The upper age limit is relaxable upto 5 years for SC/ST. | Graduate and above with diploma Certificate in Teacher Education or B.ED with working knowledge of local language |
| 4. W.E Teacher (Trained) | -do- | Group 'C' | Rs. 9300-34800 + 4200 GP | N.A | N.A | Between 18-30 years of age. The upper age limit is relaxable upto 5 years for SC/ST. | HSLC or equivalent from a recognized Board with Training in Work Education |
| 5. W.E Teacher (Untrained) | -do- | Group 'C' | Rs. 5200 - 20200 + 2400 GP | N.A | N.A | -do- | HSLC or equivalent from a recognized Board |

| Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation if any | Method of recruitment whether by direct recruitment or by promotion/ transfer and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion/transfer/ deputation, grade from which promotion/ deputation/ transfer to be made | If DPC exists what is its composition ? | Circumstances in which MPSC is to be consulted in making recruitment. |
|---|---|---|---|---|---|
| 9 | 10 | 11 | 12 | 13 | 14 |
| 1. N.A | N.A | 100% by promotion | Promotion from Trained Graduate Teacher having 8 yrs regular service. | 1. Executive Secretary as Chairman DPC<br>2. Department Head of the concerned Department (i.e: E/O-M/S)as Member of DPC<br>3. Two senior, experienced officers to be nominated by the Chief Executive Member as Member, DPC<br>4. One non-official expert to be nominated by the Chief Executive Member as Member, DPC | N.A |
| 2. N.A | N.A | -do- | Promotion from Graduate Teacher after completing Training and having 7 yrs regular service | | -do- |
| 3. N.A | 2 years | 100% by Direct Recruitment | N.A | | -do- |
| 4. N.A | -do- | 100% by Direct Recruitment | N.A | | -do- |
| 5. N.A | -do- | -do- | -do- | | -do- |

## NOTIFICATION

No.A.12031/1/2013-DCA/LADC, the 7th May, 2014. In exercise of the powers conferred by clause (h) of sub-paragraph (6) of paragraph 2 to the Sixth Schedule to the Constitution of India, the following Rules passed by the Lai Autonomous District Council which received the assent of the Govenor of Mizoram on 30.4.2014 is hereby published for general information, namely :-

*THE LAI AUTONOMOUS DISTRICT COUNCIL SECRETARIAT (Recruitment and Conditions of Service) Rules, 2014.*

**P.Singthanga,**
Secretary to the Government of Mizoram,
District Council Affairs Department.

THE LAI AUTONOMOUS DISTRICT COUNCIL SECRETARIAT(RECRUITMENT AND CONDITIONS OF SERVICE) RULES, 2014.

A
Bill

to provide for the enhancement of better conditions of service and security for the Officers and Staff in the District Council Secretariat of the Lai Autonomous District Council.

Whereas Rule, 20 of the Lai Autonomous District Council (Constitution, Conduct of Business etc. ) Rules, 2010 empowered the Lai Autonomous District Council to make Rules regulating the conditions of service of Officers and Staff appointed to the District Council Secretariat of the Lai Autonomous District Council;

And whereas it is considered important and essential to create a reasonable and equitable service conditions for Officers and Staff;

And whereas it is also imperative to improve the present system of recruitment by providing a new set of rules and making it sensitive to the needs of its employees and for matter connected therewith or incidental thereto:

Be it enacted by the Lai Autonomous District Council in the Sixty-fifth year of the Republic of India as follows:-

A

RULES

**1. Short title and Commencement :**

i) These Rules may be called "The Lai Autonomous District Council Secretariat (Recruitment and Conditions of Service) Rules, 2014."

ii) They shall come into force from the date of publication in the Mizoram Gazette.

**2. Definitions :**

In these rules, unless the context otherwise requires :-

(a) "APPOINTING AUTHORITY" means the Chairman.

(b) "CHAIRMAN" means the Chairman of the Lai Autonomous District Council.

(c) "CHIEF EXECUTIVE MEMBER" means the Chief Executive Member of the Lai Autonomous District Council.

(d) "DISTRICT COUNCIL" means the Lai Autonomous District Council.

(e) "departmental promotion COMMITTEE" means the departmental promotion Committee constituted by the Chairman from time to time.

(f) "DEPUTATION" means the temporary loan of the services of an Officer in the District Council Secretariat to any office outside the District Council Secretariat or vice-versa.

(g) " DISTRICT COUNCIL SECRETARIAT" means The Lai Autonomous District Council Secretariat.

(h) "EXECUTIVE COMMITTEE" means the Executive Committee of the Lai Autonomous District Council.

(i) " Governor" means the Governor of Mizoram.

(j) "MEMBER" means a member of the Service.

(k) "RULE" means the Lai Autonomous District Council Secretariat (Recruitment and Conditions of Service) Rules, 2014.

(l) "SCHEDULE" means the Schedules appended to these rules.

(m) "SECRETARY" means the Secretary of the Lai Autonomous District Council who shall be appointed by the Chairman under provision of Rule, 19 of the Lai Autonomous District Council (CCB) Rules, 2010.

(n) "YEAR" means the Gregorian Calendar Year.

**3. Cadre Constitution of the Service :**

1) There shall be a District Council Secretariat under the superintendence and control of the Chairman.

2) There shall be in the District Council Secretariat:

(a) Such number of permanent posts as are created by the Executive Committee within its budgetdary allocation from time to time.

(b) The Chairman may, by order from time to time, sanction such number of temporary posts with the concurrence of the Executive Committee.

**4. Administration and Control of the District Council :**

The Chairman shall have full administrative and financial Secretariat powers in respect of the District Council Secretariat.

Provided that he may delegate such powers as he thinks necessary to the Secretary or other Officers of the District Council Secretariat.

**5. Power of the Secretary :**

For the purpose of administration in the District Council Secretariat, the Secretary shall exercise all the powers as may be delegated to him by the Chairman under these rules.

**6. Initial appointment to the Service :**

Subject to availability of posts in the cadre of the service, the Appointing Authority may, at the commencement of these rules, appoint to the service any person who, at such commencement of these rules, is holding the existing posts of the District Council Secretariat.

Provided that the existing member of the service, the post which he is holding is no longer in existence or redesignated at the commencement of these rules, shall be considered on seniority-cum-merit by the Appointing Authority for appointment to the appropriate grade of post.

**EXPLANATION :**

For the purpose of this sub-rule, a person who would have held a particular post but for his being on leave or training or foreign service or but for his temporary or officiating or adhoc appointment to an equivalent or higher post, shall be deemed to be holding such post subject for fulfilment of the provisions of these rules.

**7. Method of Recruitment :**

Recruitment to a post or class of posts may be made by any one of the following methods, namely :-

(a) by promotion of a person employed in the District Council Secretariat;

(b) by Limited Departmental Examination;

(c) by direct recruitment;

(d) by transfer on deputation of a person serving outside the District Council Secretariat in connection with the affairs of the Lai Autonomous District Council.

**8. Promotion :**

Recruitment to a Gazetted post from Non-Gazetted post when made by promotion shall be made on the basis of selection and the rest shall be made on the basis of non-selection.

**9. Limited Departmental Examination :**

There shall be a Limited Departmental Examination conducted by the District Council Secretariat for consideration of appointment to the respective promotion posts amongst persons who possess the required qualifications and satisfy the conditions prescribed under these rules.

**10. Direct Recruitment :**

1) Recruitment to the Gazetted posts when made by direct recruitment shall be made by selection on the basis of a written examination and personal interview from amongst persons who possess the required qualifications and satisfy the conditions prescribed under these rules.

2) Subject to the availability of candidates belonging to the Scheduled Caste and Scheduled Tribes possessing essential qualifications prescribed for appointment thereto due regards shall be paid to reservation of posts for members of such Caste and Tribes.

**11. Holding of Examination :**

1) The examination shall be conducted by the District Council Secretariat in the manner as notified by the authority from time to time.

2) The date and venue in which the examination shall be held and shall be fixed by the District Council Secretariat or shall be conducted at such intervals as the Chairman may, from time to time determine.

3) The minimum marks to be obtained by the candidates for consideration of appointment to the respective posts in respect of direct recruitment and Limited Departmental Examination shall be 40% of the total marks prescribed under Schedule II,II(A),III, IV, V and VI as the case may be.

4) A candidates possessing knowledge of Lai language upto Middle School standard shall be given a grace 10 marks.

**12. Appointing Authority :**

1) The Secretary and all other Officers and Staff shall be appointed by the Chairman under provision of Rule,19 of the Autonomous District Council (CCB) Rules, 2010.

Provided that the Chairman may, by general or special order, delegate his power to the Secretary to make appointments to any posts or class of posts specified in such order.

**13. Appointment to various posts :**

Appointment to a post in a cadre of the service shall be in the following manner :-

1) SECRETARY :

100% by promotion from Deputy Secretary who has rendered 5 (five) years regular service in the grade, failing which from persons already in the feeder grade on regular basis, who has completed 20(Twenty) years regular service calculated from the year of entry in Junior Grade 'A' posts in the District Council.

2) DEPUTY SECRETARY :

100% by promotion from Under Secretary who has rendered 5(five) years regular service in the grade, failing which from persons already in the feeder grade on regular basis, who has completed 10(ten) years regular service calculated from the year of entry in any Gazetted posts in the District Council Secretariat.

3) UNDER SECRETARY :

(a) 100% by promotion from Editor of Debate/Committee Officer/Superintendent who hold a Bachelor Degree from a recognised University and has rendered 5(five) years regular service in the respective posts.

4) EDITOR OF DEBATE :

(a) 60% by Departmental Examination from Translator/ Assistant/Accountant who hold a Bachelor Degree from a recognised University and has rendered 5(five) years regular service in the respective posts.

(b) 40% by direct recruitment from persons possessing Bachelor's Degree of a recognised University.

5) COMMITTEE OFFICER :

(a) 60% by Departmental Examination from Translator/ Assistant/Accountant who hold a Bachelor Degree from a recognised University and has rendered 5(five) years regular service in the respective posts.

(b) 40% by direct recruitment from persons possessing Bachelor's Degree of a recognised University.

6) SUPERINTENDENT :

(a) 50% by promotion from Assistant/Accountant/Translator who has rendered 5(five) years regular service in the respective posts.

(b) 50% by Limited Departmental Examination conducted by the District Council Secretariat from Assistant/Accountant/Translator who hold a Bachelor Degree from a recognised University and has rendered at least 5(five) years regular service in the respective posts, and also from non-graduate who has rendered at least 7(seven) years regular service in any of the above respective posts.

7) TRANSLATOR :

(a) 40% by promotion through Limited Departmental Examination from amongst graduate UDC's who has rendered 5(five)years regular service in the post.

(b) 60% by direct recruitment from candidates possessing Bachelor's degree (with high proficiency in English) from a recognised University. Preference will be given to Law graduate.

8) ASSISTANT/ACCOUNTANT :

(a) 60% by promotion from UDC who has rendered 5(five) years regular service in the post, failing which by promotion through Limited Departmental Examina-

tion from amongst UDC's possessing Bachelor's Degree of a recognised University with a minimum of 3 (three) years regular service in the post.

(b) 40% by direct recruitment from candidates possesing Bachelor's Degree of a recognised University.

9) UPPER DIVISION CLERK (UDC) :

(a) 60% by promotion from LDC/ Proceeding Writer who has rendered 5(five) years regular service in the grade.

(b) 40% by direct recruitment from candidates possessing Bachelor's Degree of a recognised University.

10) LOWER DIVISION CLERK/PROCEEDING WRITER

(a) 70% vacancies of these posts shall be filled by direct recruitment from candidates who passed High School Leaving Certificate Examination (HSLC) or its equivalent from a recognised Board/Institution.

(b) remaining 30% shall be filled from amongst Group 'D' staff of the District Council Secretariat who has rendered at least 7(seven) years regular service in the grade and are deem fit to be promoted by the Departmental Promotion Committee.

11) PRIVATE SECRETARY TO CHAIRMAN :

By appointment from amongst the Officers of the District Council Secretariat or by transfer on deputation from the Officers of the Lai Autonomous District Council General Service. The tenure of the office will be co-terminous with the Chairman.

12) PA to Chairman :

The Chairman may appoint any person who possess a Diploma certificate in Computer Education / HSSLC from a recognised Board of School Education/Institution. The tenure of the office will be co-terminous with the Chairman.

13) PA TO DEPUTY CHAIRMAN :

The Chairman may appoint from amongst LDC's in the District Council Secretariat service. The tenure of the office will be co-terminous with the Deputy Chairman.

14) MARSHAL :

60% by promotion from Assistant Marshal who has rendered five (5) years regular service in the post.

40% by direct recruitment from Ex-Army/Police/Para-Military personnel not below the rank of Sub-Inspector of Police.

15) ASSISTANT MARSHAL :

100% vacancy of the post shall be filled by Transfer/Posting/Deputation or by direct recruitment from Ex-Army/ Police/Para Military personnel not below the rank of Assistant Sub-Inspector of Police.

16) STENOGRAPHER GRADE-II :

100% vacancy of the post shall be filled by direct recruitment from candidates having a minimum qualification of HSSLC or its equivalent from a recognised Institution with a minimum speed of 100 words per minute in English Stenography and 40 words per minute in typing.

17) COMPUTER OPERATOR :

60% by promotion from Computer Operator 'B' who 'A' has rendered 5(five) years regular service in the post.

40% by direct recruitment from candidates possessing Bachelor of Computer Application from a recognised Institution with a minimum qualification of HSSLC Examination.

18) COMPUTER OPERATOR:

100% by direct recruitment from candidates who 'B' passed HSLC Examination with 1(one) year Diploma in Computer Application from a recognised Institution.

19) XEROX OPERATOR :

50 % vacancy of the post shall be filled by direct recruitment from candidates who passed HSLC with diploma in Printing Technology from a recognised Institution.

50 % by promotion from Group 'D' staff who has rendered five (5) years regular service and are deem fit to be promoted by the Departmental Promotion Committee.

20) RECORDER :

100% vacancy of the post shall be filled by direct recruitment from candidates having a minimum qualification of HSSLC Examination and possessing a Certificate in Electronics/Electrician/Radio or Mechanical Engineering from any recognised Institute.

21) TECHNICIAN GRADE-I :

60% by promotion from Technician Grade-II who has rendered five(5) years regular service in the grade.

40% by direct recruitment from persons who passed HSLC Examination and possessing Diploma Certificate in Automobile Engineering from a recognised Institution/ITI.

22) TECHNICIAN GRADE-II :

100% vacancy of the post shall be filled by direct recruitment from persons possessing Diploma Certificate in Automobile Engineering from a recognised Institution/ITI.

23) CAMERAMAN :

100% vacancy of the post shall be filled by direct recruitment from persons possessing Diploma Certificate in photography from a recognised institution.

24) DRIVER GRADE-I :

100% by promotion from Driver Grade-II who has rendered 5 (five)years regular service in the grade and deem fit to be promoted by the Departmental Promotion Committee.

25) DRIVER GRADE-II :

100% by promotion from Driver Grade -III who has rendered 5(five) years regular service in the grade and deem fit to be promoted by the Departmental Promotion Committee.

26) DRIVER GRADE-III :

100% vacancies of these posts shall be filled by direct recruitment from candidates who passed Class-VIII Examination having-

(i) Driving Licence for Light/Medium Vehicles with 2 years automobile experience in driving

(ii) Conversant with working knowledge of various components of vehicles.

27) PEON/CHOWKIDAR/SWEEPER/MALI :

100% vacancies of these posts shall be filled by direct recruitment from candidates who passed Class-VIII Examination from a recognised School/Institution and should have working knowledge of Lai language.

28) DAK RUNNER :

100% vacancies of these posts shall be filled by direct recruitment from candidates who passed Class-VIII Examination from a recognised School/Institution.

29) HOUSE GUARD :

100% vacancies of these posts shall be filled by direct recruitment from candidates who passed CL-VIII Examination from a recognised School/Institution.

The Pay Band and Grade Pay of the above posts are specified in Schedule-I.

**14. CONDITION OF ELIGIBILITY -**

In order to be eligible to compete in the examination, a candidate must satisfy the following conditions, namely :-

AGE: In regard to direct recruitment for all the Non-Gazetted posts, the candidates shall not be less than18

years and not more than 35 years of age, and for all the Gazetted posts the candidates shall not be less than 21 years and not more than 35 years of age.

The crucial date for determining age limit shall in each case, be the closing date for receipt of application from candidates.

Provided that in the case of candidates belonging to the Schedule Castes and Schedule Tribes, the upper age limit is relaxable by 5 (five) years for all Gazetted and Non-Gazetted posts.

Provided further that there shall be no bar for employees of the District Council Secretariat and the Lai Autonomous District Council General Service personnel who has rendered at least 10(ten) years regular service.

**15. Constitution of departmental promotion Committee -**

a) The Chairman may, by order, from time to time, constitute Departmental Promotion Committee consisting of not exceeding 5 (Five)members under the Chairmanship of Secretary, LADC. Comprising Under Secretary as Member Secretary; 1(One) Representative from Finance Deptt. under Lai Autonomous District Council; and 2(Two) other members shall be nominated by the Chairman for the purpose of preparing select list for appointment to Group 'A' and Group'B' Gazetted posts in the District Council Secretariat.

b) The Chairman may, by order, from time to time, constitute Departmental Promotion Committee to recommend suitable candidates for appointment and promotion to Non-Gazetted posts in the District Council Secretariat.

**16. Application for permission to appear in the competitive examination conducted by the district council secretariat -**

1) Application for permission to sit for the competitive examination for direct recruitment to the Gazetted and Non-

Gazetted posts shall be invited through open advertisement in such newspapers as may be considered proper.

2) Application shall be made in the standard forms as prescribed by the District Council Secretariat.

3) No candidate shall be admitted to the examination and personal interview unless he holds a certificate of admission accompanied by passport size photograph duly signed by the Secretary or any other officer duly authorised by the Secretary on his behalf.

**17. Syllabi -**

The Syllabi for competitive examination for filling up of the vacancies shall be as specified in Schedule II and II(A). The Syllabi for Limited Departmental Examination for filling up vacancy to the post of Editor of Debate/Committee Officer/Superintendent shall be as specified in Schedule III, and for the post of Translator shall be as specified in Schedule-IV, and for the post of Assistant shall be as specified in Schedule-V, and for the post of Accountant shall be as specified in Schedule-VI.

Provided that the Appointing Authority may modify syllabi from time to time as and when considered necessary.

**18. Fee -**

A candidate for direct recruitment shall pay at the time of submission of the application such fees as may be mentioned in the advertisement.

**19. Selection of Candidates -**

The Departmental Promotion Committee shall prepare a list of candidates for direct recruitment to a post or class of posts in order of merit upto three (3) candidates for one post, and five (5) candidates for two posts on the basis of the aggregate marks secured by such candidates and forward it to the Appointing Authority for final selection.

**20. Select List -**

The list of candidates prepared by the Departmental Promotion Committee under Rule, 19 shall be treated as select list after duly approved by the Appointing Authority and shall be valid for a period of 12 months from the date of approval of the Appointing Authority.

**21. Seniority -**

(1) Seniority of a member in a cadre, appointed by direct recruitment or promotion shall be determined according to the order of merit of the respective lists if he join the appointment within 30 days from the date of issue of the order or within the extended period as may be granted by the Appointing Authority.

(2) If a member fails to join the appointment within the initial 30 days of issued of the order or within the extended period, seniority shall be determined in accordance with the date of joining in respect of such particular person.

(3) Seniority of a member appointed to cadre, if he/she joins the appointment within the period prescribed under sub-rule (1) of Rule, 21 shall be determined as follows :

a) For Editor of Debate :-

1. Limited Departmental Exami nation.
2. Direct Recruitment.

b) For Committee Officer :-

1. Limited Departmental Examination.
2. Direct Recruitment.

c) For Superintendent :-

1. Promotion.
2. Limited Departmental Examination.

d) For Translator :-

1. Promotion.
2. Direct Recruitment.

e) For Assistant/Accountant:-

1. Promotion.
2. Limited Departmental Examination.
3. Direct Recruitment.

f) For Upper Division Clerk(UDC) :-

1. Promotion.
2. Direct Recruitment.

g) For LDC/Proceeding Writer :-

1. Direct Recruitment.
2. Promotion (from Group 'D').

h) For Marshal/Computer Operator/Technician/Driver:-

1. Promotion.
2. Direct Recruitment.

**22. PROBATION AND CONFIRMATION -**

Every person appointed to a permanent post by direct recruitment with a view to his eventual substantive appointment to that post shall be on probation for a period of 2(two) years.

Provided that the Chairman or Secretary or any other Officer to whom power is delegated may, by order extend or reduce the period of probation in the case of any person appointed to any post specified in such order.

**23. GENERAL QUALIFICATIONS -**

Every person eligible for appointment under these Rules shall -

i) be a citizen of India;

ii) be a good character;

iii) be a sound health and active habit, free from any bodilydefect or infirmity which rendered him/her unfit for appointment;

iv) not have more than one wife/husband living.

Provided that the Appointing Authority may, if satisfied that such marriage is permissible under the personal law applicable to such persons and the other party to marriage and there are grounds for so doing, exempt any person from the operation of this Rule.

**24. DEPUTATION - :**

Any Officers or employees of the District Council Secretariat may, with the permission of the Chairman, be posted on deputation to any other Departments or Public Undertakings under Lai Autonomous District Council.

**25. POWER OF RELAXATION-**

Where the Chairman is satisfied that the operation of any rule or provision in the matter of the conditions of service of an Officer causes undue hardship in any particular case, the Chairman may, after consultation with the Departmental Promotion Committee by order dispose with, or relax the requirements of that rule or provision to such extend and subject to such conditions as may be considered necessary for dealing with the case in a just and equitable manner.

**26. AUTHENTICATION OF ORDERS -**

Any order passed by the Chairman under the provisions of these rules and executed in the name of the Chairman shall be authenticated in such manner as the Chairman may, by general or special order, from time to time specify.

**27. RESIDUARY POWERS -**

Subject to the provision of Rule 25, all matters not specifically provided for in these rules, whether incidental or ancillary to the provision of these rules or otherwise, shall be regulated in accordance with such orders as the Chairman may, from time to time,make.

**28. REGULATION - :**

The Chairman may, in consultation with the Executive Committee, make regulations not inconsistent with these rules,

to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules.

**29. INTERPRETATION -** :

All questions relating to the interpretation of these rules shall be referred to the Chairman, whose decision thereon shall be final.

Provided that all questions relating to the inter-pretation of these rules and any orders issued under these rules after consultation with the Departmental Promotion Committee shall be decided by the Chairman.

**30. REPEAL AND SAVING -**

Save as otherwise expressly provided in these rules, all Rules corresponding to these rules and in force immediately before the commencement of these rules, are hereby repealed.

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

## STATEMENT OF OBJECTS AND REASONS

It is deemed necessary to make the Lai Autonomous District Council Secretariat (Recruitment and Conditions of Service ) Rules,2014 as empowered by Rule, 20 of the Lai Autonomous District Council ( Constitution, Conduct of Business, etc.) Rules, 2010 to create a reasonable and equitable service conditions for Officers and Staff; and to improve the present system of recruitment by providing a new set of rules.

Hence, the Bill.

Sd/-
V. Zirsanga
Chief Executive Member
Lai Autonomous District Council,
Lawngtlai.

# SCHEDULE-I

(See Rule - 13, Sub-rules 1 - 29)

## AUTHORISED STRENGTH WITH THEIR PAY SCALE IN THE DISTRICT COUNCIL SECRETARIAT

| | | |
|---|---|---|
| 1 | Secretary | ` 37400 - 67000 + 8700 |
| 1 | Dy.Secretary | ` 15600 - 39100 + 7600 |
| 1 | Under Secretary | ` 15600 - 39100 + 6600 |
| 1 | Editor of Debate | ` 15600 - 39100 + 5400 |
| 1 | Committee Officer | ` 15600 - 39100 + 5400 |
| 1 | Superintendent | ` 15600 - 39100 + 5400 |
| 1 | PS to Chairman | ` 15600 - 39100 + 5400 |
| 1 | Translator | ` 9300 - 34800 + 4400 |
| 1 | Assistant | ` 9300 - 34800 + 4400 |
| 1 | Accountant | ` 9300 - 34800 + 4400 |
| 1 | Stenographer -II | ` 9300 - 34800 + 4400 |
| 1 | Computer Operator - A | ` 9300 - 34800 + 4400 |
| 1 | Computer Operator - B | ` 9300 - 34800 + 4200 |
| 2 | Upper Division Clerk | ` 9300 - 34800 + 4200 |
| 1 | Marshal | ` 9300 - 34800 + 4200 |
| 3 | Driver Grade - 1 | ` 9300 - 34800 + 4200 |
| 7 | Lower Division Clerk | ` 5200 - 20200 + 2400 |
| 1 | Technician Grade-I | ` 5200 - 20200 + 2400 |
| 1 | Recorder | ` 5200 - 20200 + 2400 |
| 1 | Cameraman | ` 5200 - 20200 + 2400 |
| 2 | Proceeding Writer | ` 5200 - 20200 + 2400 |
| 1 | PA to Deputy Chairman | ` 5200 - 20200 + 2400 |
| 1 | Xerox Operator | ` 5200 - 20200 + 2400 |
| 1 | Assistant Marshal | ` 5200 - 20200 + 1900 |
| 1 | Technician Grade-II | ` 5200 - 20200 + 1900 |

| | | |
|---|---|---|
| 1 | Driver Grade - III | ` 5200 - 20200 + 1900 |
| 4 | Dak Runner | ` 5200 - 20200 + 1900 |
| 7 | Peon | ` 4440 - 7440 + 1650 |
| 2 | House Guard | ` 4440 - 7440 + 1650 |
| 2 | Chowkider | ` 4440 - 7440 + 1650 |
| 2 | Sweeper | ` 4440 - 7440 + 1650 |
| 1 | Personal Peon | ` 5000/- Fixed |

## SCHEDULE - II

(See Rule13, Sub-rules 4&5)

**The Syllabi for Competitive Examination for Direct Recruitment to the Post of Editor of Debate/Committee Officer.**

**1.** (1) The Examination shall comprise of written examination and interview. The written examination will consist of two compulsory subjects - General English and General Studies carrying 100 marks each.

(2) There will be Part -I & II in each subject.

(3) Each subject will be of three hours' duration.

(4) Interview will carry 100 marks.

(5) The question papers for the examination will be of conventional (essay) type and will be set in English.

(6) A candidate must write the answer papers in his own hand, and under no circumstances will be allowed to take the help of a scribe to write the answer papers for him.

### A. GENERAL ENGLISH :

The aim of the paper is to test the candidate's ability to read and understanding serious discussive prose and to express his ideas clearly and correctly in English/Indian language concerned. The pattern of questions would be broadly as follows:-

**Part-I** (50 Marks)

(i) Comprehension of given passages.

(ii) Grammar : Parts of Speech - Noun, Adjective, Verb, Adverb, Preposition, etc.

(iii) Compositions :

(a) Analysis of complex and compound sentences

(b) Transformation of sentences

(c) Synthesis of sentences

(iv) Usage and Vocabularies.

**Part-II** (50 Marks)

(i) Essay writing

(ii) Letter writing

(iii) Idioms & Phrases

(iv) Expansion of passages

**B. GENERAL STUDIES :**

General Studies Part I & II will cover the following areas of knowledge :-

**Part-I** (50Marks)

(i) Modern History of India and Indian Culture.

(ii) Current events of national and international importance

(iii) Simple arithmetic, simple statistical analysis, graphs and diagrams.

(v) History of Lai (Political, Cultural and Traditional practices of Lai).

In Part - I, Modern History of India and Indian Culture will cover the broad history of the country from about the middle of the nineteenth century and would also include questions on Gandhi, Tagore and Nehru and

cultural heritage and traditional practices in Mizoram. The part relating to simple arithmetic, simple statistical analysis graphs and diagrams will be of HSLC standard.

**Part-II** (50Marks)

i) Indian Polity.

ii) Indian Economy and Geography of India.

iii) Sixth Schedule to the constitution of India, and

iv) The role and impact of science and technology in the development of India.

In Part-II, the part relating to Indian polity will cover the political system in India after Independence. In the part pertaining to the Indian Economy and Goegraphy of India, questions will be put on planning in India and the physical economic and social geography of India. In the fourth part relating to the role and impact of science and technology in the development of India, questions will be asked to test the candidate's awareness of the role and impact of science and technology in India, emphasis will be on applied aspects.

## SCHEDULE-II (A)

( See Rule 13, Sub-rules 7,8,9 &10)

### NON-GAZETTED POSTS

### The Syllabi for Competitive Examination for Direct Recuitment to the post of Translator.

**1.** (1) The Examination shall comprise of written examination and interview. The written examination will consist of two compulsory subjects - General English and General Studies carrying 100 marks each.

(2) There will be Part -I & II in each subject.

(3) Each subject will be of three hours' duration.

(4) Interview will carry 100 marks.

(5) The question papers for the examination will be of conventional (essay) type and will be set in English.

(6) A candidate must write the answer papers in his own hand, and under no circumstances will be allowed to take the help of a scribe to write the answer papers for him.

## A. GENERAL ENGLISH :

The aim of the paper is to test the candidate's ability to read and understanding serious discussive prose and to express his ideas clearly and correctly in English/Indian language concerned. The pattern of questions would be broadly as follows:-

**Part-I** (50 Marks)

(i) Comprehension of given passages.

(ii) Grammar : Parts of Speech - Noun, Adjective, Verb, Adverb, Preposition, etc.

(iii) Compositions :

(a) Analysis of complex and compound sentences

(b) Transformation of sentences

(c) Synthesis of sentences

(iv) Usage and Vocabularies.

**Part-II** (50 Marks)

(i) Essay writing

(ii) Letter writing

(iii) Idioms & Phrases

(iv) Expansion of passages

## B. GENERAL STUDIES :

General Studies Part I & II will cover the following areas of knowledge :-

**Part-I** (50 Marks)

(i) Modern History of India and Indian Culture.

(ii) Current events of national and international importance

(iii) Simple arithmetic, simple statistical analysis, graphs and diagrams.

(v) History of Lai (Political, Cultural and Traditional practices of Lai).

In Part - I, Modern History of India and Indian Culture will cover the broad history of the country from about the middle of the nineteenth century and would also include questions on Gandhi, Tagore and Nehru and cultural heritage and traditional practices in Mizoram. The part relating to simple arithmetic, simple statistical analysis graphs and diagrams will be of HSLC standard.

**Part-II** (50 Marks)

i) Indian Polity.

ii) Indian Economy and Geography of India.

iii) Sixth Schedule to the constitution of India, and

iv) The role and impact of science and technology in the development of India.

In Part-II, the part relating to Indian polity will cover the political system in India after Independence. In the part pertaining to the Indian Economy and Goegraphy of India, questions will be put on planning in India and the physical economic and social geography of India. In the fourth part relating to the role and impact of science and technology in the development of India, questions will be asked to test the candidate's awareness of the role and impact of science and technology in India, emphasis will be on applied aspects.

**The Syllabi for Competitive Examination for Direct Recuitment to the post of Assistant/ Upper Division Clerk (UDC).**

**1.** (1) The Examination shall comprise of written examination and interview. The written examination will consist of two compulsory subjects - General English and General Studies carrying 100 marks each.

(2) There will be Part -I & II in each subject.

(3) Each subject will be of three hours' duration.

(4) Interview will carry 100 marks.

(5) The question papers for the examination will be of conventional (essay) type and will be set in English.

(6) A candidate must write the answer papers in his own hand, and under no circumstances will be allowed to take the help of a scribe to write the answer papers for him.

## A. GENERAL ENGLISH :

The aim of the paper is to test the candidate's ability to read and understanding serious discussive prose and to express his ideas clearly and correctly in English/Indian language concerned. The pattern of questions would be broadly as follows:-

**Part-I** (50 Marks)

(i) Comprehension of given passages.

(ii) Grammar : Parts of Speech - Noun, Adjective, Verb, Adverb, Preposition, etc.

(iii) Compositions :

(a) Analysis of complex and compound sentences

(b) Transformation of sentences

(c) Synthesis of sentences

(iv) Usage and Vocabularies.

**Part-II** (50 Marks)

(i) Essay writing

(ii) Letter writing

(iii) Idioms & Phrases

(iv) Expansion of passages

## B. GENERAL STUDIES :

General Studies Part I & II will cover the following areas of knowledge :-

**Part-I** (50 Marks)

(i) Modern History of India and Indian Culture.

(ii) Current events of national and international importance

(iii) Simple arithmetic, simple statistical analysis, graphs and diagrams.

(v) History of Lai (Political, Cultural and Traditional practices of Lai).

In Part - I, Modern History of India and Indian Culture will cover the broad history of the country from about the middle of the nineteenth century and would also include questions on Gandhi, Tagore and Nehru and cultural heritage and traditional practices in Mizoram. The part relating to simple arithmetic, simple statistical analysis graphs and diagrams will be of HSLC standard.

**Part-II** (50 Marks)

i) Indian Polity.

ii) Indian Economy and Geography of India.

iii) Sixth Schedule to the constitution of India, and

iv) The role and impact of science and technology in the development of India.

In Part-II, the part relating to Indian polity will cover the political system in India after Independence. In the part pertaining to the Indian Economy and Goegraphy of India, questions will be put on planning in India and the physical economic and social geography of India. In the fourth part relating to the role and impact of science and technology in the development of India, questions will be asked to test the candidate's awareness of the role and impact of science and technology in India, emphasis will be on applied aspects.

**The Syllabi for Competitive Examination for Direct Recuitment to the post of Accountant.**

**1.** (1) The Examination shall comprise of written examination and interview. The written examination will consist of two compulsory subjects - General English and General Studies carrying 100 marks each.

(2) There will be Part -I & II in each subject.

(3) Each subject will be of three hours' duration.

(4) Interview will carry 100 marks.

(5) The question papers for the examination will be of conventional (essay) type and will be set in English.

(6) A candidate must write the answer papers in his own hand, and under no circumstances will be allowed to take the help of a scribe to write the answer papers for him.

## A. GENERAL ENGLISH :

The aim of the paper is to test the candidate's ability to read and understanding serious discussive prose and to express his ideas clearly and correctly in English/Indian language concerned. The pattern of questions would be broadly as follows:-

**Part-I** (50 Marks)

(i) Comprehension of given passages.

(ii) Grammar : Parts of Speech - Noun, Adjective, Verb, Adverb, Preposition, etc.

(iii) Compositions :

(a) Analysis of complex and compound sentences

(b) Transformation of sentences

(c) Synthesis of sentences

(iv) Usage and Vocabularies.

**Part-II** (50 Marks)

(i) Essay writing

(ii) Letter writing

(iii) Idioms & Phrases

(iv) Expansion of passages

**B. GENERAL STUDIES :**

General Studies Part I & II will cover the following areas of knowledge :-

**Part-I** (50 Marks)

(i) Modern History of India and Indian Culture.

(ii) Current events of national and international importance

(iii) Simple arithmetic, simple statistical analysis, graphs and diagrams.

(v) History of Lai (Political, Cultural and Traditional practices of Lai).

In Part - I, Modern History of India and Indian Culture will cover the broad history of the country from about the middle of the nineteenth century and would also include questions on Gandhi, Tagore and Nehru and cultural heritage and traditional practices in Mizoram. The part relating to simple arithmetic, simple statistical analysis graphs and diagrams will be of HSLC standard.

**Part-II** (50 Marks)

i) Indian Polity.

ii) Indian Economy and Geography of India.

iii) Sixth Schedule to the constitution of India, and

iv) The role and impact of science and technology in the development of India.

In Part-II, the part relating to Indian polity will cover the political system in India after Independence. In the part pertaining to the Indian Economy and Goegraphy of India, questions will be put on planning in India and the physical economic and social geography of India. In the

fourth part relating to the role and impact of science and technology in the development of India, questions will be asked to test the candidate's awareness of the role and impact of science and technology in India, emphasis will be on applied aspects.

**The Syllabi for Competitive Examination for DirectRecuitment to the post of Group C.**

1. 1) The examination shall comprise of written examination and interview. The written examination will be held from General English carrying 100 marks.

   2) The examination period will be of three hours'duration.

   3) Interview will carry 100 marks.

   4) The question paper for the examination will be of conventional (short answer) type and will be set in English.

   5) A candidate must write the answer paper in his own hand, and under no circumstances will be allowed to take the help of a scribe to write the answer paper for him.

**GENERAL ENGLISH : (Details of Syllabus)**

**Part - I (50 Marks)**

i) Comprehension of given passages

ii) Usage and Vocabularies

iii) Grammar :- Parts of speech - Noun, adjective, verb, Adverb, Preposition, etc.

iv) Precis writing

v) Short Essay

**Part - II (50 Marks)**

i) Current events of national international importance.

ii) The Emergence and Working of the District Councils in the State of Mizoram.

iii) Sixth Schedule to the Constitution of India.

## SCHEDULE-II (B)

( See Rule, 16)

Please Affix Passport size

**APPLICATION FORM FOR COMPETITIVE EXAMINATION FOR DIRECT RECRUITMENT TO THE DISTRICT COUNCIL SECRETARIAT SERVICE.**

Before filling up of the application form the Candidates must carefully study the Rules and Instructions issued by the District Council Secretariat.

(To be filled in by Candidates own handwritting)

1. Name (as recorded in Matriculation or equivalent certificate) (In block letters) : _____
2. Father's name : _____
3. Address
   (a) Permanent/Home Address : _____
   (b) Present Address (for communication) : _____
4. Date of Birth in Christian era (as recorded in Matriculation or equivalent certificate) (Attach supporting documents) : Date | Month | Year
5. Sex (Write 'M' for Male and 'F' for Female in the Box) : ☐
6. Nationality : _____
7. Community (Schedule Case/Tribe) : _____
8. Educational and other qualifications from Matriculation (Attach supporting documents) :

| Examination Passed | Year of Passing | Division/Class | Parcentage of Marks Obtained | Board/University |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |

9. If reservation/relaxation is claimed indicate which Schedule Caste/Schedule Tribe, etc. : _____

10. If you employed under Government, give details:-

| Name of Deptt/Office | Post in which employedand Period of service | Scale of pay |
|---|---|---|
| 1 | 2 | 3 |
| | | |

11. Give list of documents xerox copies attached to the application (SC/ST Certificate, Voter ID Card, Educational Qualification Certificates and Mark sheets, etc.)

1.
2.
3.
4.
5.
6.
7.

## DECLARATION

I hereby declared that all statements made in this application are true, complete and correct to the best of my knowledge and belief. In the events of any information being found false or incorrect or ineligibility being detected before or after the examination, action can be taken against me by the authority.

Place _____ _____

Date _____ Signature of the Candidate

---

For use of the Government Servant only.

## CERTIFICATE BY THE HEAD OF DEPARTMENT

Certified that Mr/Miss/Mrs_____ hold a temporary/permanent post under the Central/State Government/District Council. His/Her character as far as known to me is good and I am not aware of any circumstances which show that he/she would be unsuitable for any appointment to any of the services/posts if successful in the examination.

Date :_____ Signature_____
Designation_____

(Seal)

## SCHEDULE-III

( See Rule 13, Sub-rules 4,5&6)

Syllabus for Limited Departmental Examination for promotion to the post of Editor of Debates/Committee Officer/Superintendent. All papers will carrying 100 marks each.

Paper-I - General English :

(i) Comprehension of given passages.
(ii) Usage and Vocabularies.
(iii) Precis writing
iv) Short Essay
v) Compositions :
  (a) Analysis of complex and compound sentences
  (b) Transformation of sentences
  (c) Synthesis of sentences
vi) Idioms and Phrases

Paper-II - i) FR 1-50, 52-56
ii) CCS (Pension) Rules, 1972
iii) Medical Attendance Rules
iv) CCS (Conduct) Rules, 1964

v) Sixth Schedule to the Constitution of India

vi) The Lai Autonomous District Council ( Constitution, Conduct of Business etc.) Rules, 2010. (Rule 32-141)

## SCHEDULE-IV

( See Rule 13, Sub-rule 7)

Syllabus for Limited Departmental Examination for promotion to the post of Translator.

Paper-I - General English :

(i) Comprehension of given passages.

(ii) Usage and Vocabularies.

(iii) Precis writing

iv) Short Essay

v) Compositions :

(a) Analysis of complex and compound sentences

(b) Transformation of sentences

(c) Synthesis of sentences

vi) Idioms and Phrases

Paper-II - i) Translation.

ii) The Lai Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2010. (Rule 32-141)

iii) Sixth Schedule to the Constitution of India

## SCHEDULE - V

( See Rule 13, Sub-rule 8)

Syllabus for Limited Departmental Examination for promotion to the post of Assistant.

Paper-I - General English :

(i) Comprehension of given passages.

(ii) Usage and Vocabularies.

(iii) Precis writing

iv) Short Essay

v) Compositions :

(a) Analysis of complex and compound sen tences

(b) Transformation of sentences

(c) Synthesis of sentences

Paper-II - i) FR & SR Part - III (Leave Rules)

ii) CCS (Temporary Service) Rules, 1965.

iii) Medical Attendance Rules.

vi)CCS (Pension) Rules, 1972.

## SCHEDULE - VI

( See Rule 13, Sub-rule 8)

Syllabus for Limited Departmental Examination for promotion to the post of Accountant.

Paper-I - General English :

(i) Comprehension of given passages.

(ii) Usage and Vocabularies.

(iii) Precis writing

iv) Short Essay

v) Compositions :

(a) Analysis of complex and compound sentences

(b) Transformation of sentences

(c) Synthesis of sentences

Paper-II - i) CCS (Pension) Rules, 1972.

ii) SR 17-195 (TA Rules)

iii) Medical Attendance Rules.

vi) The Lai Autonomous District Council (Salaries, Allowances and Pension of Members) Rules, 20...

v) CCS (Temporary Service) Rules, 1965.

## CERTIFICATE OF AUTHENTICATION

Certified that the Bill was passed by the Lai Autonomous District Council in its Monsoon Session on First August Two Thousand and Thirteen at the LADC Session Hall, Lawngtlai.

And in Authentication thereof, I put my signature on this day of the Thirty-first March Two Thousand and Fourteen Anno Domini.

Sd/-
F. Rualirha
Chairman,Lai AutonomouDistrict Council,
Lawngtlai.

## NOTIFICATION

No.A.26020/1/2009-DCA, the 4th August, 2014. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the Amendment Rules passed by the Lai Autonomous District Council which received approval of His Excellency the Governor of Mizoram on 21.3.2014 and vetted by Finance Department vide I.D. No FIN (E) 313/2014 dt 28.7.2014 is hereby published for general information namely :-

"THE LAI AUTONOMOUS DISTRICT COUNCIL (SALARIES & ALLOWANCES OF CHIEF EXECUTIVE MEMBER/ EXECUTIVE MEMBER/ ADVISER TO CHIEF EXECUTIVE MEMBER/ CHAIRMAN/DEPUTY CHAIRMAN/ VICE CHAIRMAN, PLANNING/ OPPOSITION LEADER/ MEMBER AND PENSION OF MEMBER) (AMENDMENT) RULES, 2012."

P. Singthanga,
Secretary to the Govt. of Mizoram,
District Council Affairs Department.

# THE LAI AUTONOMOUS DISTRICT COUNCIL (SALARIES AND ALLOWANCES OF CHIEF EXECUTIVE MEMBER AND EXECUTIVE MEMBER) (FIRST AMENDMENT) RULES, 2012

A

RULES

Further to amend the Lai Autonomous District Council (Salaries and Allowances of the Chief Executive Member and Executive Member) Rules, 2003 (hereinafter referred to as the Principal Rules).

Be it enacted by the Lai Autonomous District Council in the Sixty Third year of the Republic of India as follows :-

**1. Short title and Commencement -**

(1) These Rules may be called the Lai Autonomous District Council (Salaries and Allowances of the Chief Executive Member and Executive Member (First Amendment) Rules, 2012.

(2) It shall be deemed to have come into force with effect from the 1st April, 2012.

**2. Amendment of Rule 3 -**

In Rule 3 of the Principal Rules, for the words and figure, "Rs10,000 (Ten thousand)" the words and figure "Rs40,000 (Forty thousand)' shall be substituted.

**3. Amendment of Rule 4 -**

Rule 4 of the Principal Rules shall be substituted as follows, namely:- "There shall be paid a sumptuary allowances of Rs7,000 (seven thousand) to the Chief Executive Member and Rs6,000 (Six thousand) each to the Executive Member per mensem, Family allowances of Rs4,000 (four thousand) each to the Executive Members per mensem, and the Entertainment Allowances of Rs4,000 /- (four thousand) to the Chief Executive Member and Rs3,000 (three thousand) each to the Executive Member per mensem."

**4. Amendment of Rule 5 -**

(1) For the words, "Rental Charge shall not be more than Rs5,000/-(Five Thousand) per mensem" shall be substituted.

(2) In the Rule 5 of the Principal Rules, for the words and figure, "Rs40,000/- (fourty thousand)" the words and figure "Rs50,000/- (fifty thousand)" shall be substituted, and for the words and figure, "Rs5,000 (five thousand)" the words and figure "Rs25,000 (twenty five thousand)" shall be substituted.

(3) The whole words appearing EXPLANATION with its clauses (i),(ii) & (iii) shall be substituted by the following words, namely :-

"Provisions of free Supply of Water and Electricity, free Telephone Calls and Payment of Local rates of taxes shall be fixed by the Chief Executive Member in the form of Officer Order from time to time."

**5. Amendment of Rule 12.-**

In Rule 12 of the Principal rules, for the words and figure, "a fixed pay of Rs3,000 (three thousand)," the words, " Un-skilled labour rate fixed by the State Government as may be revised from time to time" shall be substituted.

**6. Amendment of Schedule -**

In Schedule (1) of the Principal Rules, for the words and figure, "Daily Allowances of Rs250 (two hundred fifty) within Mizoram and Rs300/- (three hundred) outside Mizoram," the words and figure "Rs500/- (five hundred) within District Council area and Rs750/- (Seven hundred fifty) outside the District Council area" shall be substituted.

# THE LAI AUTONOMOUS DISTRICT COUNCIL (SALARIES AND ALLOWANCES OF CHAIRMAN AND,DEPUTY CHAIRMAN) (FIRST AMENDMENT) RULES, 2012.

A

RULES

Further to amend the Lai Autonomous District Council (Salaries and Allowances of the Chairman and Deputy Chairman) Rules, 2003 (hereinafter referred to as the Principal Rules).

Be it enacted by the Lai Autonomous District Council in the Sixty Third year of the Republic of India as follows :-

**1. Short title and Commencement -**

(1) These rules may be called the Lai Autonomous District Coucnil (salaries and Allowances of the Chairman and Deputy Chairman) (First Amendment) Rules, 2012.

(2) It shall be deemed to have come into force with effect from the 1st April, 2012.

**2. Amendment of Rule 3 -**

In Rule 3 of the Principal Rules, for the words and figure, "Rs10,000 (ten thousand)" words and figure "Rs40,000 (forty thousand)' shall be substituted.

**3. Amendment of Rule 4 -**

Rule 4 of the Principal rules shall be substituted by the following namely :- "There shall be paid to the Chairman and Deputy Chairman a sumptuary allowances of `Rs6,000 (six thousand) each per mensem, Family allowances of `Rs5,000 (five thousand) to the Chairman and `Rs4,000 (four thousand) only to the Deputy Chairman per mensem, and Entertainment Allowances of Rs4,000 (four thousand) and Rs3,000 (three thousand) respectively.

**4. Amendment of Rule 5-**

(1) In Rule 5 of the Principal Rules, for the words, "Rental Charge shall not be more than `Rs3,500 (three thousand five hundred) rupees per mensem, "the words "Rental Charge shall not be more than `Rs5,000 (five thousand) rupees per mensem" shall be substituted.

(2) In Rule 5 of the Principal Rules, for the words and figure, "Rs40,000 (fourty thousand)," the words and figure "Rs50,000 (fifty thousand),"shall be substituted, and for the words and figure `Rs5,000 (five thousand)the words and figure "Rs25,000 (twenty five thousand)" shall be substituted.

(3) The whole word appearing EXPLANATION with its clauses (i), (ii) & (iii) shall be substituted by the following words, namely :- "Provisions of free Supply of Water and Electricity, free Telephone Calls and Payment of Local rates of taxes shall be fixed by the Chairman in the form of Office Order from time to time."

**5. Amendment of Rule 12-**

In Rule 12 of the Principal Rules, for the words and figure, "a fixed pay of `Rs3,000 (three thousand)," the words "Un-skilled labour rate fixed by the State Government as may be revised from time to time" shall be substituted.

**6. Amendment of Schedule -**

In Schedule (I) of the Principal rules, for the words and figure, "Daily Allowances of `Rs250 (two hundred fifty) within Mizoram, and `Rs300/- (three hundred) outside Mizoram," the words and figure "Rs500/- (five hundred) within District Council area, and `Rs750/- (seven hundred fifty) outside the District Council area" shall be substituted.

# THE LAI AUTONOMOUS DISTRICT COUNCIL (SALARIES, ALLOWANCES AND PENSION OF MEMBER) (SECOND AMENDMENT) RULES, 2012

A

RULES

Further to amend the Lai Autonomous District Council (salaries, Allowances and Pension of Members) Rules, 2003 (hereinafter referred to as the Principal Rules).

Be it enacted by the Lai Autonomous District Council in the Sixty third year of the Republic of India as follows :-

**1. Short title and Commencement -**

(1) These Rules may be called the Lai Autonomous District Council (salaries, Allowances and pension of Members) (second Amendment) Rules, 2012.

(2) It shall be deemed to have come into force with effect from the 1st April, 2012.

**2. Amendment of Rules 3 -**

In Rule 3 of the Principal Rules, for the words and figure, "salary of `Rs10,000/- (Ten thousand) rupees per mensem," the words and figure "salary of `Rs40,000 /- (Forty thousand) rupees per mensem" shall be substituted.

**3. Amendment of Rule 4 -**

In Rule 4 of the Principal Rules, for the words and figure, "daily allowances of `Rs200/- (two hundred) for each day," the words and figure "daily allowances of `Rs500/- (five hundred)within the District Council area, and `Rs750/- ( seven hundred fifty) outside the District area per day" shall be substituted.

**4. Amendment of Rule 5 -**

In Rule 5 of the Principal Rules, for the words and figure "a member shall be paid a Constituency allowances of `Rs2500 (two thousand five hundred) per mensem, family allowances of `Rs3,500/- (three thousand five hundred)

per mensem and Entertainment allowances of `Rs2,000/- (two thousand) per mensem," the words and figure " a member shall be paid a Constituency allowances of `Rs3,000/- (three thousand), Family allowances of `Rs3,000 (three thousand), and Entertainment allowances of `Rs1,500 (one thousand five hundred) per mensem" shall be substituted.

**5. Amendment of Rule 6 -**

(1) In Rule 6 of the Principal rules, for the words and figure, "Rs2,500/- (two thousand five hundred) per mensem," the words and figure "Rs4,000/- (four thousand) per mensem" shall be substituted.

(2) The whole word appearing EXPLANATION with its Clauses (1) and (2) shall be substituted by the following words, namely :-

"Provision of free Supply of Water and Electricity, free Telephone calls shall be fixed by the Chairman in the form of Office Order from time to time."

**6. Amendment of Rule 7 -**

In Rule 7 of the Principal rules, the words and figure, "receive a sum of `Rs20,000/- (twenty thousand) in the first year for furnishing and `Rs3,000/- (three thousand) annually," the words and figure "to receive a sum of `Rs30,000/- (thirty thousand) in the first year for furnishing and Rs15,000/- (fifteen thousand) annually" shall be substituted.

**7. Amendment of Rule 8 -**

In Rule 8 of the Principal Rules, for the words and figure, " a fixed pay of Rs3,000/- (three thousand)," the words " Un-skilled labour rate fixed by the State Government as may be revised from time to time" shall be substituted.

**8. Amendment of Rule 9 -**

(1) In Rule 9 of the Principal rules (1), for the words, "Two Hundred Rupees," the words and figure "Rs500 (Five

Hundred Rupees) within the District Council area" shall be substituted.

(2) In sub-rule (3) of Rule 9 of the Principal Rules, for the words and figure, "Rs250/- (two hundred fifty) per day," the words and figure "Rs750/- (seven hundred fifty) per day outside the District Council area" shall be substituted.

**9. Amendment of Rule 12 -**

In sub-rule (2) of Rule 12 of the Principal Rules shall be substituted as follows :-

(a) There shall be paid `Rs20,000 /- (twenty thousand) only per month to a member who had been elected/ nominated once for 5 (five) years or for any period shorter than 5 (five) years.

(b) There shall be paid `Rs22,000/- (twenty two thousand) only per mensem to a member who had been elected for three term or more before the commencement of these rules.

(c) Where a person under clause (b) has been re-elected after the commencement of these rules for another term, whether he has completed the term or not, he shall be entitled to an additional pension of `Rs3,000/- (three thousand).

(d) The pension shall be increased by `5% (five) annually at simple interest rate."

**10. Amendment of Rule 13 -**

In Rule 13 of the Principal Rules, for the words, "One lakh Rupees" the words "Five Lakhs Rupees" shall be substituted.

**11. Amendment of Rule 14 -**

(1) In sub-rule (1) of the Rule 14 of the Principal rules, for the words and figure, "a family pension of `Rs2,500/- (two thousand five hundred)" the words and figure "Rs10,000/- (ten thousand)" shall be substituted.

(2) In sub-rule (1) of the Rule 14 a new clause shall be added as follows ;-

"(3) The Family pension shall be increased by `5% (five) at a simple interest annually."

## NOTIFICATION

No. C.31012/2/95, the 19th July, 2011. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules passed by the Lai Autonomous District Council, which was received approval of the Governor of Mizoram on 11 th July, 2011 is hereby published for general information, namely :-

## THE LAI AUTONOMOUS DISTRICT COUNCIL (ELECTION TO VILLAGE COUNCILS) (AMENDMENT) RULES, 2011

**AN**
**ACT**

To amend the Lai Autonomous District Council (Election to Village Councils) Rules, 2011 (herein after referred to as the Principal rules)

It is enacted by the Lai Autonomous District Council in the Sixty Second year of Republic of India as follows :-

**1. Short Title, Extent and Commencement -**

(1) These rules may be called the Lai Autonomous District Council (Election to Village Councils) (Amendment) Rules, 2011.

(2) It shall have the like extend as the Principal Rules.

(3) It shall come into force on and from the date of Publication in the Mizoram Gazette.

**2. Amendment of Rules 2-**

In Rule 2, after clause (o) the following clause (o) (a) shall be inserted, namely :-

"(o) (a) 'State Election Commission' means the state Election Commission as constituted for the State of Mizoram under the provision of Part IX and Part IX A of the Constitution."

**3. Amendment of Rule 3-**

After sub-rule (4) of Rule 3, the following sub-rule (5) shall be inserted, namely:-

"(5) the superintendence, direction and control of the preparation of electoral rolls for the conduct of all elections to the Village Councils shall vest in the State Election Commissions as provided under the Principal Rules".

**4. Amendment of Rule 4-**

In rule 4, the word, 'Executive Committee' whenever it occurs shall be substituted by the word, 'State Election Commission'.

**5. Amendment of Rule 9-**

In rule 9, the word, 'Executive Committee' whenever it occurs shall be substituted by the word, 'State Election Commission'.

Sd/-
Lalbiakmawia,
Joint Secretary to the Govt. of Mizoram,
DCA.Deptt.

## IMPORTANT. ORDERS & NOTIFICATION

## THE PAWI-LAKHER AUTONOMOUS REGION (RE-ORGANISATION) ORDER, 1972.

No.CCMP.3/7/70-77 Dated Aizawl the 1st April, '72.

In exercise of the power conferred by clause (h) of Sub-paragraph 1 of the Sixth Schedule to the Constitution, read with paragraph 20 A thereof, the Administrator of the Union Territory of Mizoram hereby makes the following Order, namely :-

**1. Short title and commencement -**

(1) This Order may be called the Pawi-Lakher Autonomous Region (Re-Organisation) Order, 1972.

(2) It shall come into force at once.

**2. Definition - In this Order, unless the context other requires :-**

(a) "Appointed day" means the 2nd day of April, 1972;

(b) "existing Council" means the Regional Council for the Pawi-Lakher Autonomous Region existing immediately before the appointed day.

(c) "Existing region" means the Pawi-Lakher Autonomous Region existing immediately before appointed day.

(d) "Successor Council" in relation to the existing Council means the Regional Council for any of the Autonomous regions which come into existence by virtue of paragraph 3 of their Order.

**3. Division of the existing region -**

On and the appointed day the existing region shall be divided into three Autonomous regions, namely :-

(i) The Chakma Autonomous Region.

(ii) The Lakher Autonomous region; and

(iii) The Pawi Autonomous Region.

(2) the boundaries of each of the Autonomous Regions constituted under sub-paragraph (1) shall be as defined in the Schedule to this Order.

**4. Transitional provisions in regard to successor Council-**

(1) Until the Executive Committee of a successor Council is duly constituted, the functions of the Executive Committee of that Council shall be discharged by such person as the administrator may be by order nominated in this behalf.

(2) The Administrator may at any time before or after the appointed day authorize by order expenditure from the Regional Fund of each of the successor Councils for a period exceeding three months beginning with appointed day pending sanction of such expenditure by the successor Council concerned.

**5. Apportionment of assets and liabilities of the existing Council -**

(1) All land, building stores, articles and other goods belonging to the existing Council shall, on and from the appointed day, stand transferred to the successor Council within whose territorial jurisdiction such land, buildings, stores, articles and other goods are situated.

Provided that where the Administrator is of the opinion that any stores, articles or other goods should be distributed among the successor Council otherwise than according to the situation, he may issue such directions, as he thinks fit for a just and equitable distribution and the stores, articles and other goods as the case may be, shall pass to the successor Council accordingly.

(2) The liability to repay any loan or advance granted by the Government or any other authority to the existing Council shall be allocated among the successor Council in such manner as the Administrator may by order direct.

(3) The benefit or burden of any asset or liability of the existing Council not specifically dealt with in this order shall pass to the Regional Council of the Lakher Autonomous Region in the first instance, subject to such financial adjustment as may agreed to between the successor Councils or, in default of such agreement, as the Administrator may, by order direct.

**6. Arrears of taxes and refund of taxes collection in excess -**

(1) A successor Council shall have the right to recover the arrears of any tax, including the arrears of land revenue on property situated within its territorial jurisdiction, and shall also have the right to recover the arrears of any other tax if the place of assessment of that tax is located within its territorial jurisdiction.

(2) On and from the appointed day, the liability to refund any tax on property, including land revenue, collected in excess by the existing Council before the appointed day on any property situated within the territorial jurisdiction of a successor Council or any other tax so collected in excess shall be that of that successor Council.

**7. Provision as to staff of the existing Council -**

(1) Subject to the provision of this paragraph, every officer and other employee serving under the existing Council immediately before the appointed day shall be allocated by the Administrator, in consultation with the Chief Executive Member of the existing Council, to one or the other successor Council upon allocation he shall become an officer or other employee of the successor Council to which he has been allocated and shall hold office by the same tenure and the same remuneration and on the same terms and conditions of service as he would have had but for such allocation and shall continue to do so unless and until such tenure, remuneration and terms and conditions are altered by an authority competent to do so.

**Provided that -**

(i) The tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the Administrator;

(ii) Any service rendered by such officer or other employee before such allocation shall be deemed to be service rendered under the successor Council to which he is allocated;

(iii) The liability of the existing Council in respect of any arrears of pay or allowances due to any officer or other employee for any period to the appointed day shall be the liability of the successor Council to which such Officer or other employee is allocated;

(iv) The liability of the existing Council in respect of the Provident fund and Special deposit Fund accounts to an officer or other employee shall, on and from the appointed day, be that of the successor Council to which such officer or other employee is allocated.

**8. Contract and legal proceedings -**

(1) Where, before the appointed day, the existing Council has made any contract in exercise of its power for any purpose, that contract shall be deemed to have been made.

(a) If the purpose of such contract is, as from the appointed day, exclusively the purpose of any one of the successor Councils, by such successor Council: and

(b) In any other case, by the Regional of the Pawi autonomous Region, and all rights and liabilities which have accrued or may accrue under any such contract shall, to the extend to which they would have been the rights or liabilities of the existing Council, be the rights and liabilities of the successor Council concerned;

Provited that in any such case as is referred to in clause (b), the initial allocation of rights and liabilities made under this sub-paragraph shall be subject to such financial adjustment as may be agreed upon between the successor Council or, in default of agreement, as the Administrator may by order direct.

(2). Where immediately before the appointed day the existing Council is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment under this Order, the successor Council, which succeeds to or requires a share in, that property or these rights or liabilities by virtue of any provision of the existing Council as a property to those proceedings may continue accordingly.

**9. Continuance of Laws -**

Any law made by the existing Council and anything done or any action taken (including any notification order scheme, rule, form,

notice or by-law or issued, any licence or permission granted) under such laws shall, in so far as it is not inconsistence with the provisions of this order continue in force in the territory of the successor Council unless and until it is superseded by any law made or by anything done or any action taken in accordance with law by the successor Council concerned.

**THE SCHEDULE**
**(see paragraph 3 (2) )**
**(Boundary of the Chakma Autonomous Region)**

**North -**

From the influence of the Chawngte Lui with the Tuichawng Lui down the latter to its confluence with the Saihasei Lui; thence up the Saihasei Lui to its source on the Vaizawlkawn saddle, thence in a westerly direction across the Uiphumtlang range to the source of the Sihsang Lui; thence down the Sihsang Lui to its confluence with the kawrpui (Thega) on the western boundary of 3.

**West :-**

From the mentioned point the boundary in a quarterly direction along the Western boundary of the Union Territory of Mizoram.

**South :-**

Thence the boundary runs in an easterly direction along with southern boundary by the Union Territory of Mizoram. Lies to the point where the first stream of the source of the river Sanghatuilo Lui meets the boundary of the Union Territory of Mizoram.

**East :-**

The boundary thence runs northwards along the Sanghatuilo Lui up to its confluence with the Tuichawng lui near survey point height 405 and thence along the Tuichawng lui north-wards up to its confluence with the Chawngte Lui.

Boundary of the Lakher Autonomous Region:

**North :-**

Starting from the confluence of Siachang stream and Kaladan (Tuipui) river it follows Siachang stream towards its upper course up to its melting point with Niawh Lui (Survey point height 1321); thence it run s westerly direction along the village boundaries of Niawhtlang Village and Lungzarhtum Village; thence in northerly direction along the village boundaries of Asia village and Lungzarhtum Village, thence along village boundaries of Tuisumpui village and Bualpui village meeting the village Boundaries of Phalhrang village and Lungpher village. The boundary thence runs in westerly direction following the village boundaries of Phalhrang village and Lungpher village and meets the Kaladan River.

**West :-**

From the last mentioned point the boundary runs towards southerly direction along Kaladan river till it meets the southern boundary of the Union Territory of Mizoram.

**South :-**

Thence the boundary runs in an eastern direction along the southern boundary of the Union Territory of Mizoram.

**East :-**

The boundary thence runs northwards along the eastern boundary of the Union Territory of Mizoram, up to the starting point.

Boundary of the Pawi Autonomous Region Block - I

**North :-**

Starting from the confluence of Tyo and Tuipui of Kaldan river on the eastern boundary of the Union Territory of Mizoram, the boundary runs northwards down the Tuipui or Kaladan river to its confluence with Pangkhawlui; thence up the latter to its source to the west of survey Station height 4530 north of village Sangau; thence in a northwesterly direction along the ridge of the saddle above the source of Ralzotui and then down the Ralzotui to its

confluence with Darzolui; thence down the Darzolui to its confluence with Kaladan river.

**West :-**

From the last mentioned point the boundary runs southerly direction along the Kaladan river up to the point where the village boundaries of Phalhrang and Lungpher village meet Kaladan River.

**South :-**

Thence the boundary follows in an easterly direction the village boundaries of Lungpher and Phalhrang village and then the village boundaries of Tuisumpui village and Bualpui village. Thence along the village boundaries of Asia village and Lungzarhtum village; thence it runs in an easterly direction along the village boundaries of Lungzarhtum village and Niawhtlang village meting the Niawhlui. Thence it runs in a north easterly direction along Niawhlui with its confluence with Siachang lui at Survey point height 1321. Thence it runs along Siachang lui in a south easterly direction to its confluence with Kaladan River.

**East :-**

The boundaries thence runs northwards along Kaladan river and meets the starting point of the boundary description of the Pawi Autonomous Region Block - I.

**The Pawi Autonomous Region Block - I.**

**Block - II**

**North :-**

From the confluence of Sahri Lui with Kaladan river (Survey Station height 459) it follows the Sahri Lui up to the Junction of Three streams, and from this to the source of Thingkah Lui; and along the ridge of Tawitlang where Servate Lui has it source. Down the Servate Lui to the

Junction of Ngengpuilui; and down the Ngengpuilui to the Lungphun Kawn; thence to the source of a small un-named stream (Luite Lui); down this stream to its junction with the Chawngtelui to its confluence with Tuichawng River.

**West :-**

From the last mentioned point the boundary runs in a southerly direction along the Tuichawng river up to its confluence with Sanghtuilo Lui near Survey point height 405 and thence along the Sanghatuilo Lui to the point where the first stream in the up stream side meets the boundary of the Union Territory of Mizoram.

**South :-**

Thence the boundary runs in a easterly direction along the boundary of the union Territory of Mizoram up to the point where kaladan river leaves the Union territory of Mizoram.

**East :-**

The boundary thence runs northwards along the Kaladan River up to the confluence of sahrilui with Kaladan river (Survey station height 459) meeting the starting point.

S. J. Das
Administrator,
Mizoram.

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**Notifications**

No.LAD B 23/75/98 the 20th April, 1978. The Lt. Governor (Administrator) of Mizoram is pleased to re-demarcate the boundary line between Sangau in Chhimtuipui District and S. Vanlalphai in Lunglei District by making correction in the existing boundary description of Lunglei and Chhimtuipui District as contained in Government's

Notification No. GAD. 13/72/81 of 31.8.72 and No GAD 13/72/82 of 31.8.72 respectively as follows :

The words

> "up the Ralzolui to its source and thence along the ridge of the saddle it runs in South - easterly direction passing through the West of Survey Station (height 4.530 ft) south of Sangau Village, thence it follows Pangkhawlui in Northerly direction to its confluence with Chhimtuipui" . Appearing in Government Noyification No.GAD 13/72/ 81 dated 31.8.72 be substituted with the following words:
>
> "Up the Ralzolui to its source the low saddle (Saza saddle) and thence in the North-Easterly direction along the ridge to the highest point i.e. Survey Point (Height 5,511 ft) and thence in the Easterly direction following the main Pangkhawlui to its confluence with the Kolodyne (Chhimtuipui)"

And the Words:

> "Thence up the latter to its source to the West of Survey Station (height 4,530ft) north of Village Sangau, thence in a North-Westerly direction along the ridge of the saddle above the source of Darzolui"

Appearing Words:

> in the Government Notification No. GAD. 13/72/82 dated 31.8.72 be sub situated with the following.
>
> "Thence up the latter to its main source to the highest point i.e. Survey Point (height 5,511ft) and thence in the South-Westerly direction to the source of Ralzolui below the low saddle (Saza saddle) and thence down Ralzolui to its confluence with Darzolui"

Khuanga
Secretary to the Gov't Of Mizoram

No. CCMP 3/72/78-79 Dated Aizawl the 2nd April, 1972.

In exercise of the power conferred by sub-paragraph of paragraph 2 of the Sixth Schedule to the Constitution, read with paragraph 20 A thereof, the Administration of the Union Territory of Mizoram hereby makes the following rules, namely:

**1. Short title and commencement -**

(1). These rules may be called the Regional Council Rules, 1972.

(2). they shall come into force on the 2nd day of April, 1972.

**2. Constitution of regional Councils-**

There shall be constituted a Regional council for each of the Chakma Autonomous Region, the Lakher Autonomous Region and the Pawi Autonomous region to be known respectively as Chakma Regional Council, Lakher Regional Council and Pawi Regional Council.

**3. Composition of Chakma Regional Council-**

The Chakma Regional Council shall consist of Six members, of whom two shall be the members who, having been elected to the Regional Council for the Pawi-Lakher Autonomous Region from Constituencies Nos. 8 and 10 of that region, arte continuing as such immediately before the commencement of this Order and the remaining four members shall be nominated by the Administrator.

**4. Composition of Lakher Regional Council-**

(1). The Lakher Regional Council shall consist of members, of whom four shall be the members who, having been elected to the Regional Council for the Pawi-Lakher Autonomous Regional from Constituencies Nos. 1,4,5, and 6 if that region, are continuing as such immediately before the commencement of this Order and the remaining two members shall be nominated by the Administrator.

(2) Shri. Zavai, a nominated member of the Regional Council for the Pawi-Lakher Autonomous Region, shall be deemed to one of the nominated members of the Lakher Regional Council.

**5. Composition of Pawi Regional Council-**

(1) The Pawi Regional Council shall consist of six members of whom four shall be the members who having been elected to the Regional Council for the Pawi-Lakher Autonomous Region from constituencies Nos. 2,3, 6 and 9 of that Region, are continuing as such immediately before the commencement of this Order and the remaining two members shall be nominated by the Administrator.

(2) Shri. Sangchhum, a nominated member of the Regional Council for the Pawi-Lakher Autonomous Regional, shall be deemed to be one of the nominated members of the Pawi regional Council.

**6. Transitional Provisions -**

Until rules for the procedure and the conduct of business in the Chakma Regional Council, Lakher Regional Council and Pawi Regional Council are framed by the Regional Council concerned, the Pawi-Lakher Autonomous region (Constitution and Conduct of Business of the Regional Council) Rules, 1963 as in force immediately before the commencement of this Order, shall so far as may be, apply in relation to the procedure and conduct of business in the concerned Regional Council.

S.J. Das.
Administrator,
Mizoram.

## ENTRUSTMENT OF FUNCTIONS OF THE STATE GOVERNMENT TO THE AUTONOMOUS DISTRICT COUNCILS IN MIZORAM UNDER SUB-PARAGRAPH (2) OF PARAGRAPH 6 OF THE SIXTH SCHEDULE.

### NOTIFICATION

No. DCA/E-212/83/52, the 20th August, 1986. Whereas it has been observed that due to lack of proper road, communications, the developmental activities in regard to Land Declamation, Link roads etc. have not made desired progress in the Chhimtuipui District. Though there have been instructions of the Government from time to time that Officers connected with developmental activities should frequently visit this area to watch and ensure completion of developmental works undertaken by their Departments, such visits are rate and as a result developmental works have suffered in Chhimtuipui District.

And, whereas; the District Councils are at present executing some Plan Schemes such as inter village paths, water supply, sanitation and Art & Culture and it is found that some additional items of works can more effectively be undertaken by active participation of local people through the District Councils.

Now, therefore, by virtue of the powers conferred by sub-paragraph (2) of paragraph 6 of the Sixth Schedule to the Constitution of India, the Government of Mizoram entrust functions in relation to Agriculture, Animal Husbandry, Community Projects, Social Welfare and Village Planning to the District Councils with effect from 1st September, 1986 on the terms and conditions to these functions is annexed to this notification.

### TERMS AND CONDITIONS

1. The District Council shall prepare detailed schemes in respect of functions specified in the Annexure strictly in accordance with the instructions issued by the Government from time to time and submit them to the Government for approval.

2. On approval of the schemes submitted by the District Councils, provisions of fund will be made in the Mizoram Budget. The provision of fund in respect of these schemes will be made generally on the basis of population etc. of the District Council area.

3. Funds for approved scheme shall be released to the District Councils in accordance with the provision of the Grant-in-Aid rules laid down for this purpose.

4. The District Council shall have to incur expenditure after observing the provisions laid down in the General Financial Rules and any other instruction which may issue from time to time.

5. There should be competent technical personnel with the District Councils for execution of the schemes.

6. Expenditure on entertainment of schematic staff should not exceed 3% of the allocation made for the purpose during the year.

7. The District Councils shall not entertain new staff out of the fund placed at their disposal without prior approval of Government of Mizoram.

8. The District Councils shall maintain detailed accounts of the expenditure incurred for the execution of these schemes and these shall be open to audit by Accountant General or the Director of Account & Treasuries, Government of Mizoram or by any agency authorized by the Government of Mizoram.

9. The District Councils shall not divert the schematics allocation of fund as provided and sanctioned by the Government of Mizoram for utilization in any other scheme without obtaining prior approval of the Government.

10. The District Councils shall submit progress report indicating physical and financial achievements in

respect of these schemes as required by Government from time to time.

11. The working arrangements made under this notification are purely on experimental basis. If it is found that any of the District Council is incapable of carrying out the functions and implement the scheme properly, the entire arrangement or any part thereof will be withdrawn by the Government of Mizoram.

K.N. Srivastava,
Secretary to the Government of Mizoram,
District Council Affairs Department

**ANNEXURE**

**1. UNDER AGRICULTURE**

(a) Implementation of family oriented schemes under Agriculture.

(b) Agriculture link road.

(c) Distribution of Agricultural tools and implements.

**ANNEXURE**

**2. UNDER ANIMAL HUSBANDRY**

(a) Implementation of family oriented schemes under Animal Husbandry.

**3. UNDER COMMUNITY PROJECT.**

Construction of Hall, Playground, village water point and inter village paths]

**4. UNDER INDUSTRIES.**

(a) Implementation of family oriented schemes under Industries.

**5. UNDER FOREST.**

(a) Implementation of family oriented schemes under Forest.

**6. UNDER SOIL CONSERVATION.**

(a) IMPLEMENTATION OF FAMILY ORIENTED SCHEMES UNDER Soil Conservation.

**7. UNDER SOCIAL WELFARE.**

(a) Financial Assistance to disabled persons.

(b) Selection of old age pensioners under old age pension.

**8. UNDER GENERAL ADMINISTRATION DEPARTMENT.**

Implementation of Financial Relief Schemes under Adhoc Grants

## APPENDIX - XXXIII

## FURTHER ENTRUSTMENT OF FUNCTIONS TO THE AUTONOMOUS DISTRICT COUNCILS IN MIZORAM UNDER SUB-PARAGRAPH (2) OF PARAGRAPH 6 OF THE SIXTH SCHEDULE

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### NOTIFICATION

No. B. 17012/3/92-DCA: the 22nd September, 1993. In pursuance of the decision of the Council of Ministers vide Memo No. J-11012/2/93-POL dt.21.9.93 regarding entrustment of powers to the Autonomous District Councils conferred under para 6 (1) and (2) of the Sixth Schedule to the constitution of India as amended and in modification of Government Notification No. DCA/E-212/83/52 dt. 20.8.86, the Governor of Mizoram is pleased to entrust the subjects / items under various Departments of the Governments of Mizoram as enumerated in the List enclosed herewith as Annexure to the three Autonomous District Councils, viz.,-LAI, MARA and CHAKMA, on the same Terms and Conditions as in the Notification dt. 20.8.86 cited above, with effect from 1994-95 Financial Year.

The earlier entrustment made vide the above Notification will continue as it is till the end of 1993-94 Financial Year and with effect from 1994-5 Financial Year the said earlier entrustment noted above stands substituted by this entrustment of the subjects under various Departments enumerated in the List as Annexure enclosed herewith with effect from 1994-95 Financial Year.

Dr. H. Thanhranga,
Secretary to the Government of Mizoram

**Annexure**

**1. AGRICULTURE & HORTICULTURE DEPARTMENT.**

1) Agriculture Link Road.
2) Distribution of Planting materials / certified seeds.
3) Procurement of Machineries for 50% subsidy.
4) Implements and Tools.
5) Water Pumping Machineries.
6) Land Development by manuals.
7) Minor Irrigation Construction of field channels.

**2. FISHERIES DEPARTMENT.**

1) Grant-in-aid to individual Fish Farmers for fish pond development.

**3. PUBLIC HEALTH ENGINEERING DEPARTMENT.**

1) Rural Sanitation.
2) Spring Source Development.
3) Public Latrines/Urinal (Rural sanitation.)

**4. INDUSTRY DEPARTMENT.**

1) Handloom and Handi Craft.
2) Grant-in-aid to individuals for supply of tools and implements.
3) Selection of SEE YOU Loanees.

**5. SERICULTURE DEPARTMENT.**

1) Grant-in-aid to Private Rearers under Promotion Scheme.
2) Marketing-selling of cocoon to State Government.

**6. A.H. & VETY DEPARTMENT.**

1) Subsidy scheme on
a) Cattle development
b) Piggery and
c) Poultry
d) Dispensary

**7. ARTS & CULTURE DEPARTMENT.**

1) Grant-in-aid to promotion of Arts and Culture.
2) District Library.
3) District Museum.
4) Assistance for Publication.

**8. SOCIAL WELFARE DEPARTMENT.**

1) Old Age Pension (Plan & Non-Plan)
2) Assistance to Voluntary Organisations.
3) Pre-Schools.
4) Welfare of Handicap.
5) Welfare of Poor and Destitutes.

**9. SOIL CONSERVATION DEPARTMENT.**

1) Implementation of Terracing.
2) Plantation Subsidy Schemes.
3) Village grassing ground.

**10. LOCAL ADMINISTRATION DEPARTMENT.**

1) Urban Development.
2) All Minor Works of the Department such as construction of the steps/
3) Culvert / retaining wall etc.

**11. FOREST DEPARTMENT:**

All the projects taken by Forest Department within Council Areas can be handed over to the District Council concerned including all the assets and liabilities, if any.

National Park at Phawngpui and sanctuary at Ngengpui under centrally sponsored schemes will be looked after by the Forest Department of Mizoram.

**12. TRANSPORT DEPARTMENT.**

It is agreed that separate Transport Department may be created by each District Council w.e.f. 1994-95 Financial Year. It is further decided that cost Transport Department of Mizoram may set aside the cost One Bus for each District Council including maintenance charges. It is also agreed and decided that the Government of Mizoram should try to obtain the procedure followed by the District Council of Mizoram etc. regarding the collection of Road Tax, Goods and Passenger Tax, etc.

**13. SPORTS & YOUTH SERVICES DEPARTMENT.**

It is agreed that the Council may create cooperative Department as one of the Department but technical subjects will be considered later.

**14. COOPERATION DEPARTMENT.**

It is agreed that the Council may create cooperative Department as one of the Department but technical subjects will be considered later.

**15. PUBLIC WORKS DEPARTMENT:**

Creation / opening of District Council Public Works Department is agreed. The District Councils will, however, have to strengthen their technical hands to cope with the works in accordance with PWD norms. The following works will be entrusted to the Councils.

1) Inter Village approach Road to link up with the PWD roads.

2) Maintenance and improvement of satellite towns and villages roads.

**16. EDUCATION DEPARTMENT.**

1) PRIMARY SCHOOLS :

As for Primary School, it is decided that from 1994-95 on wards, the budget provision will be reflected in District Council budget and Education Department will no longer include the same in the State budget.

2) Adult Education will be handed over to District Council.

3) MIDDLE SCHOOL :

Handing over of Middle School to District Council is agreed. However, Examination will be continued under the Examination Board of the State.

**17. RURAL DEVELOPMENT DEPARTMENT :**

1) Rural Communications.

2) Construction of Community Hall.

3) Rural Housing.

**18. RELIEF & REHABILITATION DEPARTMENT.**

It is agreed that Rs. 1 lakh each be provided by the respective Council for 1994-95 under Non-Plan. It is further agreed that Finance Department should set aside fund for this purpose.

**19. DRDA & ICDS**

Regarding the handing over of DRDA (including CD Block) and ICDS, the Hon'ble Minister i/c District Council Affairs Department informed that the Government will seek clarification/permission from Central Government whether these two Agencies can be handed over to District Councils since they are Centrally Sponsored Programmes.

**20. WATER WAYS : (INLAND WATER TRANSPORT)**

The need to have separate allocation of fund under Water Ways (inland water Transport) for the three District Councils is considered really important by the Committee. The District Council Headquaters are disconnected by Road Transport in rainy season. The only way foodstuff and other essential commodities can be sent to the District Council Headquarters is through Water Way Transport. Since there is no budget provision under State Budget the District Council may provide budget provision for this to the three District Councils.

## NOTIFICATION

No.C.13016/3/2010-DCA, the 29th August, 2011 : in partial modification of this Government's Notification No.B.17012/3/92-DCA dt.22/9/1993 regarding entrustment of powers to the three Autonomous District Councils and in exercise of powers available under Paragraph 6 (2) and 20 BB of the Sixth Schedule to the Constitution, the Governor of Mizoram is pleased to entrust the following functions of the State Government Departments to each of the three Autonomous District Councils of Lai, Mara and Chakma, as shown below, namely -

**1. AGRICULTURE (CROP HUSBANDRY) DEPARTMENT :-**

(a) Agriculture link road.

(b) Distribution of Planting materials/certified seeds.

(c) Procurement of machineries for distribution at subsidized rate.

(d) Procurement and Distribution of Agriculture implements and tools like tractor, power tiller etc. at subsidized rates.

(e) Procurement and distribution of water pumping Machineries at subsidized rates.

(f) Procurement and distribution of manures and fertilizers at subsidized rates.

**2. ANIMAL HUSBANDRY & VETERINARY DEPARTMENT :-**

(a) Maintenance of Veterinary Farm at Saiha by the MADC, and at Mampui by LADC respectively.

(b) Financial Assistance to poultry, Piggery and Dairy farmers under duly approved Rules (Rules to be approved by the Governor a prior).

**3. ART & CULTURE DEPARTMENT :-**

(a) Grant-in-Aid for promotion of Art & Culture under duly approved Rules subjects to the condition that the beneficiaries will not be entitled to the State- Grant again.

(b) Establishment and Maintenance of District Library.

(c) Establishment and Maintenance of District Museum.

(d) Financial Assistance for Publication, Subject to the condition of setting up of separate Publication Board for each district Council, and that the District Councils shall be outside the jurisdiction of State Publication Board.

**4. COOPERATION DEPARTMENT :-**

(a) Cooperation Department to be created in each Autonomous District Council within the limits of the provisions of Sixth Schedule to the Constitution.

(b) Registration, Inspection, Audit and Dissolution of Cooperative Society in the District Council area in accordance with the provisions of Mizoram Cooperative Societies Act and Rules.

(c) Financial Assistance to Cooperative Societies, subject to the condition that the beneficiaries shall not be entitled to any such assistance again from the State Government under any existing Schemes.

**5. DISASTER MANAGEMENT, RELIEF & REHABILITATION DEPARTMENT:-**

CREATION OF CORPUS-FUND IN EACH OF THE THREE Autonomous district Councils for rendering

assistance to victims of natural calamities and for proper implementation of the Central Act on Disaster Management.

**6. FISHERIES DEPARTMENT :-**

Grant-in-Aid to individual fish farmers for fish Pond development and integrated development of pisciculture in the Autonomous districts.

**7. HORTICULTURE DEPARTMENT :-**

(a) Cultivation of flowers crops.

(b) Cultivation of spices crops.

(c) Cultivation of plantation crops such as Aricanut and Coconut.

(d) Procurement and distribution of Water pumping machineries at subsidized rate.

(e) Procurement and distribution of Horticulture tools and implements.

(f) Procurement and distribution of manures and fertilizers at subsidized rate.

(g) Micro irrigations.

(h) Pest control and management.

**8. INDUSTRIES DEPARTMENT :-**

(a) Development of Handloom and Handicraft.

(b) Procurement of tools and implementations for distribution to artisans as Grant-in-aid.

(c) Promotional assistance to village Industries.

**9. LOCAL ADMINISTRATION DEPARTMENT**

(a) Construction of Steps, Culvert, Retaining walls etc.

(b) Selection of Loanees for LIC housing loan, subject to the provision that jurisdiction of the Housing Loan Advisory Board set up by the State Government is not extended to the Autonomous Districts.

(c) Constructions of public toilets.

**10. MINOR IRRIGATION DEPARTMENT :-**

(a) Minor Irrigation and construction of field channels.

**11. PUBLIC WORKS DEPARTMENT :-**

(a) Construction and maintenance of inter village roads to link up with PWD roads.

(b) Maintenance and improvement of roads of satellite towns and villages.

**12. PUBLIC HEALTH ENGINEERING DEPARTMENT :-**

(a) Sewerage and Sanitation including Rural Sanitation.

(b) Construction of Public Latrines and Urinals under Rural Sanitation Scheme.

(c) Spring Water Source Development and storage of water.

**13. RURAL DEVELOPMENT DEPARTMENT :-**

(a) Social Education.

(b) Housing and Project staff.

(c) Rural Housing.

(d) Other CSS projects, if so permissible under the central Guidelines.

**14. SOCIAL WELFARE DEPARTMENT :-**

(a) Old age pension scheme- identification & selection of beneficiaries and Drawal and Disbursement of Pension.

(b) Assistance to voluntary organizations.

(c) Welfare of Handicapped persons and destitute.

**15. SOIL CONSERVATION DEPARTMENT :-**

(a) Promotional schemes for Coffee, Rubber and broom stick Plantation.

(b) Water harvesting schemes and assistance for construction of Water Tanks to deserving persons.

**16. SPORTS & YOUTH SERVICES DEPARTMENT :-**

All schemes for promotion of Sports and Youth Services.

**17. SERICULTURE DEPARTMENT :-**

(a) Grant-in-Aid to private rearers under Promotional Scheme.

(b) Financial Assistance for Marketing/ selling of Cocoons.

**18. TRANSPORT DEPARTMENT :-**

Collection of Road Tax, Goods and Passenger Tax for the vehicles registered within the Autonomous District Council area, subject to amendment of the relevant State-Rules.

**19. URBAN DEVELOPMENT AND PROVERTY ALLEVATION DEPARTMENT :-**

Construction of Steps, Retaining Walls, Culvert, Pavillion from funds under NLCPR in the notified Town areas.

The Governor is further pleased to order that the Planning and Programme Implementation Department shall ensure that proportionate plan-allocation for the entrusted functions/ powers from the concern Departments allocation/outlays are determined and made to the Autonomous District Councils for executing schemes or functions so entrusted. The concerned Administrative Departments shall oversee and ensure that these entrusted functions are not again undertaken by their officers in the Autonomous District Council areas and only some skeleton staff are retained there for the purpose of statistical requirements and coordination. The entire exercise shall be completed by the Planning and Programme Implementing Department in consultation with the concerned Administrative Departments and the District Council Affairs Department within three months to ensure elimination of duplicacies of function by the State Government Departments and the Autonomous District Councils in respect of the entrusted functions and to avoid duplicacies of Plan allocation/outlays on these subjects.

This order shall take effect from the date of its publication in Mizoram Gazette.

By order etc.
Lalbiakmawia,
Joint Secretary to the Government of Mizoram,
District Council Affairs Department.

LIST OF MDC. CONSTITUENCY LAI AUTONOMOUS DISTRICT COUNCIL

1. Sangau - East
2. Sangau - South
3. Sangau - West
4. Cheural
5. Lungtian
6. Lungpher - South
7. Vawmbuk
8. Bualpui - West
9. Bualpui - East
10. Lawngtlai Bazar
11. Lawngtlai Vengpui
12. Lawngtlai Chandmary
13. Lawngtlai Council Veng
14. Lawngtlai college Veng
15. Lawngtlai - III
16. Lawngtlai A.O.C
17. Paithar
18. Diltlang-South
19. Chawngte - P
20. Sakeilui
21. M.Kawnpui
22. Bungtlang-South
23. Sekulh
24. Tuithumhnar
25. Vathuampui