

**A Compilation of  
Acts,  
Regulations & Rules  
under  
LADC**

PUBLISHED BY  
ART & CULTURE DEPARTMENT  
LAIAUTONOMOUS DISTRICT COUNCIL, LAWNGTLAI

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**A Compilation of Acts. Regulations & Rules.  
Under Lai Autonomous District Council. Vol-II**

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**Executive Member**  
i/c Art & Culture Department etc.  
Lai Autonomous District Council  
Lawngtlai



Date 24.9.2013  
Phone : 03835-232349 (O)

It is my pleasure to know that the Art & Culture Department, Lai Autonomous District Council is intending to publish “Compilation of Acts, Rules, Regulation etc Vol-II. I hope that the book will be very useful not only for the LAI but also for the people of outside Lai Autonomous District Council Area.

It is hoped that the readers of this valuable book will gain vast knowledge about its people and how they are being looked after

**T. LALBIAKMUANA**



**Executive Secretary**  
Lai Autonomous District Council  
Lawngtlai



Dt 16<sup>th</sup> September, 2013

### **FORWARD**

It gives me immense pleasure to learn that Art & Culture Department LADC, is once again, going to publish Volume-II of A compilation of Acts, Regulations and Rules, under LADC.

For the efficacious execution of its policies the government relies on the government departments, coordination between the government and its employee is very essential as numerous responsibilities are thrust over the government department. An adequate administrative infrastructure is instrumental for achieving greater proficiency and to accomplish its objectives.

Ignorance of Law inevitably contributes to description of multi-dimensional nature, thus having an adverse impact on the administrative machinery. Subsequently, affecting the efficient and effective achievement of the mission Awareness of Law and Provisions is essential in order to avoid complexities which ultimately give rise to loss of work and days. Thus, unnecessary inconveniences and expenses are avoided. The time thus saved can be utilized for other beneficial purposes.

This volume not only provides rules and regulations, but also would be of immense help to scholars as well as general public who wish to gain knowledge on the administrative Development of LADC, and it will be of tremendous help to all, particularly to those in government services, politics, legal professions and students alike.

I wish the Department all success in such educative venture in future.

**(C. ZORAMTHANGA)**  
*Executive Secretary*  
**Lai Autonomous District Council**  
**Lawngtlai.**



**Art & Culture Officer,**  
Lai Autonomous District Council  
Lawngtlai

Dt 16<sup>th</sup> September, 2013

**BE HMAITHI**

A compilation of Acts, Regulations & Rules under LADC Volume-I  
hi Pu H. Lalruatkima, Art & Culture Officer, Lai Autonomous District Council  
i pek nak le thahnemngaihnakin kum 2010 ah khan rak chuah a si.

Tu ah Volume-II chuah khawh a si nak ding i kan herh mi phaisa a  
kan ruahkhanpitu Pu C. Zoramthanga, Executive Secretary sinah lunglawmhnak  
bia kan chim. Volume-II chungah hin kum 1972 thawk i itu tiang i Rules &  
Regulations kan neih mi khumh a si.

Cun, hi cauk bu tuah ser a si khawh nak ding i a hram thawk i nihin  
ni tiang, Rules collect le, a chut buaipitu ka nau le Pu Thanlian Zathang,  
Assistant Art & Culture Officer, Pu Chawnthangpuia, Assistant Librarian le  
Pu P.C. Chuaudinga, Library Assistant sinah le, dawh te i a kan chut piaktu  
Mizoram Government Press cungah lunglawmhnak bia ka chim.

A dawnghnak cemah cun, hi cauk bu hi Laimi caah fimthiamnak le  
nghalhnak a kan sersiamtu caah a reltu vialte nih hmang hna usih tiah saduh  
ka that.

K. LALRAMLIANA

No. LAD.31/(c)/73/16, the 6<sup>th</sup> August, 1974. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Law made by the Pawi Autonomous District Council, under para 3(1)(e) of the said Sixth Schedule and assented to by the Administrator of Mizoram is hereby published for general information,

**THE PAWI AUTONOMOUS DISTRICT COUNCIL  
(TOWN COMMITTEE) ACT, 1974**

**AN  
ACT**

To provide for the establishment of Town Committees for the Administrator of Towns in the Pawi Autonomous District.

**PREAMBLE**

Whereas it is expedient to provide for the establishment of Town Committees for the Administration of Towns in the Pawi Autonomous District.

It is hereby enacted in the 25<sup>th</sup>. Year of Republic of India as follows:-

**1. Short title, Extent and Commencement:**

- (a) This Act shall be called the Pawi Autonomous District Council (Town Committees) Act, 1974.
- (b) It extends to the whole of the Pawi Autonomous District.
- (c) It shall come into force at once.

## 2. Definitions :

In this Act, unless there is anything repugnant in the subject or context:-

- (a) “*District*” means the Pawi Autonomous District as provided in Part III of the Table appended to para 20 of the Sixth Schedule to the Constitution of India;
- (b) “*District Council*” means the Pawi Autonomous District Council;
- (c) “*Executive Committee*” means the Executive Committee of the Pawi Autonomous District Council;
- (d) “*Gazette*” means the Mizoram Gazette;
- (e) “*Administrator*” means the Administrator of Mizoram appointed by the President under Article 239 of the Constitution of India.

## 3. Constitution of Town Committees:

- (1) The Executive Committee may, subject to the provisions of this Act, establish a Town Committee for any Town or part of a Town for the administration, maintenance and improvement of such Town or part of it, as the case may be;
- (2) For the purpose of this Act, the Executive Committee shall determine the number of seats for a particular Town Committee and one third of the Members shall be nominated by the Executive Committee and the rest of the members shall be elected by Adult suffrage by the residents concerned majority of votes;
- (3) The Executive Committee shall delimitate the Electoral Constituency for a Town Committee and each such Constituency shall be called “Ward”;

- (4) Every Town Committee constituted under the provisions of this Act shall have a life of three years unless sooner dissolved by the Executive Committee;
- (5) Every Town Committee shall have a Chairman and a Treasurer who shall be elected by the members of the Committee from amongst themselves by a majority of votes;
- (6) The Executive Committee shall appoint a Secretary for each Town Committee from amongst the elected Members of the Committee concerned;

Provided that in case the election of members to constitute a Town Committee under the Act cannot be held due to any reason considered unavoidable by the Executive Committee, but the circumstances demand for the immediate constitution of such Town Committee or Committee, the Executive Committee may fill the seats by nomination and the members of the Town Committee so nominated shall hold Office for a period not exceeding one year from the date of the first setting of the Committee.

Provided further that the Executive Committee shall, before constituting any Town Committee:-

- (a) by notification in the Gazette, signify its intension to constitute a Town Committee for any Town or for any specified area of a Town herein it considers improved arrangements are necessary to deal with all or any of the matters specified in the Schedule appended to this Act;
- (b) publish such notification in such places as is considered most likely to reach the residents concerned;

- (c) invite objections from the residents concerned;
  - (d) fix the date, time and place for hearing of such objections;
  - (e) after all objections are heard and carefully considered, published in the Gazette, its final decision to constitute or otherwise, the Town Committee.
- 4. Notwithstanding anything contained in the foregoing sections of this Act, the Executive Committee or an Officer appointed by it on its behalf shall function as the Town Committee for any particular Town till such time a Town Committee is established therein under this Act.
- 5. When circumstances exist in which the normal functioning of a Town Committee is rendered difficult and the situation is such as may threaten, the safeguarding of Public Welfare, the Executive Committee may dissolve such Town Committee and the provisions of Section 4 of this Act shall come into operation in that Town.
- 6. Power of the District Council to impose taxes and regulate expenditure of proceeds thereof;
  - (1) The District Council may, subject to the provisions of this Act and the Rules made thereunder, impose the following taxes, fees, and tolls or any of them in Towns where a Town Committee exist:-
    - (a) A general tax, payable by the owner, on holding situated within the area;
    - (b) Water tax payable by the consumer on the annual volume of consumption;
    - (c) Lighting tax payable by the consumer, on the annual volume of consumption;

- (d) A latrine tax payable by the occupant, on flat rate basis;
- (e) Drainage and sanitation tax payable by the owner, where such system has been introduced; depending on value of installation;
- (f) Tax on Private Markets payable by the owner;
- (g) Licence fees on carriages and animals used for riding, driving or burden;
- (h) Fees on the registration of carts and bicycles;
- (i) Fees on boats including steamboats and other vessels moving within the area;
- (j) Tools on bridges and metalled roads constructed and maintained by the Town Committee within the area;
- (k) Fees on sheds or lounges in Bazars within the area;
- (l) Fees for the maintenance of free Public parks or places and recreation centres;

## **7. Power to make rules :**

Subject to the approval of the Administrator, the District Council may make rules for carrying out the purposes of this Act.

**SCHEDULE**  
**(Para 3(6)(a))**

1. Payment of the expenses for maintenance and treatment of paupers, lunatics, and leper who are residents of the Town and are sent to Public Asylums from the Town Committee.
2. Construction, maintenance, repair, improvement and cleansing of roads, bridges, squares, garden tanks, ghats, wells, Channels, drains, latrines and urinals.
3. Planting, reservation and felling of trees and bamboos.
4. Supply of water and the lighting and watering of roads.
5. Construction and maintenance of Town Halls, offices and other buildings required for the purposes of the Town Committee.
6. Establishment and maintenance of Town Committee markets or the taking of Markets on a lease.
7. Establishment and maintenance of hospitals and dispensaries.
8. Promotion of free vaccination.
9. Acquiring and the keeping of open spaces for the promotion of Physical exercise and recreation.
10. Establishment and maintenance of Cattle Pounds for the treatment of horses, Cattle and other animals.
11. Establishment and maintenance of free public Libraries and reading rooms.
12. Maintenance of fire Brigades.
13. Provision of burial and cremation grounds.
14. Taking of a census other than a Union census.
15. Holding of fairs and Industrial exhibitions.

16. Destruction of noxious animals or diseased or unclaimed dogs.
17. Establishment and maintenance of grazing grounds and pasture.
18. Taking of such measure as may appear to the Town Committee to be necessary during the prevalence of epidemics.
19. Other works of public utility calculated to promote the health, comfort and convenience of the inhabitant.
20. Generally the carrying out of the purposes of this Act.

No. LAD 31/73/17, 23<sup>rd</sup> August, 1974. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulation made by the Pawi Autonomous District Council under sub-paragraph (1) of paragraph 10 of the said Schedule and assented to by the Administrator of Mizoram is hereby published for general information.

## **THE PAWI AUTONOMOUS DISTRICT (TRADING BY NON TRIBAL) REGULATION, 1974**

### **A REGULATION**

to provide for the regulation and control of trading by non-Tribals.

**Preamble:** Whereas it is expedient to provide for the regulation and control of trading within the Pawi Autonomous District by persons other than Schedule Tribe residents in the District.

And whereas, by sub-paragraph (1) of paragraph 10 of the Sixth Schedule to the Constitution of India, (herein after referred to as “the Constitution”) the District Council of an autonomous district is empowered to make regulations for the control of trading within the District by persons other than Scheduled Tribes resident in the District;

Now, therefore, in exercise of the said powers and of others powers enabling it in that behalf, the District Council of the Pawi Autonomous District is pleased to make the following regulation in the twenty fourth year of the Republic of India as follows :-

## **1. Short title, extent and commencement-**

- (1) This Regulation may be called the Pawi Autonomous District (Trading by Non-Tribals Regulation), 1974.
- (2) It extends to the whole of the Pawi Autonomous District.
- (3) It shall come into force at once.

## **2. Definition –**

In this Regulation -

- (a) “*District*” means the Pawi Autonomous District as provided in Part III of the Table appended to para 20 of the Sixth Schedule to the Constitution of India.
- (b) “*District Council*” means the District Council of the Pawi Autonomous District.
- (c) “*Executive Committee*” means the Executive Committee of the Pawi Autonomous District.
- (d) “*Tribal*” means any person who is a member of a Schedule Tribe specified as such by order made by the President of India as under Article 342 (1) of the Constitution of India as modified by law by Parliament from time to time in so far as the specification pertains to the Autonomous District of Mizoram
- (e) “*Prescribed*” means a licence to be held by a person this Regulation:
- (f) “*Licence*” means a licence to be held by a person under seal of the District Council for purposes of trading within the District.

### **3. Control of Trading By Non-Tribal –**

No person other than a Tribal resident in the District shall carry on wholesale or retail business in any commodities in that District except under an in accordance with the terms of a licence issued in that behalf by the District Council under the provisions of this Regulation;

Provided that such licence shall not be refused to a person who has been carrying on such business within the District before the commencement of this Regulation, whichever is earlier.

Provided further that if such a licence is refused, the grounds of refusal shall be recorded in writing by the District Council.

### **4. Keeping an accounts –**

Every person who has been granted a licence under Section 3 of this Regulation (hereafter called “licence trader”) shall keep accounts in the form prescribed by the Executive Committee.

### **5. Obligation to supply information and documents –**

Any Officer appointed in that behalf by the District Council may -

- (a) call for and inspect any licence and any account books kept by a licensed trader and may
- (b) call for any other information he deems necessary in respect of any licence and the licensed trader concerned shall be bound to comply.

**6. Power of the executive committee to make rules -**

- (1) Subject to the prior approval of the Administrator of Mizoram the Executive Committee may frame rules for carrying out the purposes of this Regulation.
- (2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely :-
  - (a) the form and the 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 forms in which the licenced trader shall keep accounts;
  - (e) any other matters connected with or ancillary to the matters aforesaid.

**7. Penalty –**

If any person contravenes any of the Provisions of this Regulation, he shall be liable to a fine which may extend to one thousand rupees.

**8. Appeal –**

Any order or fine passed under this Regulation shall be appealable to the Court to which an appeal ordinarily lies under the existing rules for the Administration of Justice in the District.

**9. Cancellation of licence –**

If any person is fined for contravention of any of the provisions of this Regulation, the Executive Committee may cancel the licence.

**No. LAD/31/A/7/115.** In pursuance of Paragraph II of the Sixth Schedule to the Constitution of India, the following Rules made by the Pawi District Council which has been assented to by the Administrator of Mizoram is hereby published for general information.

**THE PAWI AUTONOMOUS DISTRICT COUNCIL  
(ADMINISTRATION OF JUSTICE) RULES, 1974**

**RULES**

To provide administration of Justice within the Pawi Autonomous District.

**PREAMBLE**

Whereas it is expedient to make rules for the administration of justice in the Pawi Autonomous District, and in exercise of the powers conferred under sub-paragraph (4) of paragraph 4 of the Sixth Schedule to the Constitution of India, the Pawi Autonomous District Council, with the previous approval of the Administrator of Mizoram, is pleased to make the following Rules, namely the Pawi Autonomous District (Administration of Justice) Rules, 1974.

**PRELIMINARY**

**1. Short title, extend and commencement –**

- (1) These Rules may be called the Pawi Autonomous District Council (Administration of Justice) Rules, 1974.
- (2) These Rules shall apply to the whole of the Pawi Autonomous District constituted under Government Notification No. LJD 8/72/53 dt. 29.4.72 read with

the Pawi Lakher Autonomous Region (Reorganisation) Order, 1972 under Notification No. CCMP.3/72/70.77 dt. 1.4.72.

- (3) They shall come into force at once and the Courts constituted under the Pawi-Lakher Autonomous Region (Administration of Justice) Rule, 1954 shall continue to function as if they were constituted under these rules.

## 2. **Definition –**

In these rules, unless there is anything repugnant or the context otherwise requires :-

- (a) “*Administrator*” means the Administrator of Mizoram;
- (b) “*Autonomous District*” means the Pawi Autonomous District constituted under the provisions of the Sixth Schedule to the Constitution of India and the term “District” shall be construed accordingly;
- (c) “*Constitution*” means the Constitution of India;
- (d) “*Deputy Commissioner*” means the Deputy Commissioner of Chhimtuipui District;
- (e) “*District Council*” means the District Council of the Pawi Autonomous District constituted under the Sixth Schedule to the Constitution of India and under Government of Mizoram Notification No. LJD 8/72/ 53 of 29.4.72;
- (f) “*Executive Committee*” means the Executive Committee of the Pawi District Council constituted under the provisions of the Pawi District Council (Constitution and Conduct of Business) Rules, 1972 and the term “Chief Executive Member” and “Member of Executive Committee shall be construed accordingly;

- (g) “*Gazette*” means the Mizoram Gazette;
- (h) “*High Court*” means the Gauhati High Court;
- (i) “*Schedule Tribe or Tribes*” means such tribe or tribes as are specified by the President of India under Article 342(I) of the Constitution as modified by law made by the Parliament from time to time in so far as the specification pertains to the Autonomous District Council of Mizoram;
- (j) “*Village*” means an area declared as such by the District Council;
- (k) “*Village Council*” means a village constituted for a Village under Rule 4.

**Note :-** Any expression not defined in these Rules but accruing therein shall be deemed to have the same meanings in which they are used in the Constitution or in the Indian Penal Code, 1860, the Code of Criminal Procedure 1898, or the Code of Civil Procedure, 1908, as the case may be, in so far as they are consistent with the circumstances of the particular case or cases.

3. Except where the context otherwise requires, the general Clauses Act, 1897 and the Assam General Clauses Act, 1915, shall apply for the interpretation of these Rules, as they apply for the interpretation of an Act of Parliament or of the Legislative of the Union Territory of Mizoram as the case may be.

## **CHAPTER II**

### **CONSTITUTION OF VILLAGE COUNCILS**

4. There shall be a Village Council for each Village within the jurisdiction of the District Council to be composed in the manner hereinafter provided in sub-rule (2) of this rule.

- (2) Each Village Council shall be composed of 2 to 5 members of whom one third shall be nominated by the Executive Committee and the rest elected by the adult members of the Village; provided further that in case the election of members to constitute a Village Council or Councils cannot be held due to any reason considered unavoidable by the Executive Committee but the circumstances demand the immediate Constitution of such Village Council or Councils, the Executive Committee may nominate the members of such Council or Councils, and the members so nominated shall hold office for a period not exceeding one year from the date of the first meeting of the Council or Councils.
- (3) There shall be a President in each Village Councils. The President shall be elected by the members of the Village Council from amongst themselves by a majority of votes.
- (4) If the Office of the President of a Village Council has fallen vacant owing to death or resignation or otherwise, the Executive Committee of the District Council shall take steps to fill up the said vacancy as soon as possible.
- (5) Every Village Council shall have a life of three years from the date of its first meeting unless sooner dissolved by the Executive Committee.
- (6) For the purpose of this rule, the District Council shall publish in the Gazette a list of Villages within its jurisdiction.

### **CHAPTER III**

### **CONSTITUTION OF COURTS**

5. There shall be three Classes of Courts, as specified below, in the areas within the Pawi Autonomous District, to be Constituted by the District Council for the trial of Suits and Cases between the Parties all of whom belong to Schedule Tribe or Tribes within such areas, other than Suits and Cases to which the Provisions of sub-paragraph 1 of paragraph 5 of the Sixth Schedule to the Constitution apply –
- (i) Village Courts
  - (ii) Intermediate District Council Courts
  - (iii) District Council Court

#### **I. Village Courts**

6. (1) Village Council for each Village shall sit as the Village Courts; provided that when the Village Council sits itself as a Court, the quorum to constitute a Court shall not be less than two members.
- (2) The Jurisdiction of a Village Court shall extend to the hearing and trial of Suits and Cases arising within the territorial limits of the Villages.

#### **II. Intermediate District Council Court**

7. (1) There shall be one Intermediate District Council Court at Lawngtlai and other at Bualpui (Ng). Each Court shall be presided over by a Judicial Officer to be designated as Magistrate and to be appointed by the Executive Committee with the approval of the Administrator and such Judicial Officer shall also act as the Recorder of the Court.

Provided that any member of the District Council shall not be entitled to hold office as Judicial Officer.

- (2) The jurisdiction of the Courts at Lawngtlai and Bualpui shall extend to the hearing and trial of suits and cases including appeals arising respectively within Block II and I Pawi Autonomous District.
8. The condition of service of the Judicial Officers in the Intermediate District Council Courts and the staff appointed therefore shall be regulated by the rules or orders made or issued in this behalf by the District Council.

### **III. District Council Court**

9. (1) There shall be one District Council Court for the Pawi Autonomous District which shall be called the Pawi District Council Court. The Court shall consist of three Judicial Officers one of whom shall be appointed by the District Council as the President and Recorder of the Court.
- (2) Any two or more Judicial Officers shall sit together as a Bench and the District Council may, by order, invest such Bench with any of the powers conferrable by or under these rules on a Judicial Officer and direct it to exercise such powers in such Class or Classes of cases as the District Council thinks fit;

Provided that in case of difference of opinion between the two Judicial Officers sitting together as a Bench the case shall be referred to the third Judicial Officer and the opinion of the majority shall prevail.

10. The Executive Committee shall appoint Judicial Officers of the District Council Court subject to the approval of the Administrator.

Provided that any member of the District Council shall not be entitled to hold office as Judicial Officer.

11. The District Council Court shall ordinarily sit at Lawngtlai. The Court may sit at such other place or places as may be directed by General or special order by the District Council for the disposal of a particular case or cases or class or classes of cases specified in the order.
12. The Conditions of service of the Judicial Officer of the District Council Court shall be regulated as provided in section 8 of these rules.

## **CHAPTER IV**

### **POWER OF COURTS**

#### **I. Village Courts**

13. A Village Court shall try suits and cases of the following nature in which both the parties belong to a Schedule Tribe or Tribes resident within its jurisdiction.
  - (a) Cases of Civil and Miscellaneous nature falling within the purview of village or tribal laws and custom.
  - (b) Criminal cases falling within the purview of tribal laws and customs and offences of petty nature such as petty theft and pilfering, mischief and trespass of petty nature, simple assault and hurt, affront and affray of whatever kind, drunkeners or disorderly brawling, public nuisance and simple cases of wrongful restraint;

Provided that the Village Court shall not be competent to try offence in respect of which the punishment of imprisonment is obligatory under the Indian Penal Code.

14. (1) A Village Court shall not be competent to pass a sentence of imprisonment in any criminal case. It shall have power to imposed a fine for any offence it is competent to try up to a limit of Rs. 60 (Rupees sixty). It may award payment in restitution or compensation to the aggrieved or injured party in accordance with the customary law.
- (2) In a civil case, a Village Court shall have power to award all costs, as also compensation to those against whom unfound or vexatious suits and cases have been instituted before the Court.
- (3) The fines and payments imposed and ordered under sub-rule (1) & (2) may be enforced by distraint of the property on the offender.
15. A Village Court shall have power to order attendance of the accused and the witnesses to be examined in the case and to impose a fine not exceeding Rs. 25/- (Rupees twenty five) on any person willfully failing to attend when so ordered.
16. If any person on whom fine or any payment have been imposed by a Village Court fails to deposit the amount at once or within such time as the Village Court may allow, the Court shall report the matter to the Chief Executive Member for necessary action to realize the fine or dues in such manner as it may deem fit unless the accused person gives notice to appeal against such decision.

17. Where a Village Court is of opinion that the sentence it is competent to pass is insufficient in the circumstances of the case it shall, without delay, refer the case to the competent Court and that Court shall dispose of the case in accordance with these rules.
18. An appeal shall lie to the Intermediate District Council Court from a Village Court within the jurisdiction of the Intermediate District Council Court concerned, against any order or sentence in a criminal case or any decision in any other case provided the appeal is preferred within sixty days of the conviction or sentence or decision of the Village Court excluding the time for obtaining copies of the order or decision appealed against. The Intermediate District Council Court while hearing the appeal may either decide the appeal after perusal of the records of the case or may try the case de novo.

## **II. Intermediate District Council Courts**

19. Save as otherwise provided in the constitution and in these rules, a Judicial Officer appointed under rule 7 shall exercise such powers as defined in Chapter III of the Code of Criminal Procedure, 1898 as may be invested with by the Executive Committee with the approval of the Administrator.
20. An Intermediate District Council Court shall have original jurisdiction in all suits and cases in which both the parties do not fall within the local jurisdiction of the same Village Court but within the areas under the jurisdiction of the Intermediate District Council Court and also in suits and cases referred to it by a Village Court under Rule 17.

**21A.** An Intermediate District Council Court shall be competent to try all suits and cases arising within its jurisdiction other than suits and cases referred to in rule 22.

**21. (1)** An Intermediate District Council Court shall not be competent to try suits and cases.

(a) To which the provisions of sub-para (1) of paragraph 5 of the Sixth Schedule to the Constitution apply unless the Court has been authorized by the Administrator to exercise such powers for the trial of particular class or classes of suits and cases specified in that behalf by the Administrator as required under the said sub-paragraph (1) of paragraph 5 of the Sixth Schedule;

(b) In which one of the parties is a person not belonging to a Schedule Tribe or Tribes.

(c) In respect of offences –

(i) Under Section 124-A, 147 and 153 of the Indian Penal Code;

(ii) Under Chapter 10 of the same Code in so far as they relate to the contempt of lawful authority other than an authority constituted by the District Council;

(iii) Of giving or fabricating false evidence as specified in Section 193 of the same Code, in any case triable by a Court other than a Court constituted by District Council Court under these rules.

(2) Unless specially empowered by the Administrator by notification in the Gazette, an intermediate District Council Court shall not be competent to exercise powers in –

- (a) Cases relating to the security for keeping the peace and good behavior similar to those contemplated under Section 107 of the Code of Criminal Procedure, 1898;
  - (b) Case relating to the security for good behavior from persons disseminating seditious matter similar to those contemplated under Section 108 of the same Code;
  - (c) Case relating to the security for good behavior from vagrant and suspect persons similar to those contemplated under Section 109 of the same Code;
  - (d) Case relating to the security for good behavior from habitual offenders similar to those contemplated under Section 110 of the same Code;
  - (e) Urgent cases of nuisance or apprehended danger similar to those contemplated under Section 144 of the same Code;
  - (f) Disputes as to immovable property of the nature similar to that contemplated under Section 145 of the same Code;
  - (g) Cases in which a public servant who is not removable from his office save by or with the sanction of the Government or some higher authority is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty.
- 22.** (1) Suits and cases referred to in Rule 22 shall continue to be tried and dealt with by the existing Courts until

such time as the Administrator deems fit to invest. Intermediate District Council Courts with such powers by notification in the Gazette.

- (2) For the purposes of this rule, the existing Courts mean the Court of the Deputy Commissioner and his assistants.
- 23.** Whenever there is likelihood of breach of peace or whenever any person accused of any offence involving a breach of peace, or of abetting the same or any person accused of committing criminal intimidation is convicted of such offence by any Court of the District Council and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace, the matter shall be referred to the Deputy Commissioner who shall take necessary action in accordance with law.
- 24.** Whenever any Court of District Council is informed that –
  - (a) Any person is likely to commit a breach of the peace or disturb public tranquility, or to do any wrongful act that may probably occasion a breach of the peace, or disturb the public tranquility;
  - (b) There is within the limits of its jurisdiction any person who within or without such limits, either orally or in writing or in any other manner intentionally disseminates or attempts to disseminate, or in anywise abets the discrimination of.
    - (i) any seditious matters, that is to say, any matter the publication of which is punishable under Section 124-A or Section 153-A of the Indian Penal Code.

or

- (ii) any matter concerning a Judge which amounts to criminal intimidation or defamation under the Indian Penal Code.
- (c) Any person taking precautions to conceal his presence within the local limits of such Courts jurisdiction, and there is reason to believe that such person is taking such precautions with a view to committing any offence,

or

There is any person within such limits who has no assensible means of subsistence or who cannot give a satisfactory account of himself.

- (d) any person within the local limits of the Courts jurisdiction –
  - (i) is by habit a robber, house-breaker, thief or forger, or
  - (ii) is by habit receiver or stolen property knowing the same to have been stolen, or
  - (iii) habitually protects or harbours thieves or aid in the concealment or disposal or stolen property, or
  - (iv) habitually commits, or attempts to commit or abets the commission of the offence of kidnapping, abducting, extortion, cheating or mischief or any offence punishable under Chapter XII of the Indian Penal Code or under Section 489-A, Section 489-C, or Section 489-D of that Code.
  - (v) habitually commits, or attempts to commit or abets the commission of the offence involving a breach of the peace, or

- (vi) is so desperate and dangerous as to render his being at large without security hazardous to the community, the Court shall refer the matter to the Chief Executive Member for reference to the Deputy Commissioner, who shall, on such reference being made to him deal with the case in accordance with law.
- 25. In cases where, in the opinion of the Court of the District Council, there is sufficient ground for proceeding under Section 144 of the Code of Criminal Procedure, 1898 and immediate preventive or speedy remedy is desirable, such Court shall refer the matter to the Chief Executive Member for making a reference to the Deputy Commissioner, who shall on such reference being made to him take such action as he considers necessary under the said Section.
- 26. Whenever a Court of the District Council is satisfied that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within the local limits of its jurisdiction, such Court shall refer the matter to the Deputy Commissioner through the Chief Executive Member and the Deputy Commissioner, whenever such a reference is made to him, shall take such action as he considers necessary under the law.
- 27. In criminal cases, the Intermediate District Council Court may, subject to the provisions of the Constitution and of these rules, pass any law for the time being in force. Whenever such a Court is of opinion after hearing the evidence for the prosecution and the accused, that the accused is guilty, and that he ought to receive a punishment different

in kind from, or more severe than that which it is empowered to inflict it may record the opinion and submit its proceedings to the competent Court.

- 28.** An appeal shall lie to the District Court from the decision of an Intermediate District Council Court in any case, civil or criminal;

Provided that such appeals are accompanied by a copy of the order appealed against and a clear statement of the grounds, of appeal and are filed within sixty days of the date of the order, excluding the time required for obtaining a copy of the order appealed against.

### **III. District Council Court**

- 29.** Subject to the provision of Rules 30 and 31, the District Council Court shall be a court of appeal in respect of all suits, and cases triable by an Intermediate District Council Court.

Provided that, if the District Council Court is of opinion that the offence involve in a case filed in it is of such nature as calls for punishment which an Intermediate District Council Court is competent to inflict, the District Council Court may transfer the case to an Intermediate District Council Court concerned.

- 30.** (1) The District Council Court may subject to the provisions of these rules, pass any order an appeal authorized by any law for the time being in force.
- (2) The District Council Court may call for and examine the record of any proceedings of an Intermediate District Council Court or of a Village Court may

enhance, reduce, cancel or modify any sentence or finding passed by such Court or demand the case for retrial.

- 31.** (1) If it appears to the District Council Court –
- (a) that a fair and impartial inquiry or trial cannot be had in any Village Court or Intermediate District Council Court, or
  - (b) that same question of law, tribal or otherwise or unusual difficulty is likely to arise; it may order;
    - (i) that any offence be inquired into or tried by another Village Court or on Intermediate District Council Court;
    - (ii) that any particular case or classes or cases be transferred from one Village Court to another Village Court or from one Village Court to an Intermediate District Council Court or from one Intermediate District Council Court to another Intermediate District Council Court;
    - (iii) that any particular case or cases be transferred to an tried before itself.
  - (c) That such an order is expedient for the ends of justice or is required by any provisions of these rules or any law applicable to the case.
- (2) When the District Council Court withdraws for trial before itself any case from any Court, other than the Court of origin, it shall observe in such trial the same procedure which that Court would have observed, if the case has not been so withdrawn.

- (3) The District Council Court may act either on the report of the lower Court or on the application of a party interested or on its own initiative.

- 32. (1) When any person is convicted of an offence which the District Council Court is competent to try under these rules, and no previous conviction is proved against the offender. If it appears to that Court, regard being had to the age, character or antecedents of the offender, and to the circumstances in which the offender was committed that it is expedient that the offender should be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond with or without sureties to appear and receive sentence when called upon during such period not exceeding three years as the Court may direct and in the meantime to keep the peace and be of good behavior;

Provided that, where any first offender is convicted by an Intermediate District Council Court and the Court is of opinion that the powers conferred by this rule should be exercised, it shall record its opinion to that effect, and submit the proceedings to the District Council Court forwarding the accused to, or taking bail for his appearance before such Court which shall disposed of the case in the manner provided by Rule 35.

- (2) In any case in which a person is convicted of theft, in a building, dishonest, misappropriation, cheating or any offence under the Indian Penal Code punishment with not more than two years imprisonment and no previous conviction is proved against him, the District

Council Court before which he is so convicted may, if it thinks fit, having regard to the age, character, antecedents or physical or mental condition of the offender and to the trivial nature of the offence or any extenuating circumstances under which the offence was committed instead of sentencing him to any punishment release him after due admonition.

Provided that, where a person is convicted of such offence by an Intermediate District Council Court and no previous conviction is proved against him, and the Court is of opinion that the powers conferred by this rule should be exercised, it shall record its opinion to that effect and submit the proceedings to the District Council Court forwarding the accused to or making bail for his appearance before such Court which shall dispose of the case in the manner provided by Rule 33.

- (3) The provision of Section 12.124.373 of the Code of Criminal Procedure shall apply *mutatis mutandis* in the case of sureties offered in pursuance of the provisions of this rule.
33. Where proceedings are submitted to the District Council Court under Rule 22, such Court may there upon pass such sentence or makes orders as it might have passed or made if the case had originally been heard by it and, if it thinks further inquiry or additional evidence on any point to be necessary, it may make such inquiry or take such evidence itself or direct such inquiry or evidence to be made or taken.
34. (1) If the Court which convicted the offender or a Court which could have dealt with the offender in respect of his

original offence, is satisfied that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension.

- (2) An offender when apprehended on any such warrant shall be brought before the Court issuing the warrant as soon as may be within a period of twenty four hours of apprehension excluding the time necessary for the journey from the place of apprehension to such Court and such Court may either remand him in custody until the case is heard or admit him to bail with sufficient surety conditioned on his appearing for sentence. Such Court may, after hearing the case, pass sentence.

- (3) A warrant for the apprehension of an offender under Sub-rule (1) shall ordinarily be directed to a Police Officer, but the Court or person may, if its immediate execution is necessary, direct it to any person and such person or persons shall execute the same.

**35.** The Court directing the release of an offender under Sub-rule (1) of Rule 32 shall be satisfied that the offender or his surety, if any, has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the conditions.

**36.** (1) In a criminal case, the District Council or the Administrator may direct an appeal to be presented to the District Council Court from any order passed by a Village Court or an Intermediate District Council Court.

- (2) An appeal under Sub-rule (1) shall be presented within ninety days of the date of order appealed against, excluding the time needed for obtaining the copy of the order.

## **CHAPTER V**

### **PROCEDURE**

#### **I. Village Courts**

37. A Village Court shall try all suits and cases in accordance with the customary laws of the villages.
38. A Village Court shall try all suits and cases in open Darbar in the presence of the complainant and the accused and their witnesses, if any. After hearing both parties and their witnesses, if any, it shall decide the issue by a simple majority of votes and pronounce the decision as soon as possible.
39. Except where a Village Court otherwise decides only verbal notice is required to be given by the Village Court to parties to a suit and their witness and for a fixed day not exceeding eight days from the day it is given. If a case is postponed, it shall be fixed for a day not exceeding fifteen days from the date of the order postponement and the case may be subsequently adjourned for period not exceeding seven days at a time on good cause shown. The order shall be made known to the person concerned or to some adult member of his family and failing this, shall be openly proclaimed at the place where he is or was known to be, or shall be communicated to him or any member of his family by a written notice, giving sufficient time to allow him to appear.

- 40.** (1) The full proceedings of a Village Court need not be recorded in writing but the Intermediate District Council Court concerned may require a Village Court or Courts to reports its or their proceedings in any way which appear to it suitable.
- (2) Registers of all suits cases dispose of a Village Court shall be kept by the Courts in the forms as provided in Appendix I.
- 41.** A Village Court may carry out its decision or may, subject to the provisions of Rule 49, order attachment of property as soon as judgement is pronounced, but in no case is property so attached to be sold, if the party concerned claims to appeal within sixty days without the orders of the District Council.

## **II. Intermediate District Council Court and District Council Court**

- 42.** (1) On criminal cases, the procedure of the Intermediate District Council Courts and the District Council Court shall, subject to the provisions of this rule be in the spirits of the Code of Criminal Procedure, 1898 so far it is applicable to the circumstances of the District and not inconsistent with these rules.

The Chief exceptions are :-

- (2) Wherever a Court constituted under these rules requires, in course of the discharge of its functions, the services of the regular police which is at the disposal of the Deputy Commissioner, that Court may send a requisition for such services who will generally comply with such requisition unless he considers the compliance to be not possible for any special reasons.

- (3) Summons on any person residing outside the jurisdiction of the Pawi Autonomous District or on a person who does not belong to a Schedule Tribe shall be issued by a Court other than the High Court through the Deputy Commissioner of the District.
- (4) A note of the substance of all the proceedings in cases tried before them must be kept by the District Council Court, the Intermediate District Council Courts in the form prescribed in Appendix II.

In cases in which a sentence of imprisonment of not less than three months is imposed full note of the evidence and proceeding must be kept.

- (5) There shall be no preliminary enquires by regular or village police unless the District Council Court or an Intermediate District Council Court sees fits to direct one.
- (6) Recognisance to appear need not be taken unless is seems necessary to the District Council Court or Intermediate District Council Court.
- (7) Examinations and proceedings in the Intermediate District Council Court or District Council Court generally shall be in English or in any of the recognized language or the District.
- (8) It shall not be to necessary examine witness upon oath or affirmation unless the accused so desired. It shall suffice if the District Council Court or an Intermediate District Council Court at the commencement of any trial, informed

the accused that, if he so requires, the witness will be put on oath. It is however, at all times optional with the Court to put witnesses, on oath or affirmation but witnesses whether on oath or affirmation or not, shall be punishable for giving false evidence.

43. In addition to such other Registers as may directed by the High Court, the following Registers shall be kept in the District Council Court, the Intermediate District Council Courts in the forms prescribed in Appendix III.
44. (1) In all civil cases, the District Council Court, the Intermediate District Council Courts shall adjudicate according to law, justice, equity and good conscience consistent with the circumstances of the case.  
(2) It shall be discretionary to examine witnesses on oath or affirmation in any form or warn them that they are liable to punishment for perjury if they state that which they know to be false.
45. Any Court before which an appeal in a civil suit is filed may, before admitting the appeal, order the deposit by the appellant of all reasonable expense likely, in the opinion of the Court, to be incurred by the respondent in the hearing of the appeal or may order security to be given for such expense, and if the appellant be a judgement debtor, may also order security to be given for part or the whole of the decretal amount.
46. In civil cases, the procedure of the District Council or the Intermediate District Council Court shall be guided by the spirit, but not bound by the latter of the Code of the Civil Procedure, 1908 in all matters not covered by the recognized customary laws or usages of the District.

47. The decree of the appellate Court in a civil case shall be transferred to the Court passing the original order for execution as a decree of its own.
48. There shall be no imprisonment for debt, except in cases where the District Council Court or the Intermediate District Council Court is satisfied that fraudulent disposal or concealment of property has taken place and in such case the debtor may be detained for a period not exceeding six months.
49. Any legal practitioner may appear in any case before the District Council Court or Intermediate District Council Court.

Provided that in cases where an accused is not arrested, the legal practitioner shall take previous permission of the District Council.

50. Whenever, in the course of an inquiry, trial or other proceedings under these rules before any Court, it appears that a commission ought to be issued for examination of witness whose evidence is necessary for the ends of justice and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable such Court shall apply to the Deputy Commissioner stating the reasons for the application, and the Deputy Commissioner may either issue a commission or reject the application.

## **CHAPTER VI**

### **Executive Of Sentences, Decree And Order Execution**

- 51.** (1) Whenever a Village Court has sentenced an offender to pay a fine in a criminal case or has passed an order for the payment of any money by a person in a civil suit, the Court may, subject to the provisions of rule,
- (a) issue a Parwana for the payment of the amount by the offender or the person concerned.
  - (b) may apply, in writing, to the Chief Executive Member of the District Council to realize the amount of execution according to civil process against the moveable or immovable property, or both of the defaulter.
- (2) Where an application is made, under Clause (b) of Sub-rule(1) to the Chief Executive Member, the application shall be deemed to be decree and the Chief Executive Member to be the decree holder. The Chief Executive Member or any Officer not below the rank of an Asst. Revenue Officer authorized by the Chief Executive Member in writing shall get the decree executed according to the spirit of the Civil Procedure Code.
- (3) In the event of non recovery of the amount of execution, the Chief Executive Member may, by an application, move the Intermediate District Council Court for the arrest and detention of the offender or the person concerned in execution of the decree.

- (4) Whenever an application is made under Sub-rule (3), the said Court may order for the arrest and detention of the offender or the person concerned in execution of the decree according to the spirit of the Criminal Procedure Code.
- 52**
- (1) Subject to the provisions of Rules 42 and 41, Intermediate District Council Court or the District Council Court shall cause a sentence order or decree passed by it, to be carried into effect in accordance with the procedure, prescribed by the Code of Criminal Procedure, 1893 or the Code of Civil Procedure, 1908, as the case may be, references therein to the “Collector of the District”, being constructed as referring to the “Chief Executive Member of the District Council”.
  - (2) Every warrant for the execution of sentence of imprisonment shall be directed to Officer incharge of the jail maintained by the Mizoram Government in which the prisoner is to be confined through the Deputy Commissioner.
  - (3) When the prisoner is to be confined in a Jail, the warrant shall be lodged with the Jailor through the Deputy Commissioner.
- 53.** Whenever a Parwana (warrant) is issued by a Court against a person, who is absconding or is concealing himself in connection with any criminal proceedings, any property moveable or immoveable belonging to him is liable to attachment according to the civil process prescribed in Rule 54 of these rules.

### **Attachment of Property**

- 54.** (1) Property, moveable or immovable belonging to the judgement debtor over which or the profits of which he has a disposing power which he may exercise for his own benefit, where the same be held in the name of the judgement debtor or by another person in trust for him or in his behalf is liable to attachment and sale in execution of a decree.

Provided that only those moveable and immovable properties should be attached as are permitted by Tribal Custom.

- (2) Nothing in this rule shall be deemed to exempt houses and other buildings with the materials and the sites thereof and the lands immediately appurtenant thereto and necessary for their enjoyment, from attachment or sale in execution of decrees for rent of any such house, buildings, site or land or if themselves the subject of the suit.
- (3) Subject to the provisions of Rules 46 and 51, the procedure for the attachment of the property shall be in the spirit of the Code of Criminal Procedure, 1898 or the Code of Civil Procedure, 1908, as the case may be.

### **Miscellaneous**

- 55.** Whenever, any Court passes any order for the detention of a lunatic accused the District Council shall refer the matter to the Deputy Commissioner who shall deal with the case following the spirit of the Code of Criminal Procedure, 1898 and in accordance with rule made by the Government of Mizoram under the Indian Lunacy Act, 1912.

- 56.** No Judicial Officer shall, except with the permission of the Court to which an appeal lies from his Court, try or commit for trial, any case or in which he is party, or personally interested, and no Judicial Officer shall hear an appeal from any judgement or order passed or made by himself.

**EXPLANATION** : A Judicial Officer shall not be deemed to be a party or personally interested within the meaning of this rule to or in any case by reason only that he is a member of any Town Committee (or a Municipal Board) or otherwise connected there with in a public capacity, or by reason only that he has viewed the place in which an offence is alleged to have been committed, or any other transaction material to the case is alleged to have occurred, and made an inquiry in connection with the case.

- 56A.** Notwithstanding anything contained in these rules and the law so far made by the District Council under paragraph 3 of the Sixth Schedule to the Constitution, a Judicial Officers of Intermediate District Council Court and of the District Council Court, as the case may be, shall exercise such other functions as may be entrusted to them from time to time by the Executive Committee by a notification to dispose of matters falling within the competence of the Executive Committee by virtue of the provisions of any law made under paragraph 3 of the said Schedule.

### **Repeal and Savings**

- 57.** (1) The Pawi Lakher Autonomous Region (Administration of Justice) Rule, 1954 is hereby repealed with immediate effect.

- (2) Notwithstanding such repeal, all actions taken orders made or directions given under the provisions of the Pawi Lakher region (Administration of Justice) Rules, 1954 shall be deemed to be taken, made or given under the respective provisions of this Rules and subsequent actions if any, with regard to any action order or direction shall be in accordance with the provisions of these Rules.

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## **APPENDIX I**

**(Vide Rule 40 (2))**

### **I. Register of Petitions**

1. Date
2. Name of Petitioner
3. Subject to petition
4. Name of defendant
5. Date of hearing
6. Date of disposal and how disposed of, viz:- Decree for plaintiff or decree for defendant, or withdrawn, as the case may be.

### **II. Register of Cases**

Name of parties  
 Subject of claim  
 Before what Court tried

In case proceeded with ex-parte, whether notice on defendant is proved, or where both or all parties are present or represented, that they are so present or represented.

Statement of Plaintiff

Statement of Defendant

Evidence of Plaintiff

Evidence of Defendant

Judgement and finding of the Court. Order as to costs.

### **III. Register or Executions**

1. Date
2. Name of decree holder
3. Name of Judgement debtor
4. Name of property to be attached
5. Date of issue of attachment
6. Date fixed for sale (and date to which sale may be postponed).
7. Date of satisfaction of decree by sale of property or payment of amount due and receipt of decree-holders.

II. REGISTER OF CRIMES

Serial No. date and section of first information report name (and if necessary address) of complainant	Date and time of occurrence with phase of moon and day of week	Offence modus operandi cause of object of crime, nature or weapons and implements used.	Value of Property		Names with alliates parentage, caste and residence or persons accused or suspected, with full grounds for suspicion on and cross references if any.	Full name and rank of investigating Officers result of case with name of Judicial Officer and date of disposal
			Stolen	Recovered		
1	2	3	4	5	6	7

**APPENDIX III  
(VIDE RULE 43)  
I-REGISTER OF PETITIONS ETC.**

Date	Serial No.	No. of case If any, to which petition relate	Nature of document, if a petition what for	Name of Petitioner	Address of Petitioner	Remarks
1	2	3	4	5	6	7

Note 1 - In column 4 for stating nature of document, use P for petitions, PI for plaints, E.P. for Execution petitions, O.P. for original petitions, Ap for appeals, A for affidavits, V for Vaka latnama, etc.

Note 2 - Petitions etc. returned should be noted in the remarks columns with date

APPENDIX II  
(VIDE RULE 42)

CRIMINAL CASE

Serial	Date of Commission of the offences	Date of report or complaint	Name of complainant, if any	Name percentage and residence of the accused	Offence complained of	Finding and in case of conviction reason thereof	Sentence or other final order	Date of which the proceedings terminated
1	2	3	4	5	6	7	8	9

CIVIL SUITS

Serial	Date of filling the suits	Name of address of plaintiff(s)	Name and address of defendant(s)	Claim		Findings of Court	Date of which the proceedings terminated
				Particular	Amount or Value		
1	2	3	4	5	6	7	8

IV. REGISTER OF FINES

1	Consecutive number in month	
2	Number of Case	
3	Name of Officer imposing	
4	Name and place of residence of offender	
5	Offence and date of sentence	
6	Amount of fine	
7	Imprison- ment	Substantive
		In default of dine
8	Amount remitted or written off	
9	Date of issue of warrant	
10	Thana to which issued	
11	Date of return of warrant	
12	Amount realized and date of realization	
13	Balance	
14	Amount paid into District Fund and date of payment	
15	Signature of Cashier	
16	Signature of Clerk in-charge of the Fine Register	
17	Signature of fine Muhurir of Court of which the entry relates	
18	Signature of Judicial Officer	
19	Date on which the notice realization of fine is sent of Jail	
20	Date on which the notice received back from Jail after amendment of warrant.	
21	REMARKS	

III. REGISTER OF CRIMINAL CASES DISPOSED OF

1	Serial number of Record		2	Name of Judicial Officer		Serial number of cases in the	3	Register to complaints of offence	4	Judicial Officer's General Register of Case cognizable by the Police	5	Register of Unimportance Cases cognizable by the Police in which the First Information Report is not used	6	Register of Miscellaneous	7	Name of Complaints	8	Name of accused	9	Nature of the case with the Section of the Penal Code or other Act applicable	10	Final order passed and details of sentence	11	Result of appeal or revision	12	Date of decision	13	Name of proclaimed offenders not arrested	14	Dated when disposed of an shelved in the Record Room	15	Number of shells and rank in the Record Room	16	Dated of destruction of files and initials of Officers superintending destruction.
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N.B. This is to be written in English.

Date of dispatch .....  
Date of Receipt .....

Signature of the Offices dispatching  
Signature of District Record keep

**THE PAWI AUTONOMOUS DISTRICT COUNCIL  
(VILLAGE COUNCILS) ACT, 1974.**

**AN  
ACT**

To provide for the establishment of Village Councils and for other matters relating to Village Administration Preamble. Whereas it is expedient to provide for the establishment of Village Councils and their powers and for other matters relating to Village Administration including Village police, public and sanitation etc.

And whereas by clauses (e) and (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 laws with respect to the establishment of Village or town committees or Councils and their powers and any other matter relating to Village or town and public health and sanitation.

Now, therefore, Autonomous Pawi District Council (hereafter referred to as the “District Council”) is exercise of the powers conferred on its as aforesaid and of all other powers enabling it is that behalf, is pleased to enact and it is hereby enacted in the twenty fifth year of the Republic of India as follows :-

**CHAPTER - 1  
PRELIMINARY**

**1. Short title extent and commencement :-**

- (1) This Act may be called the Pawi Autonomous District Council (Village Council) Act, 1974.
- (2) It extends to the whole of the Pawi District Council areas.
- (3) It shall come into force on the publication in the Mizoram Gazette.

## 2. Definition :-

In this Act, except where it is expressly otherwise provided or the context otherwise requires -

- (1) “*District*” means the Pawi Autonomous District as provided in Part III of the table appended to para 20 of the Sixth Schedule to the Constitution of India.
- (2) “*Deputy Commissioner*” means the Deputy Commissioner of the Chhimtuipui District.
- (3) “*Executive Committee*” means the Executive Committee of the Pawi District Council.
- (4) “*Secretary*” means the Secretary of the Village Council
- (5) “*District Council*” means the Pawi District Council
- (6) “*Schedule Tribe*” or *Tribes*” means such tribe or tribes as the 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 the specification pertain to the Union Territory of Mizoram.
- (7) “*Tlangau*” means a Village Crier;
- (8) “*Collective Works*” means a works done collectively by the Villagers for the common good;
- (9) “*Village Council*” means a Village Council constituted under the Provisions of this Act;
- (10) “*Voter*” means a person who is entitled to vote at any election to the Pawi District Council.
- (11) “*Upa*” means a person appointed to look after a sub-Village under the authority of a Village Council;
- (12) “*Administrator*” means the Administrator of Mizoram appointed by the President of India under article 239 of the Constitution of India.

## **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 Pawi Autonomous District.

Provided that a Village having less than twenty houses shall not be entitled to have separate Village Council.

- (2) A Village Council shall be composed of members according to the number of houses it contain as specified below:-

For Village not exceeding 50 houses-3 Members

For Village between 51-100- 4 Members

For Village between 101-150-5 Members

For Village having 151 houses and above 6 Members

- (3) Of the total number of Members as determined under sub-section (2) one third or nearest shall nominated by the Executive Committee and the rest elected by the adult members of the Village in accordance with the rules made by the District Council under this Act.
- (4) Member of the Village Council other than the nominated members shall be elected by residents of the Village who are enlisted as Voters in the latest electoral roll of election to the District Council

#### **4. Qualification for membership :-**

A person shall be disqualified for being elected as and for being a member of the Village Council if :-

- (a) he is not a member of a Scheduled Tribe;
- (b) he has not attained the age of 25 years;
- (c) he is not a voter her/he seek election;
- (d) he is a member of any other Village Council;
- (e) he is of unsound mind and stands so declared by a competent Court or Authorities;
- (f) Whether before or after the commencement of this Act, he has been convicted of an offence under the existing law of the Pawi Autonomous District or under any other law for the time being in force in India, unless a period of three years has elapsed since his conviction, and if imprisoned, since his release from prison;
- (g) he is not a citizen of India;
- (h) If the Executive Committee thinks necessary one Upa shall be appointed in a Sub-Village in consultation with the President of that Village Council Persons so appointed should qualify for membership under section 4 of this Act.

## **5. Removal of members :-**

- (1) Any member of the Village Council, who due to serious illness cannot attend the meeting of the Village Council and is not likely to recover from his illness for whole term of that Village Council, shall be declared disqualified, and his seat shall on receipt of such report from the President 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.

Any member of the Village Council who, due to serious disregard of his duty as a members does not the meetings, of that Council for five consecutive meetings, may be removed from his membership. Such decision for removal of a member shall be assigned to all other members in its 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 as vacant.

- (2) 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 of the Village Council as necessity demand if he is found to be undesirable for wilful disobedience or for any other reason considered to be sufficient.

#### **6. Duration 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 or shorten the term by not more than 6 months at a time.

#### **7. Tenure of membership for Nominated member :-**

A member nominated to a Village Council under the previous of sub-section (4) of section 5 shall hold Office during the pleasure of the Executive Committee.

**8. Executive :-**

- (1) There shall be a President in each Village Council who shall be elected by the members of the Village Council from amongst themselves by a majority of votes. They shall with the assistance of the Secretary of the Village Council, discharge all the functions of the Village Council.
- (2) The Executive Committee shall in consultation with the President appoint or dismiss the Secretary of the Village Council.
- (3) Every member and the Secretary of the Village Council may, at any time by writing under his hand, submit his resignation through the President to the Executive Committee. The Executive Committee shall arrange to elect or appoint as the case may be substitute as soon as possible.
- (4) The President may, at any time by writing under his hand, submit his resignation to the Executive Committee and until the Executive Committee accepts the resignation he shall continue to discharge the duties of the President.
- (5) If at any time, for any reason, there is vacancy of a seat in the Village Council it shall be reported forthwith to the Executive Committee by the President.
- (6) If, for any reason, the Officer of the President become vacant the Executive Committee shall cause the vacancy to be filled as soon as possible. In the one meantime the duties of the office shall be performed by of the Members appointed by the Executive Committee.

9. Duties and functions of the village Councils subject to such rules as may be prescribed in this behalf by the Executive Committee, the Village Council may exercise all or any of the following functions –

- (1) Cleaning of village roads 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 measures in respect of an epidemic;
- (6) Construction, Maintenance and improvement of village Communication, drain and waterways;
- (7) Control of Village grazing grounds location of graziers khuties within the Village area, Village common and other Communal Property;
- (8) Regulating the construction of new buildings or houses, or the extension or alternation of any such existing ones;
- (9) Anti-malaria and anti-Kala azar measures and enforcement of vaccination;
- (10) Registration of birth and deaths and maintenance of registers for the purposes;
- (11) Supplying Local information as and when required to the District Council or the State Government;

- (12) Measures necessary for the preservation of public health and for improving the sanitation conservancy or drainage of the Village areas;
- (13) Measures of public utility calculated to promote the moral and material well being of the Villagers;
- (14) Planting of trees at the sites of public places, on village roads and paths, and taking care of them.
- (15) Working and maintenance of public radio sets for the benefit of the villagers;
- (16) Establishment and maintenance of libraries reading rooms, social and cultural clubs or other places for recreation and games;
- (17) Popularisation of sports including indigenous sports, folk-song, and organisation and celebration of national and other local festival;
- (18) Any other function and powers as may be delegated by the District Council from time to time;
- (19) Regulation and order of collective works;
- (20) The Village Council shall 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 subsidiary plots shall be done in accordance with the laws framed by the District Council under para (3)(1)(d) of the Sixth Schedule to the Constitution of India.

For each or any of the above duties and functions the Village Council may appointed a separate committee which shall be responsible for implementation its decisions;

**10. 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 responsible causes at its own discretion. The reason for the exception 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 15 years of age shall not be allowed to represent in the collective works;
- (3) The President or the Secretary of a Village Council shall have a list of persons performing collective works and shall see that each house hold is represented;
- (4) One representative from the Village Council shall supervise the collective works;
- (5) The President of the village shall cause to be announced in the village the proposal of holding collective works appointing the date and time;
- (6) Any person who does not comply with the order of collective works shall be liable to a fine either in kind or in cash not exceeding Rs. 7/- per collective works day unless he has been exempted from collective works or has obtained commutation under sub section (1);
- (7) If a Village Council falls to carry out its order to realise fine imposed upon any person, the matters shall be referred to the Executive Committee for the realisation of the fine;
- (8) Every persons shall have the option of commuting his obligation to render service under collective works

to payment of each compensation in lieu of it at a rate to be fixed by the Village Council not exceeding Rs.5/- per collective works day.

- (9) Utilisation of fine etc.
  - (i) the amount of fine mentioned in sub-section (6) and cash compensation mentioned in sub-section (8) may be spend by the persons performing collective works in any manner they think fit and proper;
  - (ii) the Secretary of the Village Council shall keep the account of receipts and expenditures of fine and compensation, and any person shall be at liberty to inspect the accounts;
- (10) Final decision of the Executive Committee to settle disputes-

Any dispute 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.

All matters connected with collective works and which are not provided for in this Act shall be regulated by the District Council and all the decision shall be notified by the Executive Committee in a manner it consider appropriate;

## **11. 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.

## **12. Collective of taxes :-**

- (1) The Executive Committee or any officer Authorised by it in this behalf, shall either appoint tax collectors or allot the works of 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 rule or under the instructions and the direction giving by the Executive Committee or any officer of the District Council authorised by the Executive Committee in that behalf.

## **CHAPTER - III CONDUCT OF BUSINESS**

### **13. President and meeting of Village Council :-**

The President of the Village Council shall preside over all the meeting of the said Council. He shall summon the meetings of the Village Council whenever necessity arises and if or when two-third of the members in writing request him to do so.

### **14. Quorum :-**

The quorum to constitute a meeting of the Village Council shall be two-thirds of the members.

### **15. Voting in the meeting of the Village Councils :-**

- (1) All proposals and questions shall be decided by a majority of votes.
- (2) The President of the Council or any person acting in this behalf shall not vote at the first instance but shall have and shall exercise a casting vote in the case of equality of votes.

**16. Preservation of order in meeting of village council :-**

The President shall preserve order and have all power 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 days 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 session of the Councils the President may suspend the member for the remaining period of the same session.
- (3) If any member fail 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 deem necessary suspend the members for any period considered reasonable by the Executive Committee.

**17. Village Council fund :-**

There shall be formed for every Village Council a fund to be called “Village Council fund” Any collection authorised by law, other than District Council revenue and taxes made in a village for the good of the people shall be paid into the said fund. The President shall be Treasurer of the fund and the list of the collections shall kept by the Secretary. This account shall be open for inspection by any subscriber to the collection.

**18. Responsibility of President for compliance of Order etc :-**

- (1) The President shall cause notices and instructions for prevention of danger such as break of fire epidemic, etc, in the Village to be proclaimed by engaging “Tlangau” and whenever notices, orders, circulars or letters are received for redistribution from the District Council to pass on to the order Villages, he shall forthwith cause 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 Deputy Commissioner Chhimtuipui District Saiha through the Office of the District Council.
- (3) The President shall 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 President shall be responsible for the proper and upto date maintenance of all books and records by the Secretary.

**19. The Secretary :-**

The Secretary shall be the Village writing and shall be responsible for all the duties as enumerated below:-

- (a) He shall record all the proceedings of the Village Council as well as the Village Court and such record shall be signed by the President. He shall publish all order notifications and records as may be necessary and such order, notification and records shall be signed by the President.

- (b) On receipt of any orders, notices, Circulars or letters from the District Council or from the Deputy Commissioner, Chhintuipui District, or his Assistants 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 he shall be responsible to carry out such direction.
- (c) He shall keep all the books and records of the Council and of the Village Council. He shall send all such books and records to the Executive Committee as may be required by it, with his own signature and of the President.
- (d) 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.

**20. Village rules :-**

- (1) Each Village Council may frame its Village rules for the administration of the Village in accordance with the needs of the village
- (2) No rules shall be enforce in a village by the Village Council without the prior approval of the Executive Committee.

**21. Village Council seat :-**

- (1) A Village Council shall not shift the seat of a village to a new site without the previous approval of the Executive Committee.
- (2) Without the written permission of the Executive Committee no sub-village or temporary village for

more than a year shall be made or set up at any site within the Pawi District Council area.

- (3) The Executive Committee or an officer of the District Council authorised in that behalf by the Executive Committee, may event ant person or persons having in occupation of unauthorised sub-village or temporary village after service on such person or persons, individually of a notice to vacant the area within a period of not less than three months.
- (4) On failure to vacant the area within the time fixed in the notice, the Executive Committee or any officer or the District Council authorised in that behalf may impose a fine not exceeding Rs.50/- per month to each family for the authorised occupation after the service of the notice.
- (5) The order of the Executive Committee or of the officer passed under sub-section (3) and (4) above, shall be deemed to be of a competent Civil Court for the purpose of evicting unauthorised occupant from the area to which this section applies.

## **22. Tlangau :-**

- (1) Normally there shall be only one Tlangau for each Village Council, if for any reason more than one Tlangau is found necessary prior approval of the Executive Committee for such appointment shall be obtained;
- (2) To appoint Tlangau for a Village Court advertisement to this effect shall be made by the President fixing a date for selection. The Village Council in its full sitting make the appointment of Tlangau from amongst the

applicants. The Village Council may dismiss the Tlangau but such case shall be reported to the Executive Committee.

(3) The duties of Tlangau shall be as follows:-

- (i) He shall bring to the notice of the public all orders and notifications to the Village Council may direct to be notified.
- (ii) He shall summon all parties and other person required by the Village Council or Village Court to attend its meetings.
- (iii) The Secretary of the 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 officer of the Pawi District Council on duty.
- (iv) If any emergency requiring the gathering of the public in the interest of the Village any member of the Village may, without the previous approval of the President, direct the Tlangau to summon all the villages.
- (v) The Tlangau shall carry notice to all the members of the Village Council for all meetings of the Village Council summoned by the President.

**23. Remuneration of members etc :-**

Members of the Village Council including the President and also the Secretary and the Tlangau shall be entitled to receive such remuneration and privileges as may from time to time be determined by the District Council.

**24. Secretary and Tlangau :-**

The Secretary and Tlangau shall also attend the Village Council meetings but shall have no vote.

**25. Dissolution of the Village Council :-**

- (1) The Executive Committee may, by public notification order the dissolution of the Village Council if in its opinion the Village Council is too inefficient or is not able to carry on the Village Administration or is acting manner prejudicial to the interest of the state or for any other reason considered sufficient for each dissolution and issue order for holding fresh election of the Village Council. Copies of all such orders shall also be sent to the Deputy Commissioner of the Chhimgtuipui District.
- (2) The Executive Committee may appointed any person or persons to assume charge of the Village administration and also to act as the Village Court during the period intervening between the dissolution of the Village Council and the completion of the election under the provision of sub-section (1)
- (3) When any Village Council has been dissolved under the provision of sub-section (1) the Executive Committee shall lay before the District Council in Session at its first meeting after such dissolution all paper connected there with and the matters shall be open for discussion by the member of the District Council.
- (4) So long as the Village Council acts as the Village Court under the law, the Village Council so dissolved shall cease forwith to function as the Village Court.

**26. Allotment of house in the Village :-**

No person shall be allowed to construct a house for any purpose without the written permission of the Village Council.

**27. Boundaries and jurisdiction of Villages :-**

- (1) In fixing the boundaries of the Village, the Executive Committee may appointed a Boundary Commission and the reports and finding of the Commission thus, appointed shall be laid before the Council-in Session.
- (2) No person shall be allowed to make jhum outside the jurisdiction of the Village in which he resided without the written permission of the Executive Committee.

**28. Powers to make rules:-**

Subject to the previous approval of the Administrator, the Executive Committee may make rules for carrying out any of the provisions of this Act.

**29. Repeal and savings:-**

- (1) The Pawi-Lakher Autonomous Region (Village Councils) Act, 1954 and the Pawi Lakher Autonomous Region (Village Council) (Amendment) Act, 1961 as applicable to the Pawi Autonomous District Council area are hereby repealed.
- (2) Notwithstanding such repeal, any action taken or proceeding made under any provisions of the Acts repealed there in shall deemed to be the action taken or proceedings made by this Act.

## NOTIFICATION

No.LAD. 18/73/19, the 26th July, 1975. In pursuance of Paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulation made by the Pawi Autonomous District Council, under Sub-paragraph (4) of Paragraph 8 of the said Schedule and assented to by the Administrator of Mizoram is hereby published for general information.

### **THE PAWI AUTONOMOUS DISTRICT COUNCIL (REVENUE ASSESSMENT) REGULATION, 1975.**

#### **A REGULATION**

to provide for the levy and collections of certain tax and tolls:

**Preamble:** Whereas it is expedient to provide for the levy and collection of certain taxes and tolls; And whereas under sub-paragraph (4) of paragraph 8 of the Sixth Schedule to the Constitution of India (hereinafter) referred to as “the Constitution”) the District Council for an Autonomous District is empowered to make regulations for the levy and collection of taxes on lands and 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 Pawi District Council is pleased to enact the following regulations in the twenty fifth year of the Republic of India as follows:-

**1. Short title extend and commencement:-**

- (1) This Regulation may be called the Pawi Autonomous District Council (Revenue Assessment) Regulation, 1974.
- (2) It shall extend to the entire area of the Pawi Autonomous District.
- (3) It shall come into force at once.

**2. Definitions :-**

In this Regulation, except where it is otherwise expressly provided for or the context otherwise requires-

- (a) “District” means the Pawi Autonomous District as provided in part III of the table appended to paragraph 20 of the Sixth Schedule to the Constitution of India.
- (b) “District Court” means the Pawi Autonomous District Council constituted under the Sixth Schedule to the Constitution of India and under the Government of Mizoram Notification No. LJD. 8/72/53 of 29.4.72.
- (c) “Executive Committee” means the Executive Committee of the Pawi District Council.
- (d) “Garden” means any land cultivated for fruits, vegetables of other plantations including flowers, trees, for timbers and other products.
- (e) “Land” includes lands either vacant or occupied within the Pawi Autonomous District. It shall include also benefits to arise out of land and things attached to the earth, or permanently fastened to anything attached to the earth, but shall exclude minerals, minerals oil, natural gas and petroleum;
- (f) “Lairam Ngunkhuai” means a surcharge imposed by the Pawi District Council under this Regulation.

- (g) “Nul” means a cultivation along the rivers for plantation of early crops.
- (h) “Pawi” means a member of any Pawi Tribe.
- (i) “Stall” means a small standardized business out house run by a vendor.
- (j) “Tribal” means any person who is member of a Schedule Tribes specified as such by order made 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 Autonomous District of Mizoram.
- (k) “Village Council” means a Village Council constituted by the District Council.
- (l) “Wet Cultivation” means an area or areas suitable for permanent cultivation and/or used for such purposes and shall also include terraces for permanent cultivation.

### **3. Taxes on land :-**

- (i) All lands under Wet Cultivation shall be assessed to an annual tax of Rs. 30/- per hectare.
- (ii) Every garden which is registered in the office of the Pawi District Council shall be assessed to an annual tax of Rs. 15/- per hectare.
- (iii) Every fish pond which is registered in the office of Pawi District Council under private sector shall be assessed to an annual tax of Rs. 50/-
- (iv) Any person who maintains unregistered Wet Cultivation, garden or Fish Pond shall be liable to punishment with fine which may extend to Rs. 50/-. He shall not be allowed to continue the same except under permit issued by competent authority.

**4. Taxes on building :-**

- (i) Buildings 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. 5/-
- (ii) Every Stall or Shop building shall be assessed to an annual tax of Rs. 20/-
- (iii) Any person who resides in his Shop shall be assessed Rs. 5/- as House Tax in addition to Shop Tax of Rs. 20/-.

**5. Taxes on land under lease :-**

All land under lease other than those donated to any Government Department, institution or Private individual shall be assessed for taxation.

- 6. (i) Plot of Nul shall be auctioned to willing bidders every year by the District Council for a period of one Calendar year.
- (ii) The choice of Nuls for bidders shall be in the order of the amount of bid offered by them and accepted by the District Council.

**7. Trade Licence :-**

- (i) Any person who carries on a trading business on open street within the jurisdiction of the Pawi Autonomous District or in his house or occupied another Shop or Stall should take permission in the form of Trade licence from the Executive Committee by paying Rs. 20/- for one year and shall be renewed before the expiry of his licence.

- (ii) Any person who sells commodities in the street or door to door should produce a trade licence on demand by the Council Authority.
- (iii) Any person who contravenes the above rules shall be punished with a fine not exceeding Rs. 50/-.

#### **8. Tolls on person :-**

Lairam Ngunkhuai at Rs. 3/- per year shall be levied on person or persons resident in the Pawi District unless otherwise exempted by the Executive Committee, such exemption shall be restricted to reasons of dire or continued poverty.

#### **9. Preparation of Assessment lists :-**

The Executive Committee shall cause to prepare each year in the months of September and October list of Houses, Shops, Stalls, Gardens, Wet Cultivation, Fish Ponds and Nuls for the purpose of assessment of taxes for the ensuing financial year in the manner it, consider appropriate.

- (a) It shall be the duty of the Village Council to render all possible help in furnishing and collection of correct figures of the required information in respect of the different items mentioned in Sub-clause (i) above.

#### **10. Submission of taxes to the Council :-**

- (i) All the taxes collected by the Circle Supervisors shall be submitted to the Office of the District Council positively before the end of the month of March of each financial year.
- (ii) All the Village Council should extend their help to the Circle Supervisors in collecting taxes.

- (iii) Any person who fails to pay any of the taxes leviable by or under this Regulation within the scheduled period shall be declared defaulter.

**11. Power of Permission :-**

- (i) the Executive Committee shall have the power to remit any of the taxes under unavoidable circumstances.
- (ii) The Executive Committee may exempt, for any period considered necessary, any person from payment of any tax for poverty or any other reasons considered to be sufficient cause for such exemption.

**12. Records 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 Chief Executive Member or any Officer authorized by him in writing by affixing his signature and date.

**13. Penalty :-**

- (i) In default of payment of any tax payable by a person under this Regulation within the period mentioned in clause 10 (i) above, the defaulter shall be required to pay the amount due from him by confiscation of his properties of equal value, unless the defaulter pays the due within a prescribed date fixed by the Executive Committee.
- (ii) If the defaulter still refuses to clear his dues within the prescribed period, the Executive Committee shall

have the power to requisition the services of the regular police by applying to the Deputy Commissioner, Chhimituipui District, who, on receipt of such application, shall immediately arrange such necessary help.

**14. Repeal and Saving :-**

- (i) The provision of the Pawi Lakher Autonomous Region (Revenue Assessment) Regulation, 1963 (Regulation No. 1 of 1963) is hereby repealed.
- (ii) Notwithstanding the repeal, all actions taken or proceedings made under the said Regulation shall be deemed to be action taken or proceedings made under this Regulation.

**RULES RELATING TO GRANTS-IN-AID TO  
AUTONOMOUS DISTRICT COUNCIL,  
MIZORAM : 1974**

1. These rules may be called Rules governing Grants-in-aid to the Autonomous District Councils in Mizoram constitute under provisions of the Sixth Schedule to the Constitution of India.
2. In these rules, unless there is anything repugnant to the subject or context :-
  - (a) “*Administrator*” means the Administrator of Union Territory of Mizoram appointed by the President of India under provisions of Articles 239 of the Constitution of India.
  - (b) “*District Council*” means the District Councils of Pawi, Lakher and Chakma Autonomous Areas constituted under provisions of paragraph of 20-B of the Sixth Schedule to the constitution of India.
  - (c) “*Chief Executive Member*” means the Executive Member duly elected under provisions or Rules 20 of Pawi – Lakher Autonomous Region (Constitution and conduct of Business) Rule, 1963.
  - (d) “*Secretary*” means Secretary of the District Council.
  - (e) “*Deputy Commissioner*” means the Deputy Commissioner of Chhimtuipui District and includes any Officer authorized by the Administrator to function on his behalf.
  - (f) “*Executive Committee*” means and includes all Executive Member of the Executive Committee of duly constituted District Councils.

- (g) “*Chairman*” means Chairman of the District Council duly elected as such under provision of Rule 30 of the Pawi – Lakher Autonomous Region (Constitution and conduct of Business) Rules, 1963.
  - (h) “*Accountant General*” means the Accountant General of Assam, Nagaland and Meghalaya etc.
3. The Administrator of the Union Territory of Mizoram may from time to time sanction Grants-in-aid to the Autonomous District Councils for running of Administration as well as for Developmental activities in the various fields within the Territorial Jurisdiction of the District Councils.
  4. The Total Grants-in-aid for financial year shall be within the limit of the provision made in this behalf both in Plans & Non-Plan sector of the outlay passes by the Legislative Assembly of Union Territory of Mizoram.
  5. Such Grants-in-aid will be normally sanctioned quarterly during the financial year.
  6. Such Grants will be sanctioned in advance only on the satisfaction of the Administrator that the Grants could be released for incurring expenditure on specific items, and for bonafide purposes.
  7. The Administrator must be satisfied that the District Council have the necessary ways and means to spent the grants and utilize the same in the best interest of the people and that there is no likelihood of any corrupt practice in the utilization of such grants.
  8. Grants in the Plan side of outlay would be subject to specific and well worked out scheme to be scrutinized and approved by the respective Technical Department under the

Government of Mizoram, and the Administrator shall have the right to cause inspection and supervision over the execution of such schemes by any Officer or authority as may be authorized by the Administrator in this behalf.

9. The Administrator shall have the power to withhold, keep in abeyance or suspend, at any time, any amount sanctioned as Grants-in-aid in respect of any item or items, for which such grants may be issued.
10. The Executive Committee and the Chief Executive Member of the Executive Committee shall be jointly and severally responsible for expenditure incurred in respect of Grants-in-aid to the District Councils.
11. The Administrator shall reserve the rights to take suitable including legal actions against the Chief Executive Member or any all Members of the Executive Committee or on the Secretary of District Councils in case of any material departure in regard to the compliance with these Rules.
12. The Deputy Commissioner shall be the Controlling Officer in regard to the Grants-in-aid sanctioned by the Govt. to the District Council. The grant shall be drawn by the Secretary of the District Councils concerned. Bills in triplicate shall be prepare by the Secretary to the Council and presented to the Treasury or Sub-Treasury, as the case may be, after being counter-signed by the controlling Officer, who will maintain records of the grants so drawn in a register in Form N.G.F. R. 19. Only one out of the triplicate copies of the bills should be countersigned by the controlling Officer for presentation to the Treasury Officers while other two copies one in the District Council Officer and the other in the Deputy Commissioner's Office writing on top of the bill in red-ink "Duplicate not for payment and Triplicate not for payment" respectively.

13. District Council authorities shall maintain separate and exclusive accounts of the Grants-in-aid given to them by the Government and shall also maintain a register for the same in Form Annexure 'A'. The accounts maintain by the District Councils in regard to Grants-in-aid shall be open to inspection by the controlling Officer or such other Officer as may be authorized in this behalf. The District Council authorities shall abide by such instruction in regard to expenditures incurred and maintenance of accounts as may be given to them by the controlling Officer.
14. In respect of every quarterly grants, the District Council authorities shall submit utilization certificates duly countersigned by the Deputy Commissioner and subsequent grants shall not be sanctioned in the absence of such utilisation certificates. Such Certificates should also be sent to Accountant General.
15. The District Council shall not appropriate any funds at their disposal for any object not approved by the competent authority.
16. The District Councils shall not divert any funds sanctioned for a specific purpose towards any other expenditure.
17. Advance grants for first quarter will be given on the basis of the demands considered justifiable and those for the two subsequent quarters will be sanctioned only after receipt of utilization certificate in respect of earlier grants. Before issue of the grants for the last quarter, detail utilization certificate shall be submitted by the District Council concerned and in the absence of compliance with these rules, no further grant shall be sanctioned.

18. Besides utilization certificates, it will be obligatory on the part of the District Council Administrations concerned to keep the Deputy Commissioner and the Government informed about the progress of utilization of the Grants-in-aid from time to time.
  19. The Deputy Commissioner and the Government shall have the right to call for and examine any time records of expenditure incurred by the District Councils out of the Grants-in-aid released in their favour.
  20. No Grants-in-aid may be sanctioned or released except on the basis of actual and immediate requirement of funds by the District Councils to be ascertained from the balances lying in their personal Ledger accounts. The unspent balance of grants at the end of financial year should invariably be adjusted against the Grants-in-aid to be paid in the first quarter of the next financial year.
  21. No Grants-in-aid money should be paid in cash from the Treasuries but transferred to the Personal Ledger Accounts of the District Councils for the drawal by cheques according to the immediate requirements.
-

**ANNEXURE – A**  
**The Form for Grants-in-aid Register (Vide rule – 13)**

S. No.	1	2	3	4	5	6	Appropriation of the grants	Particulars of assets/ Scheme	7(a)	7(B)	8	9	10	11	Remark
No. and date of sanction								Amount spent for assets/purposes							
Amount sanctioned								Unspent amount of the grand							
Plan/Non-Plan Brief purposes of the grants							Condition attached to the grants if any other than those in the grant-in-aid Rules	Amount drawn & Credited to P.L.A/C Tv. No. & Date							

**N.B.** In the column 7(b) the total amount spent for each purpose and asset should be posted.



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**GOVERNMENT OF MIZORAM LOCAL  
ADMINISTRATION DEPARTMENT**

**NOTIFICATION**

No. LAD 78/73/Pt. the 21<sup>st</sup> January, 1975. In pursuance of paragraph 2(6) of the Sixth Schedule to the Constitution of India, the Administrator of Mizoram is pleased to make the District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, and further, in pursuance of paragraph II of the Sixth Schedule, the said Rules are hereby published for general information.

J. Malsawma,  
Under Secretary to the Govt. of Mizoram,  
Local Administration Department.

## FORWARD

There are only a few copies of the Mizoram Autonomous District Council (Constitution and Conduct of District Councils) Rules, 1974 available for use in the office of the Deputy Commissioner, Chhimtuipui District, Saiha. In order to facilitate the officers and Staff of Deputy Commissioner's office and also the 3 (three) Autonomous District Councils namely :-

- (1) The Mara Autonomous District Council,
- (2) The Lai Autonomous District Council and
- (3) The Chakma Autonomous District Council, more copies are made hurriedly. The same is urgently in need in the office.

Inspite of best intention, there may be mistake and error in the making of Rules, If there is such mistake or error the same may be excused.

Dated Saiha  
The 25<sup>th</sup> January, 1997

B. Sanghnuna, IAS  
Deputy Commissioner,  
Chhimtuipui District, Saiha.

**THE MIZORAM AUTONOMOUS DISTRICT COUNCIL  
(CONSTITUTION AND CONDUCT OF BUSINESS)  
RULES, 1974.**

**PART I**

**PRELIMINARY**

**1. Title and commencement :-**

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

**2. Definitions :-**

In this rules except where it is otherwise expressly provided or the context otherwise requires :-

- (1) '*Administrator*' means the Administrator of the Union Territory of Mizoram appointed by the President under Article 239 of the Constitution.
- (2) '*Autonomous District*' means an area deemed as such under paragraph 20(B) of the Sixth Schedule to the Constitution of India.
- (3) '*Chairman*' means the Chairman of the District Council and includes any person for the time being performing the duties of the Chairman.
- (4) '*Constitution*' means the Constitution of India.
- (5) '*Constituency*' means a Constituency for the purpose of election to the District Council of an Autonomous District.
- (6) '*Corrupt Practice*' means any of the practices specified in rules 193 or rule 194 of these rules.

- (7) '*Deputy Commissioner*' means the Deputy Commissioner of Chhimtuipui District.
  - (8) '*District Council*' means the District Council of an Autonomous District constituted under the provisions of 20 (B) of the Sixth Schedule to the Constitution of India.
  - (9) '*Election*' means an election to fill a seat in the Autonomous District Council.
  - (10) '*Elector in relation to the Constituency*' means a person whose name is for the time being entered in the electoral roll of that constituency.
  - (11) '*Executive Committee*' means the Executive Committee of an Autonomous District Council in Mizoram.
  - (12) '*Gazette*' means the Mizoram Gazette.
  - (13) '*Illegal practice*' means any of the practices specified in rule 195 of this Rules.
  - (14) '*Member*' means a member of the Autonomous District Council.
  - (15) '*Motion*' means a proposal made by a member for consideration of the District Council relating to any matter which may be discussed by the said Council and includes an amendment or resolution.
  - (16) '*Resolution*' means a motion for the purpose of discussing a matter of general public interest.
  - (17) '*Secretary to Government*' means the Secretary to the Government of Mizoram dealing with the Autonomous District Council in Mizoram.
- (As amended by Govt. in Extra ordinary Gazette vide No. LAD/R-10/74/28 dt. 20.10.1977).
- (18) '*Schedule*' means Sixth Schedule to the Constitution of India.

- (19) '*Scheduled Tribe or Tribes*' means tribes or tribe specified in Part II Mizoram of the Fifth Schedule to the North Eastern Areas (Reorganisation) Act, 1971.
- (20) '*Session*' means the whole period from the time the District Council duly assemble to the time when it is prorogued.

Note :- Any expression not defined in these Rules, but occurring therein shall be deemed to have the same meaning in which they are used in the Constitution and or the Central General Clauses Act, 1897.

### **3. Interpretation in case of doubts :-**

- (1) Except where the context otherwise requires, the General Clause Act, 1897 and the Assam General Clause Act, shall apply for the interpretation of these Rules as they apply for the interpretation of these Rules of the Act of Parliament or of the Legislature 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 Administrator and the decision of the Administrator shall be final.

### **4. Provisions for removal of difficulties :-**

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

## **5. Repeal :-**

The provisions of the Pawi-Lakher Autonomous region (Constitution and Conduct of Business of the Regional Council) Rules, 1963 as amended, are hereby repealed.

Provided that any action taken and proceedings made thereunder shall be deemed to have been taken or made under these Rules.

## **PART II**

### **District Council : Composition - Officers -Executive Committee.**

## **CHAPTER I**

### **GENERAL**

## **6. Constitution of District Councils :-**

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

## **7. Composition of District Councils :**

- (1) The District Council for each Autonomous District shall consist of a specified number of members elected

and nominated. The composition of the District Councils for each Autonomous District and the allocation of seats therein between elected and nominated members shall be such as the Administrator may, by notification in the Gazette, determine.

- (2) Constituencies for elections to the District Council for each Autonomous Districts shall be territorial. The Constituency, the extent thereof and the number of seats to be filled in each of these shall be such as may be specified by notification in the Gazette by the Administrator.

## **8. Duration of District Council :**

- (1) Every District Council unless sooner dissolves continue for 5 years from the date appointed for its first meeting : Provided that the said period may be extended by the Administrator by notification in the Gazette for a period not exceeding one year at a time.
- (2) All members, both elected and nominated, shall hold office during the life of the District Council; provided that the members elected or nominated to fill a casual vacancy shall hold office for the remainder of the term of office of the member whom he replaced.
- (3) Notwithstanding anything contained in these Rules, the term of office of the Members of the Executive Committee of the District Council who are in office immediately prior to the date of dissolution of the Council as provided in sub-rule (1) shall continue till the date of the formation of the Executive Committee of the newly elected District Council.

**9. Qualification for membership :**

A person shall not be qualified to be elected as a member of the District Council for an Autonomous District unless he :-

- (a) is a citizen of India
- (b) is not less than 25 years of age and
- (c) is entitled to vote at the election of the members of District Council of that Autonomous District.

**10. Sessions of District Council :**

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

**CHAPTER II****Officers of the District Councils****11. Chairman and Deputy Chairman of District Council :**

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

**12. Vacation of Offices of Chairman and Dy. Chairman :**

A member holding office as Chairman of the District Council of an Autonomous District or as Deputy Chairman of the District Council –

- (a) shall vacate his office if he ceases to be a member of the said Council.

- (b) May at any time by writing under his hand addressed, if such member is the Chairman, to the Deputy Chairman, and if such member is the Deputy Chairman to the Chairman, resign his office; and,
- (c) May be removed from his office by a resolution of the District Council as provided for in the Rule 108.

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

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

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

- (1) At any sitting of the District Council, while any resolution for the removal of the Chairman from his office is under consideration, the Chairman, or while any resolution for the removal of the Deputy Chairman from his office is under consideration, the Deputy Chairman shall not, though he is present, preside, and the provisions of sub-rule (2) of rule 13 shall apply in relation to sitting from which the Chairman or, as the case may be the Deputy Chairman is absent.

- (2) The Chairman shall have the right to speak in, and otherwise to take part in the proceedings of the District Council while any resolution for his removal from office is under consideration in the Council and shall, notwithstanding anything in rule 26, be entitled to vote only in the first instance, on such resolution or any other matter during such proceedings but not in the case of an equality of votes.

**15. Secretary to District Council :**

There shall be a Secretary to the District Council, who will be appointed by the Chairman of the District Council. The Secretary shall not be a member of the District Council.

**Note** : There is no bar to the Secretary to the Executive Committee also functioning as Secretary to the District Council. The two posts could advantageously be held by the same person.

**16. Condition of Services of Officers and Staff :**

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

### **CHAPTER III**

### **DISQUALIFICATIONS OF MEMBERS**

#### **17. Vacations of Seats :**

- (1) No person shall be a member of the District Councils of two or more Autonomous District and if a person is so elected a member of two or more District Council, then at the expiration of 21 days from the date of publication in the Gazette of the declaration that he has been so elected or, if such publication has been made on different dates, from the latest of such dates, that person's seat in the District 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 a vacancy or vacancies shall be notified by the Administrator in the Gazette.
- (2) If a person is elected to more than one seat in the District Council of an Autonomous District, then unless within 21 days from the date of publication in the Gazette of the name of that person as having been so elected, where such publication has been made on different dates unless within 21 days from the latest of such dates, such person resigns all but one of the seats all the said seats shall become vacant. If he resigns all but one seat, the remaining seat or seats shall become vacant, such vacancy or vacancies shall be notified by the Administrator in the Gazette.
- (3) In the event of any vacancy arising in a constituency under sub-rule (1) or (2), the Returning Officer shall, subject to the provisions of sub-rule (2) of rule 165,

declare the candidate polling the next highest number of valid votes in that constituency as shown in the return prescribed under rule 168 to be duly elected to fill up the vacancy & the name of the candidate so elected shall be reported to the Secretary to the Government of Mizoram, Local Administration Department and published in the Gazette under the signature of the Returning Officer.

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

#### **18. Disqualification for Membership :-**

- (1) A person shall be disqualified for being elected as and for being member of the District Council of an Autonomous District :
  - (a) If he is a salaried servant of the Govt. of India or the Govt. of any State specified in the first schedule to the Constitution or is an employee of a District Council.

- (b) If he is of unsound mind and stands so declared by a competent Court or such other authority as may be recognized by the Administrator.
- (c) If he is not a citizen of India or has not voluntarily acquired a citizenship of a foreign state or is under any acknowledgement of allegiance or adherence to a foreign state.

\*(cc) if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the District Council for the supply of goods to, or for the execution of any works undertaken by, the District Council:

Explanation :- For the purpose 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.

(\* As amended/inserted by Govt. of Mizoram by publishing Extra Ordinary Gazette dt. 20.9.1977 vide Notification No. LAD/R-10/74/28 dt. 20.9.1977).

- (d) If, whether before or after the commencement of these rules, he has been convicted, or has in proceedings for questioning the validity or regularity of an election, been found to have been guilty, of any offence or corrupt or illegal

practice which has been declared by rule 208 or rule 209 to be an offence or practice entailing disqualification for membership of the District Council of an Autonomous District, unless such period has elapsed as has been provided in that behalf in the said rule 208 or rule 209 as the case may be.

- (e) if he is undischarged insolvent;
- (f) If, whether before or after the commencement of these Rules, he has been convicted by a Court in India of any offence and sentenced to transportation for not less than two years unless a period of 5 (five) years, or such less period as the Administrator may allow in any particular case, has elapsed since his release.
- (g) If having been nominated as a candidate for the District Council of an Autonomous District or having acted as an election agent of any person so nominated, has failed to lodge a return of election expenses within the time and in the manner prescribed in rule 173, unless 5 years have elapsed from the date on which the return ought to have been lodged or the Administrator has removed the disqualification.
- (h) if having held any office under the Govt. of India or the Govt. of any State or the District Council of any Autonomous District, he has whether before or after the commencement of these rules, been diminished for corruption or disloyalty to the state, unless a period of five years has elapsed since his dismissal provided that –

- (i) a disqualification under clause (e) or clause (f) of this sub-rule shall not in the case of a person who become so disqualified by virtue of conviction or a conviction and a sentence and is at the date of disqualification and a member of the District Council of an Autonomous District, take effect until 3 months, have elapsed from the date of such disqualification or if within these 3 months, an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of;
  - (ii) a disqualification under clause (g) of this sub-rule shall not take effect until the expiration of two months from the date by which the return of election expenses ought to have been lodged or of such longer period as the Administrator may in any particular case allow;
  - (iii) The disqualification under clause (h) of this sub-rule may in the case of any of the candidates for the first election under these rules be removed by the Administrator for reasons to be recorded by him in writing;
- (2) For the purpose of this rules a person shall not be deemed to be an employee of a District Council by reason only of his being a member of the Executive Committee of that District Council.

- (3) Nothing in these Rules shall restrict the power of the Administrator to nominate a person who is a salaried servant as defined in sub-rule (1) (a) to be a member of the District Council of an Autonomous District.

**19. Decision on question as to disqualification of members:**

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

## **CHAPTER IV EXECUTIVE COMMITTEE**

**20. Formation of Executive Committee of District Council :  
Chief Executive Member**

- (1) There shall be an Executive Committee of the District Council, with the Chief Executive Member at the head and 2 other members to exercise the functions hereinafter specified in rule 29, 30, 31 and 32.
- (2) There shall be a Secretary to the Executive Committee. The Secretary shall be appointed by the Chief Executive Member and shall not be a member to the District Council;

Provided that the Administrator of Mizoram may depute any of its officers to a District Council to function as its Executive Secretary, in which case the Secretary appointed by the Chief Executive Member shall function, under the officer so appointed by the Government, as Additional Secretary :

**21. Election of Chief Executive Member**

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

**22. Vacation of Office of Members of Executive Committee**

- (1) A member holding office as Chief Executive Member or a member of the Executive Committee.
  - (a) Shall vacate his office if he ceases to be a member of the District Council.
  - (b) May at any time by writing under his hand submitted his resignation, if member is the Chief Executive Member to the administrator through the Chairman and if such member is a member of the Executive Committee, to the Chief Executive Member on his resignation being accepted by the Administrator, such Chief Executive Member shall be deemed to have vacated office.
- (2) When the Chief Executive Member vacates or resigns his office under sub-rule (1), the other members of

the Executive Committee shall also cease to hold office as such and a new Executive Committee shall be constituted in accordance with the provisions of Rule 21.

Provided that until a new Chief Executive member has been elected and the Executive Committee reconstituted, the Administrator may, notwithstanding anything contained in sub-rule (1) of rule 20, authorize any one member or more than one member of the District Council to carry out the duties of the Executive Committee, or may take such other arrangements as he thinks proper for carrying on with the works of the District Council.

### **23. Removal of Member of the Executive Member**

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

Member and other members of the Council as members of the Executive Committee. The Executive Committee so constituted shall function until it is replaced by an Executive Committee constituted in accordance with the provisions of Rule 21.

**24. Staff of Executive Committee :**

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

### **PART III CONDUCT AND PROCEDURE OF BUSINESS**

#### **CHAPTER I**

#### **GENERAL**

**25. Oath or Affirmation by Member :**

Every member of the District Council shall, before taking his seat, make and subscribe before the Deputy Commissioner, or some person appointed in this behalf by the Administrator, an oath or affirmation according to the form set out below.

“I, A.B. having been elected (or nominated) a member of the ..... District Council, do swear in the name of God.

solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.”

## **26. Voting in District Council :**

Save as otherwise provided in the Constitution and in these rules, all questions at any sitting of a District Council shall be determined by a majority of votes of the members present and voting, other than the Chairman or person acting as such.

The Chairman or person acting as such, shall not vote in the first instance but shall have and exercise a casting vote in a case of equality of votes.

## **27. Power of District Council to Act notwithstanding vacancies :**

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

## **28. Quorum.**

- (1) The quorum to constitute a meeting of the District Council shall be 4 members or one third of the total number of members of such Council, which ever is greater.

- (2) If at any time during a meeting of District Council, if there is no quorum, it shall be the duty of the Chairman or person acting as such, either to adjourn or suspend the meeting until there is a quorum.

## **29. Conduct of Executive Function**

- (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 or by order of the District Council. Every such order or instrument shall be signed by the Chief Executive Member or any other Member of the Executive Committee authorised in writing by the Executive Member in this behalf and such signature shall be deemed to be the proper authentication of such instrument.

## **30. 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 Administrator for final approval.
- (2) The matters excepted under sub-rule (1) are
  - (a) cases involving any important change in the administrative system of Autonomous District or any important departure from accepted policy or practice;
  - (b) Proposals for making regulations, Rules or laws as authorised under the provisions of the Sixth Schedule to the Constitution.

- (c) Cases affecting the relations of Govt. with the Autonomous District Council;
  - (d) Cases which seriously affect or are likely to affect seriously, the peace or good Govt. of any Autonomous District or affect relations with any such area.
  - (e) All correspondence of important with the Government
  - (f) All important appointments.
  - (g) All matters specified in sub-rules
- (3) and all other matters required to be placed before the District Council shall be sent to the Secretary to the District Council in writing for placing before the said Council.
- (4) Matters affecting minorities.
- (5) Any other matter which , under the Sixth Schedule to the Constitution, requires prior approval of the Administrator.

### **31. Savings :**

- (1) Notwithstanding anything contained in the rule 30, if at any time, except when the District Council is in session, an emergency arises which renders it necessary for the Executive Committee to take immediate action in respect of any matter or matters specified in clauses (a), (b) (c) (d) (e) (f) and of sub-rule.
- (2) of that rules, the Executive Committee may take such action thereon as the emergency appears to it to require, but every such case shall be forthwith reported

to the Deputy Commissioner and Administrator, 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/decision of the Administrator for such action as may be decided by the Council.

### **32. Transaction of Business of the Executive Committee**

- (1) Each member of the Executive Committee shall be entrusted with specified 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 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 howsoever otherwise.
- (2) One of the members of the Executive Committee will be in charge of the District funds referred to in these Rule as the member-in-charge of the financial affairs of the District Council. The functions of the member in charge of the financial affairs of the District Council shall be as follows :-
  - (a) he shall generally advice on all matters pertaining to receipts and expenditure of the District Council.
  - (b) he shall be responsible for all matters relating to financial procedure and the application of the principles of sound finance.

- (c) he shall prepare the Budget of the District Council and deal with all matters relating to budget procedure and the forms and content's of the financial statement.
- (d) he shall be responsible for the 'ways and means' position of the District funds.

## **CHAPTER II**

### **ELECTION TO THE CHAIRMAN AND DY. CHAIRMAN**

#### **33. Election of Chairman**

- (1) For the Constitution of a new District Council or owing to the vacancy in the office of the Chairman the election of a Chairman is necessary, the Administrator shall fix a date for holding of the election and the Deputy Commissioner or the Secretary of the District Council, as the case may be, shall send to every member notice of the date so fixed.
- (2) At any time before noon on the day proceeding the date so fixed, any member may nominate another member for election as Chairman by delivering or causing to be delivered, in the manner hereinafter provided, to the Deputy Commissioner or Secretary, as the case may, the nomination paper signed by himself as proposer and by a third member as seconder and stating.
  - (a) the name of the member nominated, and
  - (b) that the proposer has ascertained that such member is willing to serve as Chairman, if elected;

- (3) The nomination paper shall be delivered to the Deputy Commissioner or the Secretary in person by the candidate himself, his seconder or proposer;
- (4) The Deputy Commissioner or any officer authorised by him in this behalf shall preside over the first meeting of the District Council constituted under these rules pending the election of a Chairman, and he shall read out to the Council the names of the members who have been duly nominated for election as Chairman together with those of the proposer and seconder and if only one member has been so nominated, shall declare that member to be elected. If more than one member has been so nominated, the Council shall proceed to elect a Chairman by ballot.
- (5) For the purpose of sub-rule (4), a member shall not be deemed to have been duly nominated or entitled to vote, if he and his proposer and seconder have not, before the reading out of the names by the person presiding made the oath or affirmation as a members of the Council.
- (6) Where who or more candidates obtain an equal number of votes the person presiding shall select the Chairman by drawing lots.

### **34. Election of Deputy Chairman**

- (1) When either at the beginning of the 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 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 of the Council shall send to every member notice of the date so fixed.

- (2) The procedure for the election of the Dy. Chairman shall be same as that for the election of the Chairman as provided for in rule 33, except that the meeting for the election of the Deputy Chairman shall be presided over by the Chairman.

### **35. Temporary Chairman :**

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

### **36. Power of person Presiding**

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

### **CHAPTER III**

#### **MEETING OF THE DISTRICT COUNCIL**

#### **37. Summoning of the District Council**

- (1) Subject to the provisions of sub-rule (3) , the Chairman or such other person authorised by the Administrator in this behalf shall summon the District Council to meet at such time and place as he thinks fit. He shall inform the Deputy Commissioner of the date, hour and place for such meeting of the Council.
- (2) 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 of the Council at least thirty days before the days fixed for the meeting.
- (3) The District Council shall be summoned to meet three times in a year and four months shall not elapse between its last sitting in one session and the date appointed for its first sitting in the next session :

Provided that in the event of an emergency the Chairman of the Council, in consultation with the Chief Executive Member, may summon the District Council often and at shorter notice than what has been provided in sub-rule (2)

Provided that prior information shall be sent to Deputy Commissioner and Administrator whenever any emergency session may be summoned.

Provided further that on receipt of a requisition signed by not less than two-third of the members of a District Council, the Chairman shall summon a special meeting of the Council.

- (4) The Chairman or such other person who summons the District Council under sub-rule (1) or (3) may also prorogue the Council.
- (5) Notwithstanding anything contained in this rule, nothing shall restrict the power of the Administrator to summon a meeting of the District Council at any time he deems fit.

### **38. Language of the District Council**

A member may address the Council in any of the language spoken in the area over which the District Council exercises jurisdiction, or in Hindi or in English :

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

### **39. Members to rise when speaking**

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

### **40. Explanations :**

When for the purpose of explanation during discussion for any other sufficient reason any members has occasion to ask a question of another member on any matter then and there under the consideration of the Council, he shall ask such questions through the Chairman.

#### **41. Limitations on Debate**

- (1) The matter of every 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 State or Administrator of a Union Territory (as distinct from the Govt. of the State or the Govt. of Union Territory Administration, as the case may be) or any court of law in the exercise of its judicial functions;
  - (ii) Utter reasonable or seditious words;
  - (iv) use offensive expression regarding the Parliament or the Legislature of a State or Union Territory,
  - (v) Refer to any matter of fact on which a judicial decision is pending.
  - (vi) Make a personal charge against the Chairman or another member; or
  - (vii) Use his right of speech, after due warning from the Chairman, for the purpose of willfully and persistently obstructing the business of the District Council.

#### **42. Proceeding invalid for failure to comply with rules :**

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

**43. Decision on points of order**

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

**44. Irrelevance of Repetition**

The Chairman, after having drawn the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

**45. Power to order withdrawal of member**

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

time as may be determined by him and submit report in this regard to the Deputy Commissioner and Administrator.

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

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

**47. List of Business**

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

**48. Business outstanding at the end of the day**

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

**49. Vacation of seats by Members for continuous absence**

- (1) If a member finds that at any time he is unable to attend the meeting of the District Council for a period of thirty consecutive days computed in the manner provided in sub-rule (5) of rule 17, he shall apply to the Chairman for the permission of the District Council to be so absent.
- (2) Such application shall be disposed of as if it was a motion under Chapter V of this Part.
- (3) The Secretary shall inform the member as soon as possible, of the decision of the Council on his application.
- (4) If a member is absent from the 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 17, the Chairman shall bring that fact to the notice of the District Council. The District Council shall then decide as to whether the seat of the absent member should be declared vacant in the manner provided in sub-rule (2)
- (5) If the District Council declares the seat of the member to be vacant, the Secretary shall communicate such declaration to the Administrator through the Deputy Commissioner and to the member concerned.
- (6) The Secretary shall keep a list showing the attendance of each members and such list shall be made available for inspection by members.

## **CHAPTER IV**

### **QUESTIONS**

#### **50. Time for Question**

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

#### **51. Notice of Questions**

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

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

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

The Chairman shall cause a list of business and 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, in writing or otherwise, the Chairman not to be answered in the Council or he may advise the Chairman to allow the question or part thereof to be answered in such a way as may be specified by him.

Provided that in the event of any difference of opinion arising between the Deputy Commissioner and the Chairman, the Deputy Commissioner shall refer the matter to the Administrator, and pending the receipt of the orders of Administrator thereon, the Chairman shall not allow the question to be answered in the Council.

#### **54. Subject Matter of Question :**

- (1) A question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the member to whom it is addressed.

No question shall be asked in regard to any of the following subjects, namely :-

- (i) Any matter which is under adjudication by a Court of law having jurisdiction in any part of the Union of India, and
  - (ii) Any matter relating to the conduct of any judge or any Magistrate in the discharge of his duties.
- (2) If any doubt arises whether any question is or is not within the restriction imposed by sub-rule (1), the Chairman shall decide the point and his decision shall be final.
- (3) Any question relating to any Government officer of Public Servant which may cast or likely to cast aspersions on the person in so far as it relates to the official discharge of his duties.

**55. Form and content of questions**

In order that a question may be admissible it shall satisfy the following conditions, namely :-

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

**56. Question regarding controversy with higher authorities**

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

**57. Chairman to decide admissibility of questions**

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

**58. List of questions**

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

**59. Matters to which they shall relate**

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

**60. Questions of absent member :**

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

**61. Members of the Executive Committee may ask for notice of Supplementary Question:**

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

as possible within the session. If, nevertheless, the question is not answered during the session in which it is put, it will lapse under rule 48.

## **CHAPTER V MOTIONS**

### **62. Motions**

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

### **63. Admissibility of Motions**

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

### **64. Identical Motions**

- (1) Motions shall not raise a question substantially identical with one on which the Council has given a decision in the same session. The Chairman's decision

on the point whether the question is substantially identical with the previous one shall be final.

Explanation – The Council shall not be deemed to have given a decision in respect of a bill unless it has either passed the Bill into law or has rejected the bill.

- (2) Where substantially identical motions stands 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 motions shall thereupon be deemed to be withdrawn.

## **65. 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.

## **66. Rules as to amendments**

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

**67. Order of Amendments :**

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

**68. Division of Motions**

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

**69. Withdrawal of Motion**

- (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 motions is absent, it shall be considered to have been withdrawn by him.

**70. Procedure where motion debated and not withdrawn**

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

## **71. 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.

- (i) that the debate has already proceeded to a length which is consistent with the reasonable exercise of the right of free speech; and
- (ii) that the request is in accordance with the 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 62(2), it shall not be necessary to record the names of the members who support or oppose a request made under this rule.

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

- (1) A motion expressing want of confidence in the Executive Committee or a motion disapproving the policy of the Executive Committee in regard to any particular matter may be made with the consent of the Chairman and subject to the restriction that the member making the motion shall present to the Secretary a written notice of the motion before the commencement of the sitting of the day.
- (2) If the Chairman is of opinion that the motion is in order, he shall read the motion to the Council and shall request those members who are in favour of leave being granted to rise in their place, and if not less than one-fourth of the members present rise accordingly, the Chairman shall

intimate that leave is granted and that the motion will be taken on such day, not being more than two days and not less than twenty four hours from the time at which leave is asked for, as he may appoint :

Provided that if exigencies of business require, the Chairman shall have power to relax the rule and take up the motion earlier than twenty four hours.

- (3) If less than one-fourth of the members rise, the Chairman shall inform the member that he has not the leave of the Council.

## **CHAPTER VI LEGISLATION**

73. (1) The District Council, in respect of all the areas within its jurisdictions shall make or amend laws, regulations and rules in respect of all matters falling within its purview as specified in the Schedule.
- (2) All the rules which may be made by the District Council under sub-paragraph (1) of paragraph 2 of the Sixth Schedule with regard to matter specified in sub-paragraph (6) of that paragraph and also all rules with regard to other matter which are under the rule making power of the District Council shall be drafted by the Executive Committee and shall be placed by the Chief Executive Member before the District Council for consideration, 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.

- (3) All rules thus made and confirmed by the District Council be authenticated and signed by the Chairman of the Council. A copy of such rules shall be submitted to the Administrator for information through the Secretary, Local Administration Department and also a copy therefor shall be sent to the Deputy Commissioner and also to the Chief Executive Member.
- (4) All rules which may be made by the District Council with approval of the Administrator shall be drafted by the Executive Committee and after being passed by the District Council with or without amendments, shall be presented to Administrator for his approval.
- (5) All Rules thus made and passed by the District Council, after being approved by the Administrator in case of rules requiring such approval under any of the provisions of the Sixth Schedule, shall be published in the Mizoram Gazette and on such publication shall come into force.
- (6) All proposals to make and amend laws and regulations shall be introduced in the District Council in the Form of Bills.

#### **74. Introduction of Bills :**

- (1) Bills shall be introduced on behalf of the Executive Committee by any Member of the Executive Committee and such Bill shall hereinafter be referred to as "Official Bills."

Bills may also be introduced by other members of the District Council in their individual rights and such Bills shall hereinafter be referred to as “private member’s Bills”.

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

be introduced in the District Council and the decision of the Administrator in this matter shall be final.

- (c) On receipt of this orders of the Administrator that a Bill shall not be introduced in the District Council the Chairman of the Council shall not allow the Bill to be introduced.

## **75. Notice of Motions for leave to introduce bill**

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

## **76. Notice of private member's bill Copy of Executive Committee**

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

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

**78. Motion for leave to introduce a Bill**

- (1) As soon as may be after the notice of a motion under sub-rule (2) of rule 75 has been received, the Chairman shall fix a date for the consideration of the motion by the District Council.

On the day appointed for the consideration of the motion the member who has given notice of the motion shall move for the leave of the Council to introduce his Bill.

- (2) If a motion for leave to introduce a Bill is opposed, the Chairman after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may without further debate, put the question thereon.
- (3) If such motion be carried, the Secretary shall read the title of the Bill, and the Bill shall thereupon be deemed to be introduced in the Council.

**79. Motion after introduction**

When a Bill is introduced or on some subsequent occasion, the member in charge may make one of the following motions in regard to the Bill namely :-

- (a) that it be taken into consideration by the Council after at once or at some further day to be then mentioned, or
- (b) that it be referred to select Committee, or
- (c) that it be circulated for the purpose of eliciting opinion thereon :

Provided that if a member gives notice of a particular motion specified in (a) (b) and (c), shall not be permitted to move a different motion :

Provided further that no such motion shall be made until after copies of the Bill have been made available for the use of all members, and that any member may object to any such motion being made unless copies of the Bill have been so available for seven days before the motion is made and such objection shall prevail, unless the Chairman in his discretion allows the motion to be made.

#### **80. Persons by whom motions in respect of bills 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 opinion thereon shall be made by any member other than the Member-in-charge except by way of amendments to a motion made by the Member-in-charge.
- (2) For the purposes of this rule Member-in-charge of the Bill means, in case of an official Bill, any member acting on behalf of the Executive Committee and in any other case the member who has introduced the Bill.

#### **81. Discussion of Bill first reading**

- (1) On the day on which any such motion is made, or any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may

be discussed but the details of the Bill must not be discussed further than is necessary to explain its principles;

- (2) At this stage no amendments to the Bill may be moved, but if the member-in charge moves that the Bill –
  - (a) be taken into consideration, any member may move, as an amendment, that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon before a date to be mentioned in the motion; or
  - (b) be referred to 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 has been carried in the Council and the Bill has been circulated in accordance with that direction and opinions have been received thereon before the date mentioned in the motion, the member-in-charge, if he wishes to proceed with the Bill thereafter, must move that the Bill be referred to a Select Committee, unless the Chairman, in his discretion allows a motion to be made that the Bill be taken into consideration.

## **82. Composition of select Committee :**

- (1) The member of the Executive Committee who is concerned with the subject and the member who introduced the Bill, shall be members of the Select Committee.
- (2) The other members of the Select Committee shall be named in the motion proposing reference to the Committee and their appointment shall be subject to the vote of the Council.

- (3) The member of the Executive Committee concerned shall ordinarily be the Chairman of the Committee.
- (4) In the case of an equality of votes the fact of such equality shall be reported in the proceedings.
- (5) A select Committee may hear expert advice and representatives of special interests affected by the measure before them.
- (6) It may, for this purpose, require any person residing within the limits of the District Council to attend before it as witness or to produce before it such papers and records as it may think necessary, and thereupon a requisition in writing shall be sent to the person concerned, over the signature of the Chairman of the Select Committee.

**83. Quorum of select committee :**

- (1) At the time of the appointment by the Council of the members of a Select Committee, the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be fixed by the Council.
- (2) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of member fixed by the Council is not present, the Chairman of the Select Committee shall either suspend the meeting until the quorum is present or adjourn the Committee to some future day.
- (3) Where the Select Committee has been adjourned in pursuance of the sub-rule (2) on two successive dates fixed for meeting of the Committee, the Chairman of the Select Committee shall report the fact to the Council through the Chairman of the District Council.

- (4) In the case of an adjourned meeting of the Select Committee on quorum shall be required.
- (5) Either Secretary to the Executive Committee or the Secretary to the District Council shall be the Secretary to the Select Committee.

#### **84. Reports by the select committee**

- (1) After the publication of a Bill in the Gazette the Select Committee to which the Bill has been referred shall make a report thereon to the Chairman of the District Council.
- (2) Report may be either preliminary or final.
- (3) The Select Committee shall, in their report, state whether or not in their judgement the Bill has been so altered as to require republication.
- (4) It shall be stated in the report whether the Select Committee are unanimous or otherwise in their recommendations. The whole report shall be signed by all the member of the Select Committee :

Provided that any member of a Select Committee may record a minute of dissent on any point, and if he does so, he may either refrain from signing the report or signed it stating that he does so subject to his minute of dissent. He shall hand in his minute within such time as may be fixed by the Chairman of the Select Committee.

#### **85. Publication of reports :**

The Secretary to the District Council on receipt of a complete report (including minutes of dissent, if any) of a Select Committee, duly signed by all members of that

Committee with the Bill as amended, from the Secretary of the Select Committee shall cause the report and the Bill as amended to be made available for the use of each members of the District Council. Copies of the Report together with the Bill as amended shall also be sent to the Administrator and the Deputy Commissioner for information.

**86. Presentation of report :**

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

**87. Procedure on report after presentation**

- (1) After the presentation of the final report of a Select Committee on a Bill the member in charge may move.
- (2) That the Bill as reported by the Select Committee be taken into consideration, but any member may object to its being so taken into consideration if a copy of the report has not been available for the use of members for seven days and such objection shall prevail, unless the Chairman, in exercise of his discretion, allows the report to be taken into consideration :

OR

- (ii) That the Bill be recommitted, either –
  - (a) Without limitation, or
  - (b) With respect to particular clauses or amendments only

- (c) With instructions to the Select Committee to make some particular or additional provisions in the Bill.
- (3) If the member in charge moves that the Bill be taken into consideration; any member may move, as an amendment, that the Bill be recommitted.

## **88. Proposals of amendments :**

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.

## **89. Notice of amendments :**

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

## **90. Order of amendments second reading.**

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

## **91. Submission of Bill clause by clause**

Notwithstanding anything in the forgoing rules, it shall be in the discretion of the Chairman, when a motion that a Bill be taken

into consideration has been carried, to submit the Bill, or any part of the Bill, to the Council clause by clause. When this procedure is adopted, the Chairman shall call each clause separately, and when the amendments relating to it have been duly with, shall put the question “that this clause or (as the case may be) this clause as amended stands part of the Bill”

**92. Passing of Bills third reading**

- (1) If no amendment be made when a motion that a Bill be taken into consideration has been agreed to by the District Council, the Bill may at once be passed.
- (2) If any amendments be made, any member may object to the passing of the Bill at the same meeting; and such objection shall prevail, unless the Chairman, in his discretion, allows the Bill to be passed.
- (3) Where the objection prevails, the Bill shall be brought forward again at a future meeting, and may then be passed with or without further amendment.

**93. Formal revision of bill and submission of it to Chairman for authentication and to administrator for assent :**

- (1) When a Bill has been passed by the District Council, the Secretary shall, if necessary, renumber the clauses, revise and complete the marginal notes thereof, and make such purely formal consequential amendments therein as may be required and a copy of the Bill shall be submitted to the Chairman and shall be signed by him.
- (2) After a Bill has been so authenticated by the Chairman, the Secretary to the District Council shall send an authenticated copy to each of the following :-

- (i) The Administrator, through the Secretary, to Government for his assent where it is to required under any provisions of the Sixth Schedule :
- (ii) The Administrator, through the Secretary, to Government for information where the former's assent is not specifically required under the provisions of the Schedule :
- (iii) The Chief Executive Member for information.
- (iv) The Deputy Commissioner for information.

**94. Reconsideration of Bill returned by the administrator :**

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

**95. Effect of laws made by District Council :**

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

## **CHAPTER VII**

### **RESOLUTION**

#### **96. Notice of Resolution :**

- (1) A member who wishes to move a resolution, except a resolution contemplated by clause, (c) of rule 12 and provided under rule 107, shall give fifteen days notice before the opening day of the session of his intention and shall, together with the notice, submit a copy of the resolution which he wishes to move;

Provided that the Chairman, with the consent of the Chief Executive Member, may allow a resolution to be entered on the list of the business at shorter notice than fifteen days.

- (2) Immediately on receipt of the notice of a resolution under sub-rule (1), the Chairman shall send a copy of the resolution to the Deputy Commissioner. The Deputy Commissioner shall have power to disallow any resolution on the ground that it relates to matters falling outside the jurisdiction of the District Council. When a resolution is so disallowed, the Deputy Commissioner shall intimate the fact to the Chairman :

Provided that in the event of any difference of opinion arising between the Deputy Commissioner and the Chairman, the Deputy Commissioner shall refer the matter to the Administrator and pending the receipt of the orders of the Administrator thereon, the Chairman shall not include the resolution in the list of business.

**97. Power to disallow resolution :**

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

**98. Restriction on subject for discussion**

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

**99. Form and contents of resolution**

Subject to the restriction 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 or character of persons except in their official or public capacity.

#### **100. Motion and withdrawal of resolution**

- (1) A member in whose name resolution appears in the list of business shall, when called upon, either
  - (a) decline to move the resolution, in which case he shall confine himself to a mere statement to the effect, or,
  - (b) move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business.
- (2) If the member when called upon is absent, the resolution standing in his name shall be considered to have been withdrawn :

Provided that with the consent in writing of such absent member and with the permission of the Chairman any other member may move the resolution.

Provided further that if such a resolution stands in the name of another member present in the meeting of the District Council, such member may be permitted by the Chairman to move that resolution.

#### **101. Limits of discussion**

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

## **AMENDMENTS**

**102.** After the resolution has been moved, may, subject to all rules relating to resolutions, move an amendment to such resolution.

**103. Notice of amendments**

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

**104. Withdrawal of resolution**

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

**105. Resolution not discussed**

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

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

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

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

**108. Resolution for removal of Chairman'**

- (1) Any resolution to remove the Chairman or the Deputy Chairman from office shall be read to the District Council by the person presiding, who shall then request the members who are in favour of leave being

granted to move the resolution, to rise in their places and, if not less than one-fourth of the members present rise accordingly, the person presiding shall allow the resolution to be moved. If less than one-fourth of the member rise, the person presiding shall inform the member who may have given the notice that he has not the leave of the Council to move it.

- (2) If leave is granted for the resolution to be moves, it shall be disposed of in accordance with the procedure laid down in the forgoing rule in this chapter.

## **CHAPTER VIII**

### **FINANCIAL PROCEDURE**

#### **109. Annual Financial Statement**

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

**110. Authentication of Schedule of authorised expenditure**

- (1) The Chief Executive Member shall authenticate by his signature a Schedule specifying the grants made by the District Council under the preceeding rule.
- (2) The Schedule so authenticated shall be placed before the District Council but shall not be opened to further discussion or vote in the Council
- (3) Subject to the provisions of the next succeeding rule, no expenditure from the District Fund shall be made unless it is specified in the Schedule so authenticated.

**111. Supplementary statements of expenditure**

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

**112. Presentation of District Council Budget**

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

**113. Demand for Grants.**

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

**114. Discussion of District Council Budget.**

The District Council Budget shall be dealt with by the District Council in two stages, namely :-

- (i) a general discussion, and
- (ii) the voting of demands for grant.

**115. General discussion of Budget, right or reply by member in-charge of Financial affairs and time limit of speeches.**

- (1) On the day or days to be appointed by the Chairman subsequent to the day on which the Budget is presented and for such time as the Chairman may allot for the purpose, the District Council shall be at liberty to discuss the budget as a whole or any question of principle involved therein, but the Budget shall not be submitted to the vote of the District Council.

- (2) The Member incharge of Financial Affairs shall have a general right of reply at the end of the Discussion.
- (3) The Chairman may, if he thinks fit, prescribe a time limit for speeches.

#### **116. Voting of Demands**

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

#### **117. Vote on account, vote of credit and exceptional Grants :**

- (1) Notwithstanding anything contained in the preceding rules, on any day or days subsequent to the presentation of the District Council Budget which may be appointed by the Chairman for the purpose, motions may made for making –
  - (i) any grant in advance in respect of the estimated expenditure for the part of any financial year;

- (ii) a grant for meeting an unexpected demand upon the resources of the 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;
  - (iii) an exceptional grant which forms no part of the current service of any financial year.
- (2) Such demands shall be dealt with by the District Council in the same way as if they were demands for grants and the provisions of rules 110 (1) and (2) and 113 – 116 *mutatis mutandis*, apply;
- (3) The Chief Executive Member shall, within such financial year, cause to be laid before the District Council a statement of expenditure incurred out of the grant or grants made under sub-rule (1), and the approval of the Council shall be obtained thereon.

#### **118. Motion at this stage**

- (1) No motion for appropriation can be made except on the recommendation of the Chief Executive Member communicated to the District Council –
- (2) Motions may be moved at this stage to refuse or reduce the total amount of any demand for grant or to omit or reduce the amount of any unit or units of appropriation composing the grant;
- (3) If any such motions be carried by the District Council, the decision would be final under rule 110.
- (4) When tabling a motion for reduction, it is be for a reduction or omission of the amount of an item, a member shall give full details of the reduction or

omission proposed by him with reference to original provision in the budget;

- (5) When several motions for substantial reduction relating to the same demand are offered, they shall be discussed in the order in which the head to which they relate appears in the Budget ordinarily, the largest reduction under a grant or an item of a grant will be taken up first and the smallest reduction last, but this arrangement may be altered by the Chairman at his discretion to expedite the business of the Council.

### **119. Notice of Motion**

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

### **120. Statement of supplementary or additional Grants.**

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

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

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

## **CHAPTER IX**

### **MISCELLANEOUS**

**122. Proceedings of the District Council**

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

**123. Other duties**

In addition to the other duties specially empowered by these rules it shall be the duty of the Secretary.

- (1) to take charge of all records of the District Council,

- (2) to keep the books of the District Council,
- (3) to keep a list of business for the time being before the District Council,
- (4) to superintend the typing or printing of all papers ordered by the Chairman to be typed or printed,
- (5) to make out from time to time list of all Select Committee's sittings
- (6) to assist the District Council and all Select Committees in such manner as they may direct, and
- (7) to write all letters directed by the Chairman of the District Council to be written.

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

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

## **PART IV**

### **ELECTIONS**

#### **CHAPTER – I**

#### **GENERAL PROVISIONS**

**125. Holding of General Elections**

- (1) As soon as may be, after the commencement of the Mizoram District Councils (Miscellaneous provisions) Order, 1972 a general election shall be held under these rules for the Constitution of a new District Council for each Autonomous District and thereafter a general election shall be held on the

expiration of the duration of the then existing District Council or on its dissolution.

- (2) For the constitution of District Council for the first time under these rules, or, on the expiration of the duration of an existing District Council or on its dissolution, the Government shall, by notification in the Gazette, call upon every constituency to elect a member or members in accordance with these rules within such as may be specified in such notification.

Provided that, if the Government consider fit, the said notification may be issued at any time not being more than six months prior to the date on which the duration of the District Council would expire in the ordinary course of events :

Provided further that for the Constitution of a District Council for the first time under these rules the said notification may be issued when the Administrator thinks fit.

## **126. Publication of results of the General Election**

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

## **127. Casual vacancies :**

- (1) When the seat of an elected member of a District Council become vacant or the election of a member is declared void, the Administrator shall, by notification in the Gazette, call upon the constituency

to elect a person to fill the vacancy within such time as may be specified in the notification, and these rules shall apply, as far as may be, to the procedure for the election of a member to fill such a vacancy.

- (2) If a vacancy occurs in the case of a nominated member, the Administrator shall nominate to the vacancy a person having the necessary qualifications under these rules.

### **128. Effect of disqualifications**

If any person having been elected or nominated, is found to have been subject at the time of his election or nomination to any of the disqualifications prescribed in rule 9 or 18, the Administrator may, if the disqualification has not been removed, declare, by notification in the Gazette, his seat to be vacant.

## **CHAPTER II**

### **FRANCHISE – ELECTORAL ROLLS**

### **129. Qualifications for Electors**

- (1) Save in so far as is otherwise provided in these rules, every person who is -
  - (a) a citizen of India and ordinarily resident in a constituency for not less than 180 days during the qualifying period,
  - (b) not below the age of Eighteen on the qualifying date
  - (c) not of unsound mind and one not sound so declared by a competent Court.

- (d) For the time being not disqualified from voting under the provisions of any law relating to contempt or illegal practices and other differences in connection with elections, shall be entitled to vote at any election to the District Council of an Autonomous District :

Provided that a person not belonging to a Schedule Tribe shall not be entitled to so vote unless he is permanently resident within the territorial limits of the said autonomous District.

- (2) The expression “ordinarily resident” used in Sub-rule (1) shall have the same meaning as assigned to it by Section 20 of the Representation of the peoples Act, 1950 (XLIII of 1950)
- (3) For the purposes of this rule, a person shall be deemed to be permanently resident within the territorial limits of an Autonomous District if he has taken up this fixed or permanent habitation with his family or made his permanent home in that District and resided continually therein for a period of not less than ten years on the qualifying date. A person shall not be deemed to have taken up his fixed habitation in the District merely by the reason of his having resided therein in connection with his civil or military service or in exercise of any profession or calling.
- (4) For the purposes of this rule, “the qualifying date” and “the qualifying period” in the case of every electoral roll subsequently prepared under these rules, shall be the first day of January of the year in which it is prepared; and the year immediately proceeding that year respectively.

Rule 129 (1) (b) as amended under No. DCA/R-55/82/168 dt. 16/11/89

Rule 129 (4) as amended under No. H. 14011/2/92-DCA dt. 23/3/92

### **130. Electoral Roll for every constituency.**

- (1) There shall be an electoral roll for every territorial constituency for election to the District Council of an Autonomous District.
- (2) Subject to the provisions of rule 129, the electoral rolls for the areas comprised within an Autonomous District for the purposes of elections to the Mizoram Legislative Assembly prepared in accordance with the provisions of the Representation of the People Act, 1950 (XLIII of 1950) and the rules issued there under from time to time, shall be deemed to be the electoral rolls for the corresponding areas of that Autonomous District Council of the said Autonomous District.

Provided that the name of any person who becomes disqualified for voting under the provision to sub-rule (1) of rule 129 shall be forthwith struck off the roll in which it is included.

Provided further that if the disqualification for voting under the provision to rule 129 (1) incurred by any person, whose name has by the reason there of been struck off the electoral roll under the foregoing provision, he removed during the period the said electoral roll is in force, the name of such person shall forthwith be re-instated in that electoral roll.

(As amended vide DCA/R-55/82/110 dated 26/10/87)

“Provided further that the names of those who were eligible and qualified to be voters but not included in the last electoral roll and also names of those who thereafter become qualified under rule 129 and those qualified voters who shifted their ordinary place of residence from one Constituency to other constituency within the same District Council area, may be included in the electoral roll for the respective constituency for election to the District Council”.

(d) Sub-rule (3) or rule 130 shall be substituted as follows :-

“(3) The Returning Officer shall make correction, reinstatement or inclusion as the case may be, referred to in the provision to sub-rule (2) or shall cause such correction, reinstatement of inclusion to be made, in all copies of the electoral roll which will remain in his custody and procession for the purpose of election to the District Council. But before such correction, re-instatement or inclusion is made, the Returning Officer or any other Officer authorised by him in writing in this behalf shall make a list of such persons whose names are to be struck off, re-instatement or inclusion in the electoral roll, as the case may be, and cause it to be hung up in the Court of the Deputy Commissioner or Sub-divisional Officer, as the case may be, or in such other place or places as the Returning Officer may direct : Any persons entered in the list may lodge with the Returning Officer an objection against his name being struck off the electoral roll or claim against the name of a person being admitted within a period of fifteen days from

the date of which the list is hung up. Returning Officer or any other Officer authorised by him in this behalf shall summarily dispose of such objection or claim petitions, within a period not exceeding two weeks from the date of submission of the petitions.

Every correction, re-instatement or inclusion so made or caused to be made in an electoral roll shall be initialled and dated by the Officer who makes the correction, re-instatement of inclusion;

- (4) The Electoral roll of a constituency of the Mizoram Legislative Assembly or so much of it as relates to the areas comprised within a constituency of the District Council of an Autonomous District shall, as and where corrected under sub-rule (3), be deemed to be the electoral roll for such constituency of the District Council and shall remain under section 24 of the Representation of the People Act, 1950 in force for the same periods as an Assembly Electoral roll (XLIII of 1950).

## **CHAPTER III**

### **RETURNING OFFICERS**

#### **131. List of Returning Officer**

- (1) The Returning Officers for the constituencies mentioned in the first column of Appendix II to these rules shall be the persons respectively specified in the corresponding entry in the second column thereof.
- (2) The persons specified in the third column of the said Appendix may, subject to the control of the Returning

Officer, perform all or any of the functions of the Returning Officer in the constituencies respectively specified in the corresponding entry in the first column thereof.

Provided that such persons shall not perform any of the functions of a Returning Officer which relates to the acceptance or scrutiny of a nomination paper or to the counting of votes and declaration and publication of the results of election unless the Returning Officer is unavoidably prevented from performing the same :

### **132. Appointment of additional Returning Officer**

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

### **133. Decision of Returning Officer is Final**

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

## **CHAPTER IV**

### **NOMINATION OF CANDIDATE**

#### **134. Nomination and steps to be taken thereunder**

- (1) No person shall be nominated as a candidate for election to fill a seat in the constituency if he is not qualified to be elected to fill the seat.
- (2) The Government shall appoint for each constituency—
  - (a) a date, not later than three weeks after the date of the notification calling upon the constituency to elect a member or members, for the nomination of candidates and for the scrutiny of nomination :
  - (b) a further date or dates on which a poll shall, if necessary, be taken and the dates so fixed shall be notified in the constituency in such manner as the Returning Officer thinks fit.
- (3) On or before the date is appointed for the nomination of candidate, each candidate shall, either in person or by his proposer or seconder, between the hours of eleven O' clock in the forenoon and three o'clock in the after-noon deliver to the Returning Officer, or to such other persons as may be authorised in his behalf by the Returning Officer, a nomination paper completed in the form specified in Appendix III and subscribed by the candidate himself as assenting to the nomination and by two persons referred to in sub-rule (4) as proposer and seconder.
- (4) Any persons whose name is included in the electoral roll of the constituency and who is not subject to any disabilities

for being so included under the constitution or any rules made thereunder, may subscribe as proposer or seconder as many nomination papers as there are vacancies to be filled but not more.

- (5) Every nomination paper delivered under sub-rule (3) shall contain a declaration in writing subscribed by the candidates that the candidate has appointed or does there by appoint as his election agent for the election either himself or some one other person who is not disqualified under rule 213 for the appointment and who shall be named in the declaration, and no candidate shall be deemed to be duly nominated unless such declaration is made on the nomination paper :

Provided that notwithstanding that more than one nomination paper is presented by or on behalf of a candidate, only one such declaration by the candidate shall be necessary.

- (6) Every nomination paper shall also contain a declaration in writing subscribed by the candidate that he has selected a particular symbol from the list specified in Appendix IV to these rules and no candidate shall be deemed to be duly nominated unless such declaration is made on the nomination paper.
- (7) Any nomination paper which is not received before three O'clock in the after noon on the date fixed by the Government for the nomination of candidates shall be rejected.
- (8) The Returning Officer or any other Officer authorised by the Returning Officer in writing shall, on receiving a nomination paper under sub-rule (3), sign thereon a certificate stating the date on which and the hour at which

the nomination paper has been delivered to him, and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of all the nominations received containing descriptions, same as those contained in the nomination papers, both of the candidates and of the persons who have subscribed the nomination paper as proposers and seconders.

- (9) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered by him either in person or by his proposer or seconder to the Returning Officer at any time before the Returning Officer has completed the preparation of the list of valid nominations under sub-rule (4) of rule 136.

A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

Note - A telegram addressed to the Returning Officer, purporting to come from a candidate giving notice of withdrawal of his candidature may be provisionally accepted as a notice in writing, unless, however, such Telegram is followed up as soon as possible by a notice of withdrawal subscribed by the candidate himself, the telegram should be disregarded and the candidate should be deemed not to have withdrawn his candidature.

- (10) The Returning Officer on any other person authorised in his behalf shall, on receiving a notice of withdrawal under sub-rule (9) as soon as may be cause a notice of the withdrawal to be affixed in some conspicuous place in the office.

**135. Deposit on nomination**

- (1) At the time of delivery of a nomination paper under sub-rule (3) of rule 134, each candidate shall submit with the nomination paper a Treasury Challan showing that a deposit of Rs. 150 (Rupees one hundred and fifty) has been made by him in the Treasury, and No candidate shall be deemed to be duly nominated unless such deposit has been made.
- (2) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made withdraws his candidature or if the nomination of any such candidate 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-eight of the total number of votes polled the deposit shall be forfeited to Government.
- (4) The deposit made by or on behalf of a candidate who is not elected; shall, if it is not forfeited under sub-rule (3), be returned to the candidate as soon as may be, after the publication of the result of the election in the Gazette, and the deposit made by or on behalf of a candidate who is elected shall be also returned as soon as may be, after the publication of the result of the election in the Gazette.

**136. Scrutiny of nomination**

- (1) After 3 pm on the date fixed by the Govt. for the nomination of candidates under sub-rule (2) of rule 134 the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate but no other person, may attend at such place the Returning Officer may appoint, and Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in rule 134.
- (2)(a) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry if any, as he thinks necessary refuse any nomination on any of the following grounds :-
  - (i) that the candidate is not qualified to be elected to fill the seat under the Constitution or any rules thereunder.,
  - (ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) rule 133.,
  - (iii) that there has been a substantial failure to comply with any of the provisions of rule 134 or rule 135.,
  - (iv) that the candidate or any proposer or seconder is not substantially identical with the person whose number of name of the electoral roll is given in the nomination paper as the number or name of such candidate's proposer or seconder.

- (v) that the signature of the candidate or any proposer or seconder, is not genuine or has been obtained by fraud.

The Returning Officer shall not, however, refuse any nomination on paper on the ground of a slight technical defect, such as the wrong spelling of a name, has shall accept any nomination paper in respect of which he is satisfied that the candidate is qualified to be chosen to fill the seat and has been proposed and seconded by persons who are qualified to do so,

(b) For the purpose of this rule, the production of a certificate copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any voter named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate or the proposer or seconder is otherwise disqualified.

- (3) (a) Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing in a brief statement of his reasons for such rejection;
- (b) The scrutiny shall be complete, if possible, on the day fixed for the nomination of candidates but if it cannot be completed on that day, it may be adjourned to the following day or, if the following day is a holiday, to the next working day.
- (4) On completion of the scrutiny of nominations, the Returning Officer shall forthwith examine the symbols selected by the candidates, and if such symbol; are found to conflict

with each other or with any symbols already assigned, he shall allocate the symbols in conformity, as far as possible, with the wishes of the candidates and if necessary by lot, and his decision in this respect shall be final. Each candidate or his election agent shall, at the same time, be informed of the symbol assigned to him and shall be given a specimen thereof. The Returning Officer shall then prepare a list of valid nominations indicating therein the symbols assigned to each candidate and shall cause such list to be affixed in some conspicuous place in his office.

### **137. Death of candidate before poll**

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

### **138. 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 Gazette and in such other manner and in such places in the constituency as the Returning Officer may consider necessary, the names of the candidates as given in the

nomination papers in alphabetical order and the symbols assigned to each candidate, and a poll shall be taken in the manner provided in the succeeding rules.

- (2) If the number of such candidates is equal to the number of seats to be filled, the Returning Officer shall declare all such candidates to be duly elected to fill those seats.
- (3) If the number of such candidates is less than the number of seats to be filled, the Returning Officer shall declare all such candidates, if any, to be elected to fill many of these seats as possible and the Govt. shall, by a notification in the Gazette, call upon the constituency to elect a person or persons to fill the remaining seat or seats, as the case may be, within such time as may be specified in the notification :

Provided that where the constituency having already called upon under this sub-rule has failed to elect a person or the requisite number of persons to fill the seat or seats, the Administrator shall not be bound again to call upon the constituency, to elect a person or persons until such time, if any, as he thinks fit.

## **CHAPTER V**

### **VOTING AT ELECTIONS**

#### **139. System of voting symbol system**

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

#### **140. Right to vote**

- (1) No person who is not, and except as expressly provided by these rules, every persons who is, for the time being; included in the electoral roll of any constituency shall be entitled to vote in that constituency.
- (2) No person shall vote at any election in any constituency if he is for the time being not entitled to vote under the provisions of rule (12) read with rules 211, 212 and 213.
- (3) No person shall vote at an election in more than one constituency and if a person votes in more than one constituency his vote in 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, and if he does so vote, all his votes in that constituency shall be void.

- (5) No persons shall vote at any election if he is confined in a prison, whether under sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police.

#### **141. Hours of commencement and close of poll**

- (1) The Government shall, by notification in the Gazette, fix the hour at which the poll shall commence and the hour at which it shall close on the date or dates fixed for the poll.

The hours fixed for polling shall also be published in the constituency in such manner as the Returning Officer may consider necessary.

- (2) The Returning Officer may, for sufficient cause and with the previous approval of the Government, postpone the date or extend the period fixed for polling.

#### **142. Selection of polling stations**

- (1) The Returning Officer shall select for each constituency such number of polling stations as he may deem necessary and shall allot a distinctive number to each of them.
- (2) Not less than seven days before the date or the first date of the dates fixed for the selection of 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 or 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 votes except at the polling station of the area to which, according to the electoral roll, he belongs and within the fixed hours for which the polling station remains open.

#### **143. Appointment of Presiding Officers and Polling Officers.**

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

Provided that if a polling officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station to be the polling officer during the absence of the former officer and inform the Returning Officer accordingly.

- (2) A polling officer may, if so directed by the presiding officer, perform all or any of the duties assigned to a Presiding Officer under these rules.
- (3) If the Presiding Officer, owing to illness or other unavoidable cause is obliged to absent himself from the polling station, his duties shall be performed by such Polling Officer as has been previously authorised by the Returning Officer to perform such duties during any such absence.

#### **144. Duties of Presiding Officers at Polling Stations**

- (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, and authorised in this behalf by the Returning Officer,
  - (b) Police Officer or other public servants on duty, and
  - (c) Such persons as the Presiding Officer may, from time to time, admit for the purpose of identifying electors.
- (2) At least seven days before the date fixed for the poll, every candidate shall forward to the Returning Officer of the constituency the names of one agent and two relief agents appointed in writing by the candidate, to act as his polling agents at each polling station or polling booth :

Provided that in case of the revocation of appointment of, or the death of polling agent, the Returning Officer may allow the appointment of another agent in his place at any time before the poll is taken.

- (3) The Presiding Officer shall close the polling station at the hour fixed in that behalf under rule 141(1) so as to prevent the admission thereto of any other voter after that hour, provided that all voters admitted within the polling station before it is so closed, shall be entitled to have their votes recorded.
  - (4) In emergencies such as disturbances of the public peace or the occurrences of any natural calamity, the Presiding Officer may, with the approval of the Returning Officer, close, the poll and announce the

adjournment of the poll to a subsequent day. The Returning Officer shall immediately report the circumstances to the Government.

#### **145. Arrangement for Secrecy of Voting**

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

#### **146. Provision of Ballot Boxes and Symbols at Polling Station**

(As amended by Govt. vide notification No. DCA/R-55/82/100 dt. 16.7.1987)

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

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

Rule 146 as amended under No. DCA/R-55/82/100  
dt. 16.7.87 (copy enclosed)

#### **147. Ballot Boxes to be locked up & sealed before commencement of poll**

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

#### **148. Maintenance of Secrecy of voting**

Before the polling station is open for the recording votes, the presiding officer shall read to such persons as may be present the provisions of rule 199 and shall explain the

substance thereof in the language or languages as may be understood by such persons.

#### **149. Procedure before recording of votes**

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

the number of ballot papers which he or she is entitled to receive.

**150. Persons to be present at the polling station to assist the Polling Officers in identifying voters.**

At every polling station arrangements shall be made for a suitable village or town officer, such as Village Council President, Government officials, who 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.

**151. Manner of recording votes after receipt of the Ballot Papers**

The voters on receiving the ballot paper shall record his vote by dropping the ballot paper in to the box containing the symbol assigned to the candidate of choice.

Rule 151 order Issue under No. DCA/R-55/82/145 dt. 31.12.87 (copy enclosed)

Every voter shall vote without undue delay and shall quit the polling station as soon as he/she has put his/her ballot paper into the ballot box. Before recording his vote shall show the presiding officer the official mark on his her ballot paper.

**152. Recording of votes on infirm voters**

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

**153. Ballot paper when invalid**

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

**154. Form of Ballot Paper**

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

**155. Tendered votes**

If a person representing himself to be a particular voter named on the electoral roll applies for a ballot paper after another persons has voted as such voter, the applicant shall, after duly answering such questions 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 “tender ballot paper”) shall be of a colour different from the other ballot papers, and instead of being put into the ballot box, shall be given to the Presiding Officer and endorsed by him with the name of the voter, constituency, and his number on the electoral roll and shall be set aside in a separate packet and shall not be counted by the Returning Officer. The name of a voter and his number in the electoral roll and the name and distinctive number of the polling station to which the roll relates shall be entered in a list in the form at Appendix VI which shall bear the heading TENDERED VOTES LIST. The person tendering such ballot paper shall sign his or her name and address therefore affixing his or her thumb impression against the relevant entry in the list. The tendered ballot paper shall be in the form in Appendix-IX.

**156. Challenged votes**

- (1) If any candidate, election agent for polling agent declares and undertakes to prove that any persons by applying for a ballot paper and claiming to be particular voter, has committed the offence of false personation, the Presiding Officer shall require such persons to enter in the list of Challenged votes, which shall be in the form in Appendix-VII, his name and address, or if he is unable to write, to affix his thumb impression thereto, and may further request such person to produce evidence of identification :

Provided that no action shall be taken by the Presiding Officer under this unless a sum of ten Rupees has been deposited in cash with the presiding officer by the candidate or such agent for each challenge he makes.

- (2) if the person so challenged refuses to comply with such/requisition, he shall not be allowed to vote, but if he does so comply and on being questioned whether he is the persons enrolled in the electoral roll in force and whether he has already voted at the present election in this constituency, answers the former question in the affirmative and the latter in the negative, he shall be allowed to vote after he has been warned of the penalty for personation.
- (3) If the Presiding Officer after such inquiry on the spot, as he thinks necessary, is of opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to Government and order in this respect shall be final.

- (4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be returned to the persons 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 challenge is allowed to vote, make a note of the circumstances in the list of Challenged votes.

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

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

**158. Provision for voting by persons on duty at Polling Stations.**

A Presiding Officer, Polling Officer, other public servant or polling agent who, being entitled to vote in the constituency is duly appointed or authorised for duty 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 at the polling station where he is employed. The Returning Officer shall, if satisfied that the application is in order, grant a certificate in the following form :

Certified that ..... is registered as an elector  
 No. .... at Polling Station .....  
 in the ..... constituency of the  
 ..... District Council and, as he is prevented  
 from voting at the said station by reasons of his employment at  
 the said Station 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.

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Rule 151. As Amended under No. H. 14011/2/92DCA dt.  
 8.4.92 (copy enclose)

### **159. Method of voting by persons on duty at polling stations.**

- (1) A person in possession of a certificate in the form mentioned in the rule 158 shall deliver it to the presiding officer of the station where he is employed on duty and the presiding officer shall thereupon issue to such person a 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) Persons voting under the provisions of sub-rule (1) shall record their votes as follows,
- (i) if the polling station at which the persons is on duty be in the same constituency as the one in which he is entitled to vote he shall record his vote in such station in accordance with the provisions of rule 151.
  - (ii) If he polling station at which the person is authorised or appointed for duty is not in the same constituency 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 envelops as there are candidates for the constituency in which he is entitled to vote, in each envelop 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 or papers in the envelops and enclose them in a cover to be supplied to him by the Presiding Officer, and then hand the cover over to the Presiding Officer. The Presiding Officer shall as soon as practicable after the close of the poll, despatch the cover together with the certificate delivered to him under sub-rule (1) to the Returning Office concerned.

**160. Delivery of Ballot Boxes 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 the presence of the candidates or polling agent who may be present make up into separate parcels and seal with his own seal and the seal of the candidate or agents as may desire to affix their seal,

- (1) each ballot box in use at each station unopened but with the key attached and the slit in the lid sealed up;
- (2) the unused ballot papers; (3) the tendered ballot papers; (4) the spoilt ballot papers; (5) the marked copy of the electoral roll; (6) the counterfoils of the ballot papers (7) the tendered votes list (8) the list of challenged votes and (9) the envelopes referred to in rule 158 and shall deliver such packed or cause them to be delivered to the Returning Officer .

**161. Statement by Presiding Officer after close of the poll**

The packets shall be accompanied by a statement in the form given in Appendix VIII by the presiding officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers issued, unused, spoilt and tendered ballot papers dealt with under rule 159(2).

## **CHAPTER VI**

### **COUNTING OF VOTES**

#### **162. Appointment of time place and date for counting of votes.**

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

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

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

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

On the day and the time appointed under rule 162 the Returning Officer shall, before he commences to count the votes, read the provisions of rule 199 to such person as may be present and shall then proceed as follows :

- (a) All the ballot boxes allotted to a particular candidates shall be separated from those allotted to any other candidate and numbered and place together, and the counting of all the ballot papers contained in the boxes allotted to the same candidate shall be completed before the counting of the ballot papers contained in the boxes allotted to any other candidate is commenced. The Returning Officer or a person authorised by him shall distribute ballot papers in convenient bundles to the persons appointed to assist in the counting of votes;
- (b) When the ballot papers have been so distributed but not before, the Returning Officer shall allow the candidates and their election agents, or representatives as may be present, reasonable opportunity to inspect without handling, the ballot papers, and shall on every ballot paper which is rejected endorse the word “rejected”. If any candidate or his agent or representative present questions the correctness of the rejection, he shall also record on the ballot paper the grounds for the rejection :

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Rule 164. order issued under No. DCA/R-55/82/145  
dt. 31.12.87 (copy enclosed)

- (c) The Returning Officer shall, as far as practicable, proceed continuously with the counting of votes, and shall during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seal of such candidates, or election agents as may desire to affix them, and shall

cause adequate precautions to be taken for their custody :

- (d) After the counting of ballot papers contained in all the ballot boxes has been completed, the Returning Officer shall record the number of the ballot papers contained in the ballot boxes allotted to each candidate in a statement in which he shall also show the number of votes received by each candidates in accordance with the provisions of rule 159 (a) (ii) and shall seal in a separate packet all the ballot papers in support of each candidate.

#### **165. Ground for rejection of Ballot Paper**

- (1) A ballot paper shall be rejected if : (a) it does not contain the official mark referred to in rule 148(3) : (b) it bears any mark by which the voter can be identified other than the name of the candidate written by the voter in the manner provided by rule 158 (c) in the case where it is despatched in a cover under clause (ii) of sub-rule (2) of rule 159 to the Returning Officer, the cover does not contain the certificate issued under 158 to the voter whose vote is recorded on such ballot paper.
- (2) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to the reversal on an election petition claiming the seal.

#### **166. Declaration of candidate elected**

- (1) When the counting of votes has been completed the Returning Officer shall forthwith declare the candidate or candidates, to whom the largest number of valid votes has been given, to be elected :

Provided that upon the application of any candidate or his election agent or his duly authorised representative a recount shall be made before the Returning Officer makes the declaration but the Returning Officer may reject any such application as may appear to him to be frivolous, recording at the same time the grounds for such rejection.

- (2) If an equality of votes is found to exist between the candidates, and addition of one vote will entitle any of the candidates to be declared elected on additional vote shall be given by the Returning Officer to the candidate, or, as the case may be, the candidates, selected by lot drawn in the presence of the Returning Officer in such manner as he may determine.

**167. Report of result of election to Government and publication of result in the Gazette.**

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

**168. Verification of statement by the Presiding Officer**

The Returning Officer shall not open the sealed packets of the tendered votes, the marked copy of the electoral roll, or the counterfoil of the ballot papers. He shall verify the statements submitted by the presiding officer under rule 161 by comparing with the statements prepared under clause

(d) of rule 164 and the later with the number of counted votes and rejected ballot papers the unused ballot papers in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, shall record on each packet a description of its contents and the date of the election to which it refers.

#### **169. Return by the Returning Officer**

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

#### **170. Return to be sent to Government**

- (1) The Returning Officer shall, after reporting the result of the election under rule 167, forward the return mentioned in the preceeding rule, to the Secretary to the Govt. of Mizoram.
- (2) Copies of returns by the Returning Officer shall be furnished by the Secretary to the Govt. of Mizoram, Local Administration Department on payment of a fee of Rs. 2 per copy.

## **CHAPTER VII**

### **ELECTION AGENTS AND EXPENSES**

#### **171. Election agent**

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

#### **172. Revocation of appointment of Election Agent**

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

#### **173. Accounts of Agents :**

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

**174. Return of Election expenses :**

- (1) Within sixty days from the date of the publication of the result of an election under rule 167, there shall be lodged with the Returning Officer in respect of each person who has been nominated as a candidate for the election, a return of the election expenses of that person, signed both by him and his election agent.
- (2) The return of election expenses shall be in the form given in Appendix IX and shall contain the particulars as prescribed therein. Every such return shall be accompanied by declarations by the candidate and his election agent, which shall be in the forms contained in the said Appendix IX and shall have made oath before a Magistrate.
- (3) Notwithstanding anything contained in this rule, where a candidate is owing to absence from India unable to sign the return of election expenses and to make the required declaration, the return shall be signed and lodged by the election agent only and shall be accompanied by a declaration by the election agent only, and the candidate shall, within fourteen days after his return to India cause to be lodged with the Returning Officer a declaration made on oath in the form prescribed in Appendix IX.
- (4) If a candidate or 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, “sign” in relation to such person means authenticate by making a mark as prescribed in rule 216.

- (5) Every such return shall also bear non-judicial stamps of the value of two rupees without which the Returning Officer shall not accept the return.
- (6) The Returning Officer shall report to the Govt. 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 these rules.
- (7) On receipt of a report under Sub-rule (6) the Govt. shall decide whether the disqualification under clause (g) of Sub-rule (1) of rule 18 has, in fact been incurred in any election to fill a seat with the result that the seat shall be declared vacant.

#### **175. Inspection and copy of return of election expenses**

When any return and declarations made in respect thereof have been lodged with the Returning Officer he shall as soon as may be, cause notice of the date on which the return and the declaration in question have lodged and 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 one rupee, be entitled to inspect any such return or declaration and on payment of such fee as the Govt. may direct, to obtain a copy or copies thereof or of any part thereof.

#### **176. Maintenance of/regarding return of election expenses**

The Govt. shall cause to be prepared in such manner, and maintained for such time as it direct, a record showing the

name of all candidates at every election under the election and the name of the election agent of each such candidate and the date in which the return of election expenses of each candidate has been lodged with the Returning Officer.

### **177. Maximum of election expenses**

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

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

The maximum numbers of persons who may be employed for payment by a candidate in connection with and election and their description shall be as shown here-under, Description of persons..... Maximum number of persons who may be employed for payment.

Election agent : One

Sub Agent : (1) for each polling station or booth-three (two for relief) or alternatively.  
(2) for each polling booth-two (one for relief) Clerk and Messengers ..... for each polling station (a) One clerk and one messenger for any number upto 1000 registered electors, (b) one additional clerk and one additional messenger for every extra 1,000 registered electors or part thereof.

## **CHAPTER VIII**

### **DECISION ON DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION**

#### **179. Definitions**

In the Chapter, unless there is anything repugnant in the subject or context

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

#### **180. Election petition**

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

## 181. Presentation of the petition

- (1) An election petition against any returned candidate may be presented to such authority as may be prescribed by the Government in this behalf.
  - (a) by any candidate or elector on any ground within sixty days from the date on which the result of the election is published in the Gazette.
  - (b) within thirty days from that date by an officer empowered by the Government on the ground that the election has not been a free election by reasons of the large number of cases in which undue influence or bribery had been exercised or committed.

**Explanation** - In these sub-section, ‘elector’ means a person who was entitled to vote at the election to which the election petition relates whether he voted at such election or not.

- (1) The petitioner may, if he so desires, in addition to calling in question the election of a returned candidate, claim a declaration that he himself has been duly elected, but such a declaration shall only be claimed on one of other of the following grounds:
  - (a) that the fact that petitioner received a majority of the valid votes; or
  - (b) that but for votes obtained for the returned candidate by corrupt or illegal practices the petitioner would have obtained a majority of the valid votes.
- (2) An election petition shall be deemed to have been presented to the Govt. when it is delivered to the

Secretary to the Govt. of Mizoram, Local Administration  
Deptt. or the Deputy Commissioner, Chhinctuipui District.

## **182. Contents of the petition**

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

## **183. Deposit of security**

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

## **184. Petition when to be dismissed**

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

## **185. Appointment of commissioner**

- (1) If the petition is not dismissed under foregoing rule 184, the Govt. shall appoint a Commissioner, for hearing and disposing of the petition, a person who is or

has been discharging the function District Magistrate, and thereafter all applications and presidings in connection therewith shall be dealt with and held by such Commissioner.

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Rule 185 (1) as amended under No.LAD/A-77/11 dt 28.1.78 (copy enclosed)

- (2) When, in respect of an election in a constituency, more petitions than one are presented, the Govt. shall refer all those petitions to the same Commissioner who may, at his discretion inquire into the petitions either separately or in one or more groups, as he thinks fit.
- (3) Where election petitions relate to different constituencies of a District Council, the Government may refer all those petitions to the same Commissioner or may appoint one Commissioner in respect of petitions from each constituency or a group of constituencies and the provisions of sub-rule (2) shall apply to the enquiry thereto.

## **186. Hearing by commissioner**

- (1) The Commissioner shall fix the time and place of hearing and shall cause a notice thereof to be served on the petitioner and on each respondent.
- (2) As regards the procedure for hearing the petition, the Commissioner shall be guided by the spirit, but not by the letter, of the code of Civil Procedure 1908 as applicable to Mizoram, provided that (a) he shall not be required to record or have recorded the evidence in full, but shall make a memorandum of the evidence

sufficient in his opinion for the purpose of deciding the case, (b) he shall only be required to make such inquiry and to take such evidence as may be considered necessary for the purpose of deciding the issues.

### **187. Withdrawal of petition**

- (1) An election petition may be withdrawn only by leave of the Commissioner or, if an application for withdrawal is made before any Commissioner is appointed; as such by the Government.
- (2) If there are more petitioners than one, no application to withdraw a petition shall be made, except with the consent of all the petitioners;
- (3) When an application for withdrawal is made to the Commissioner, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the Petition.
- (4) No application for withdrawal shall be granted if in the opinion of the Government or the Commissioner, as the case may be, such application has been induced by any bargain or consideration which ought not to be allowed.
- (5) If the application is granted.
  - (a) The petitioner shall, where the application has been made to the Commissioner be ordered to pay the cost of the respondent therefore incurred or such portion thereof as the Commissioner may think fit.
  - (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 with the conditions of rule 183 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

- (6) When an application for withdrawal is granted by the Commissioner and no person has been substituted as petitioner in place of the party withdrawing under clause (b) of sub-rule (5) the Commissioner shall report the fact to the Government.

#### **188. Abatement or substitution on death of petitioner**

- (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners; provided that, where such sole petitioner was an officer empowered under clause (b) of sub-rule 181, the proceedings may be continued by any other officer empowered in this behalf by the Government.
- (2) Any person who might himself have been a petitioner may, within fourteen days of such abatement apply to be substituted a petitioner, and upon compliance with the conditions of rule 183 as to security; shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

#### **189. Abatement or substitution on death of respondent**

If before the conclusion of the trial of an election petition, the Respondent dies or gives notice that he does not intend

to oppose the petition, the Commissioner shall cause notice of such event to be published in the Gazette and thereupon any person who might have been a petitioner may within fourteen days of such publication apply to be substituted for such respondent to oppose the petition and shall be entitled to continue the proceedings upon such terms as the Commissioner may think fit.

#### **190. Recrimination when seat claimed**

- (1) Where, at an inquiry into an election petition, any candidate, other than the returned candidate claims these as for himself the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election.

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he had within fourteen days from the date of submission of the election petition given notice of his intention to the Commissioner and made the deposit.

- (2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and list of particulars required by rule 182 in the case of an election petition and shall be signed and verified in like manner.

#### **191. Grounds for declaring election void**

- (1) Subject to the provisions of this rule, if in the opinion of the Commissioner (a) the election of a returned candidate has been procured or induced, or the result

of the election has been materially affected by any corruption, illegal practice, or (b) any corrupt or illegal practice has been committed in the interest of a returned candidate, or (c) the result of an election has been materially effected by the improper acceptance or rejection of any nomination or by reason of the fact that any persons nominated was not qualified or was disqualified for election, or by the improper reception or refusal of a vote, or by the reception of any vote which is void, or by any non compliance with the provisions of the rules relating to the election, or by any mistake in the use of any prescribed form or (d) the election has not been a free election by reason of the large number of cases in which bribery or undue influence has been exercised or committed, the election of the returned candidate shall be void.

- (2) If the Commissioner reports that a returned candidate has been guilty by an agent other than his election agent of any corrupt or illegal practice but further reports that the candidate has satisfied him that (a) no corrupt or illegal practice was committed at the election by the candidate or election agent, and the corrupt, or illegal practices mentioned in the report were committed contrary to the orders, and without the sanction or connivance of the candidate or his election agent, (b) the candidate and his election agent took all reasonable means for preventing the commission of corruption or illegal practices at the election, (c) the corrupt or illegal practices mentioned in the report were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election, and (d) in all other respects the election was free from any corrupt or

illegal practice on the part of the candidate or any of his agents.

- (3) If a person (not being entitled so to do) votes more than once at the same election, all his votes shall be deemed, for the purposes of this rule, to be void.

## **192. Report of commissioner and procedure thereon**

- (1) At the conclusion of the inquiry, the Commissioner shall report whether the returned candidate, or any other party to the petition, who has under the provisions of these rules, claimed the seat, has been duly elected, and in so reporting shall have regard to the provisions of rule 191.
- (2) The report shall further include a recommendation by the Commissioner as the total amount of costs which are payable and the persons by 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 Govt. who on receipt thereof shall issue orders in accordance with the report and publish the report in the Gazette and the orders of the Govt. shall be final.

## **193. Finding as to corrupt practices and persons guilty thereof.**

Where any charge is made in an election petition of any corrupt or illegal practices the Commissioner shall record in his report;

- (a) a finding whether a corrupt or illegal practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any

candidate or his agent, and the nature of such corrupt or illegal practice, and (b) the names of the persons (if any) who have been proved at the inquiry to have been guilty of any corrupt or illegal practice with any such recommendations as the Commissioner may desire to make for the exemption of any such persons from any disqualification they may have incurred in these connections under these rules:

Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

## **CHAPTER IX**

### **Corrupt and Illegal practices**

#### **194. Major corrupt practices**

The following shall be deemed to be corrupt practices for the purposes of election to the District Council of an Autonomous District:

- (1) Bribery, that is to say, any gift, offer or promise by a candidate or his agent or by any other persons with the connivance of candidate or his agent, or any gratification to any person whomsoever.
  - (a) With the object, directly or indirectly inducing
    - (i) a person to stand or not to stand as, or to withdraw from being a candidate at an election or
    - (ii) an elector to vote or refrain from voting at an election, or
  - (b) as a reward to (i) a person from having so stood or not stood for having withdrawn his candidature, or (ii) an elector for having voted or refrained from voting;

Explanation :

The term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of employment for reward, but it does not include the payment of any expenses bonafide incurred at or for the purpose of any election.

- (2) Undue influence. Undue influence that is to say any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other persons with the connivance of the candidate or his agent, with the free exercise of any electoral right.

Explanation :

- (a) without prejudice to the generality of the provisions of this clauses, any such person in whom a candidate or elector is interested, with any injury of any kind, or (ii) induces or attempt to induce a candidate, or elector to believe that he, or any persons in whom he is interested, will become or will become or will be rendered and object of displeasure of spiritual censure, shall be deemed to interfere with free exercise of the electoral right of that a candidate or elector within the meaning of this clause.
- (b) A declaration of public policy, or a promise of public action, or the same exercise of a legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of clause;

- (3) Personation :  
The procuring or abetting or attempting to procure by a candidate or his agent or his agent or by any other person with the connivance of a candidate or his agent, the application by a person for a ballot paper in the name of any other person whether living or dead, or in-a-fictitious name or by a persons for a ballot paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.
- (4) Removal of voting paper :  
The removal of a ballot paper from the polling station during polling hours by any person with the connivance of a candidate or his agent.
- (5) Publication of false statement :  
The publication by a candidate or his agent, or by any other person with teh connivance of the candidate or his agent or any statement of fact which is false and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate being a statement reasonably calculated to prejudice the propects of that candidate election.
- (6) The hiring or procuring, whether on payment or otherwise of any vehicle or vassel by a candidate or his agent by any (other person with the connivance of a candidate or agent. the connivance of any elector other than the candidate himself, the members of his family or his agent) to or from any polling station provided under rule 142:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power.,

Provided further that the use of any public transport vehicle or vessel or any railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation : In this clause, the expression vehicles means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

- (7) The incurring or authorising by a candidate or his agent of expenditure or the employment of any person by a candidate or his agent in contravention of the provisions of these rules.
- (8) The obtaining of procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any other person with the connivance of a candidate or his person with the connivance of a candidate or his agent by assistance for the furtherance of the prospects of the candidate's election from any person serving under the Govt. of India or the Govt. of any state or Union Territory or the District Council of an Autonomous District other than the giving of vote by such person.

### **195. Minor corrupt practices**

The following shall also be deemed to be corrupt practices for the purposes of election to the District Council of an Autonomous District ;

- (1) Any act specified in rule 194 when done by a person who is not a candidate or agent or a person acting with the connivance of a candidate or his agent.
- (2) Personation :  
The application by a person at an election for a ballot paper in the name of any other person, whether living or dead or in a fictitious name, or for a ballot paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.
- (3) Bribery :  
The receipt of or agreement to received any gratification whether as a motive or a reward- (a) by a person for standing or not standing as, or for withdrawing from being a candidate ; or (b) by any person whomsoever for himself or any other person of voting or refraining from voting, or for including or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature. For the purpose of this clause the term “gratification” has the same meaning as it has for the purposes of clause (1) of rule 194.
- (4) False Return :  
The making of any return of election expenses which is false in any material particular, or the making of a declaration verifying any such return.

- (5) Use of, or appeal to, religious and national symbols. The systematic appeal to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to religious and national symbols, such as the national flag and the national emblem, for furtherance of the prospects of a candidate's election.

## **196. Illegal practices**

The following shall be deemed to be illegal practices for the purposes of election to the District Council of an Autonomous District :

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

## **CHAPTER X**

### **ELECTORAL OFFENCES**

#### **197. Prohibition of public meetings on the election day.**

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

#### **198. Disturbances at election meetings**

- (1) Any person who at a public meeting to which this rule applies, acts, or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be punishable with fine which may extend to one thousand rupees.
- (2) This rule applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under these rules calling upon the constituency to elect a member and the date on which such election is held.
- (3) If any police officer reasonably suspects any person of committing an offence under sub-rule (1) he may, if required so to do by the Chairman of the meeting, require that persons to declare to him immediately his name and address and if that person refuses or fails so to declare his name and address or if the police officer reasonably

suspects him of giving false name or address, the police officer may arrest him without warrant.

### **199. Maintenance of secrecy of voting**

- (1) Every officer, clerk, agent or other persons who performs any duty in connection with the recording or counting of votes at an election shall maintain an aid in maintaining the secrecy of voting and shall not (except for some authorised 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 term which may be extended to three months or with fine up to one thousand rupees or with both.

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

- (1) No person who is a Returning Officer, or an Additional Returning Officer, or a Presiding 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, shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.
- (2) No such persons as aforesaid, and no member of a police force, shall endeavour -
  - (a) to persuade any person to give his vote at an election or

- (b) to dissuade any person from giving his vote at an election, or
  - (c) influence the 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 upto one thousand rupees or with both.

## **201. Prohibition of canvassing in or near polling stations**

- (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of four hundred yards of the polling station, namely.
  - (a) canvassing for votes, or
  - (b) soliciting the vote of any elector, or
  - (c) persuading any elector not to vote for any particular candidate, or
  - (d) persuading any elector not to 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 provision of sub-rule (1) shall be punishable with fine which may extend to five hundred rupees.
- (3) An offence punishable under this rule shall be cognizable.

**202. Penalty for disorderly conduct in 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 entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.
- (2) Any person who contravenes, or willfully aids or abets the contravention of the provisions of sub-rule (i) shall be punishable with imprisonment which may extend to three months or with fine upto five hundred rupees or with both.
- (3) If the Presiding Officer of a polling station has reason to believe that any person committing or has committed an offence punishable under this rule, he may direct any police officer to arrest such person and thereupon the police officer shall arrest him.
- (4) Any police officer may take such steps, and use force, as may be reasonable necessary for preventing any contravention of the provisions of sub-rule (1) and may seize any apparatus used for such contravention.

**203. Penalty for misconduct at the polling station.**

- (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful direction of the Presiding Officer may be removed from the polling station by the Presiding Officer or any Police Officer on duty or by any person authorised in this behalf by such Presiding Officer.
- (2) The powers conferred by Sub-rule (1) shall not be exercised so as to prevent any election who is otherwise entitled to vote at a polling station from having an opportunity of voting at 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 fine upto five hundred rupees or with both.

**204. Penalty for illegal hiring or procuring of convenance at election**

If any person is guilty of any such corrupt practice as is specified in rule 194 at or in connection with an election, he shall be punishable with fine which may extend to five hundred rupees.

**205. Breaches of official duty in connection with election**

- (1) If any person to whom this rule applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

- (2) The persons to whom this rule applies are the Returning Officers. Additional Returning Officers, Presiding Officers, polling officers and other person appointed to perform any duty in connection with the preparation of an electoral roll, the receipt of nominations or withdrawal of candidature or the recording or counting of votes at an election; and the expression 'official duty' shall for the purpose of this rule be construed accordingly, but shall not include duties imposed otherwise than by or under the rules of this part.
- (3) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

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

- (1) Any person who at any election fraudulently takes, or attempt to take, a ballot paper 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 a police officer to arrest such person and may search such person or cause him to be searched by a police officer;

Provided that when it is necessary to cause a women to be searched, the search shall be mad by another women with strict regard to decency.

- (3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the Presiding Officer, or when the search is made by a police officer, shall be kept by such officer in safe custody;
- (4) An offence punishable under sub-rule (1) shall be cognizable.

## **207. Other offences and penalties therefore**

- (1) A person shall be guilty of an electoral offence if at any election he -
  - (a) fraudulently defaces, or fraudulently destroys any nomination paper or
  - (b) fraudulently defaces, destroys removed any list notice or other documents affixed by or under the authority of a Returning Officer, or (c) fraudulently defaces of fraudulently destroys any ballot paper; or any declaration of identity or (d) without due authority supplies any ballot paper to any person; or (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in, or (f) without the authority destroys, takes, opens or otherwise interferes with any or ballot papers then in use for the purposes of the election; or (g) fraudulently or without due authority as the case may be attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

- (2) Any persons guilty of an electoral offence under this rule shall -
  - (a) if he is a Returning Officer or an Additional Returning Officer or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine upto 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 upto 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 paper and other documents in connection with such election but the expression “official duty” shall not include any duty imposed otherwise than by or under the rules of this part.
- (4) An offence punishable under Clause (b) of Sub-rule (2) shall be cognizable.

## **208. Prosecution regarding certain offences :**

- (1) If the Government have reasons to believe that any offence punishable under rule 200 or under Rule 205 or under Clause (a) of Sub-rule (2) of Rule 207 has been committed in reference to any election within an Autonomous District, the Government shall cause

such inquiries to be made and such prosecutions to be instituted as the circumstances of the case may require.

- (2) No Court shall take cognizance of any offence punishable under Rule 200 or under Rule 205 or under Clause (a) of Sub-rule (2) of Rule 207 unless there is a complaint made by order of, or under Authority from the Government.

## **CHAPTER XI**

### **DISQUALIFICATIONS**

#### **Disqualification for Membership**

#### **209. Offences entailing disqualification**

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

#### **210. Corrupt and illegal practices entailing disqualification.**

- (1) The corrupt practices specified in rule 194 or rule 195 and the illegal practices specified in rule 196 shall entail disqualification for membership of the District Council of an Autonomous District.

- (2) The period of such disqualification shall be six years in the case of a corrupt practice, and four years in the case of an illegal practice, counting from the date on which the findings of the Commissioners as to such practice takes effect under Chapter VIII of this parts.

### **Disqualification for Voting**

#### **211. Disqualification arising out of conviction and corrupt practices:**

If any person after the commencement of these rule –

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

#### **212. Disqualification arising out of illegal practices**

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

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

If default is made in making the return of the election expenses of any person who have been nominated as a

candidate at an election to which the provisions of Chapter VII of this part apply, or if such a return is found; either upon the trial of an election petition under Chapter VIII of this part or by any Court in a judicial proceeding, to be false in any material particular, the candidate and his election agent shall be disqualified for voting at any election for a period of five years from the date by which the return was required to be lodged.

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Rule 213 as amended under Notification No.DCA/R-55/82/19/20 dt. 10/11/82.

### **Other Disqualifications**

#### **214. Disqualification for being an election agent**

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

#### **215. Removal of disqualification**

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

## **CHAPTER IX**

### **MISCELLANEOUS**

#### **216. Interpretation**

In this part, unless the context otherwise requires –

- (a) ‘Serial number of an elector in an electoral roll’ includes such particulars regarding the name or description of the electoral area in reference to which the said electoral roll has been prepared as will identify the entry relating to such election in that electoral roll.
- (b) ‘Sign’ in relation to a person who is unable to write his name means authenticating in the manner prescribed below;

A person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper if he has placed a mark on such instrument or other paper in the presence of the Returning Officer or the Presiding Officer or such other as may be specified in this behalf by the Government and such officer on being satisfied as to his identity has attested the mark as being the mark of such person.

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

The provision of sections 160, 161, 162, 163, 164, 165, 166 and 167 of Representation of the People Act, 1951 (No. XLII of 1951) and of rule 142 and 143 of the Representation of the People (Conduct of Elections and Election petitions) Rules, 1951 shall apply mutatis mutandis in respect of elections of the District Council of an Autonomous District.

Note - The sections of the Representation of the People Act 1951 (No. XLIII of 1951) and the rules of the Representation of the People (conduct of elections and election petitions) Rules 1951 referred to in this rules are reproduced in Appendix X

## **218. Jurisdiction of civil courts barred**

No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Returning Officer or by any other person appointed under these rules in connection with an election.

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**APPENDIX - I**  
**(RULE 113 (3))**  
**BUDGET ESTIMATE**

Showing the Probable receipt and expenditure of District Council of ..... District ..... for the year 19.....

Heads of Receipt	Estimate for the year 19	Actual receipt for 9 months of current year	Actual receipt for previous year 19	Sanctioned estimate for current year 19
1	2	3	4	5

Probable balance at the commencement of the year-

**I. Land revenue**

Ordinary Revenue

Sale proceeds of waste land

Rents etc. of fisheries

Rates and cesses on land

Land Regn. and mutation fees

Stone quarries

Coal mines

Mineral Oil including petroleum oil/revenue

Grazing Tax

Poll, capitation, house and hoe taxes

Fees, fines and forfeitures in revenue courts

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

**II. Stamp**

A, Non-judicial

Sale of other non Judicial stamp duty or impressing documents

1	2	3	4	5
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Fines and penalties  
 Miscellaneous  
 Deduct-Refunds  
 Judicial court fees  
 Court fees realised in stamps  
 Sale of stamps  
 Fines and penalties  
 Miscellaneous  
 Deduct Returns

### **III. Forest**

- (a) Royalty, etc. on
  - Timber
  - Firewood
  - Bamboos
  - Elephants
  - Other Forest produce
- (b) Miscellaneous
  - Fees for registering Documents
  - Fees for copies of Regd. documents

### **IV. Registration**

Fees for registering documents  
 Fees for copies regd. documents  
 Deduct - Refunds

### **V. Administration of justice**

Court fees realised in cash  
 General fees, fines and forfeitures  
 Miscellaneous fees and fines

### **VI. Marriage license fees**

1	2	3	4	5
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- VII.** Taxes on animals, vehicles and boats
- VIII.** Taxes on profession trades, callings and employment
- IX.** Taxes on entry of goods into makers for sale therein
- X.** Tolls on passengers and good carried in ferries.
- XI.** Taxes for the maintenance, of schools
- XII.** Taxes for the maintenance of dispensaries
- XIII.** Taxes for the maintenance of roads
- XIV.** Royalties on minerals
- XV.** Income from cattle pound
- XVI.** Loans advances and Sanction from Govt. of Mizoram
- XVII.** Extraordinary receipt

1. Pay of officers
  1. Members of executive Committee
  2. Secretary
  3. Judicial Officers
2. Pay for establishment
  1. Primary Schools Teachers
  2. Doctors
  3. Road Overseers
  4. Road Mohorers
  5. Tax Collectors
  6. Clerks
  7. Servants
3. Allowances and monoraria travelling allowances of officer travelling allowances of establishment.
4. Contingencies
 

Pay of contingency menials purchase of stationery revenue collection charges.

1	2	3	4	5
---	---	---	---	---

5. Grants in aid to primary schools.
6. Miscellaneous expenditure in connection with the maintenance etc. of primary schools, dispensaries, markers cattle pounds ferries, fisheries, road and water ways.
7. Other miscellaneous expenditure.

## APPENDIX - II

### List of Returning Officers

#### Rule 131 (1)

Constituencies	Returning Officers	Other persons authorise to perform the function of RO
1. Constituencies in Pawi Autonomous District Council	Deputy Commissioner, Chhimituipui District	Sub-Divisional Officer, Lawngtlai
2. Constituencies in Lakher Autonomous District Council	Deputy Commissioner, Chhimituipui District	Election Officer, Saiha
3. Constituencies in Chakma Autonomous District Council	Deputy Commissioner, Chhimituipui District	Sub-Divisional Officer, Chawngte

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(As amended by Govt. vide Notification No LAD/R-10/74/28 Dt. 20.9.1987).

**APPENDIX III**

**(Rule 134 (3))**

**NOMINATION PAPER**

Name of the constituency for which the candidate is nominated.

Name of candidate

Father's or Husband's name

Age

Address

Constituency on the electoral roll of which the name of the candidate is included

No. of the candidate in the electoral roll of the constituency in which his name is included

Name of proposer

Number of the proposer in the electoral roll of the Constituency

Signature of the proposer

Signature of the Secunder

Number of the seconder in the electoral roll of the constituency

Signature of the seconder

## DECLARATION BY CANDIDATE

I hereby declare that I agree to this nomination

Date .....

Signature of the  
candidate

I hereby declare that I have appointed.....  
to be my election agent

Signature of candidate

I hereby declare that I..... selected as the symbol  
for my election.

(To be filled in by the Returning Officer or on other  
authorised person)

Sl.No.

Certificate of delivery

This nomination paper was delivered to me at my office, at  
(date and hour)

Returning Officer

## CERTIFICATE OF SCRUTINY

I have scrutinised the eligibility of the candidate the proposer  
and the seconder and find that they are respectively qualified to  
stand for election to propose and to second.

**APPENDIX - IV**  
**LIST OF SYMBOLS**  
**(Rules 134 (6))**

1. As amended under No. DCA/R-55/82/149 dt. 8/1/1988 and No.H.14012/2/92-DCA dt.24/3/92

1. Bull
2. Chicken Cage
3. Cock
4. Covered Basket
5. Drum
6. Head of Mithun
7. He-Goat
8. House
9. Lantern
10. Spinning wheel
11. Tree
12. Umbrella
13. Haldhar with wheel - Janata Party  
(Chakra Haldhar).
14. Hand - Indian National Congress (I)
15. Scales - People Conference Party
16. Tiger - Mizo National Front
17. Rising Sun - Mizoram Chakma Jatiya Parishad.
18. Bicycle
19. Boat
20. Camel
21. Cart
22. Eagle about to fly
23. Elephant
24. Fish
25. Flaming Torch
26. Horse

27. Ladder
28. Pot
29. Railway Engine
30. Spade
31. Spade and Stoker
32. Sparrow
33. Two Leaves
34. Chakra (wheel) - Mizoram Janata

**APPENDIX - V**  
**Form of Ballot paper**  
**(See Rule - 154)**

=====

..... District Council  
 Election 19..... (GENL/BYE)  
 Constituency No. ....  
 Polling Station No. ....

**BALLOT PAPER**

Electoral Roll Part No. ....  
 Serial No. of Elector .....

Sl. No.	Signature/Thumb impression
=====	=====
.....	.....

..... District Council  
 Election 19..... (GENL/BYE)  
 Constituency No. ....  
 Polling Station No. ....

**BALLOT PAPER**

Sl. No.	Symbol
.....	.....
Name of the Candidates and Party	
.....	.....

(As amended by Government vide Notification No DCA/R-55/  
 82/100 dated Aizawl the 16th July, '87)

**APPENDIX -VI****Tender Votes List****Rule 155**

Name and Number of Polling Station

<b>Name of Constituency</b>	<b>Name of voter</b>	<b>No. in Electoral Roll</b>	<b>Signature/Thumb impression of voters and address</b>

**APPENDIX -VII****List of Challenged votes****Rule 156**

<b>No. of Electoral Roll</b>	<b>Name</b>	<b>Sign of voter if literate or thumb impression if illiterate &amp; address</b>	<b>Sign &amp; address of identifier if any</b>	<b>Order of Presiding Officer in each case</b>	<b>Remarks</b>

**APPENDIX -VIII**  
**Ballot Paper Account**  
**Rule 161**

	Ordinary Ballot Paper	Tender Ballot Paper
1. No. of ballot papers received by the Presiding Officer		
2. Nos. of unused ballot papers returned		
3. No of spoilt ballot papers		
4. No of tendered ballot paper used		
5. No of ballot papers dealt with under rule 159 (2)		
6. No of ballot paper issued		

**APPENDIX - IX**

**Form of return of Election expenses and of declaration of  
candidates and his agent**

**(Rule 174 (2) and (3))**

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

Date of Receipt	Name and description of payer	Amount of value
	<b>Total</b>	

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

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

2. Each payment made shall be entered separately except payments on account of postage and telegrams for which lump sums may be shown. The name and description of each person paid and the work done or the nature of the goods supplied shall be shown in respect of each payment.
- A. Under head A shall be shown the personal expenditure of the candidate incurred or paid by him or by his election agent on his behalf including all payments for personal services rendered for hotel bill for travelling expenses and for the purchase of books or election literature.

Name & description of payees	On what account	Date of payment	Voucher No.	Amount Paid	Amount Unpaid
<b>Total</b>					

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

Name & description of payees	On what account	Rate of payment	Date of payment	Voucher No.	Amount Paid	Amount remaining Unpaid
<b>Total</b>						

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

Name & description of payees	On what account	Date of payment	Voucher No.	Amount Paid	Amount Remaining Unpaid
Total					

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

Name & description of payees	On what account	Date of payment	Voucher No.	Amount Paid	Amount Remaining Unpaid
Total					

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

Name & description of payees	On what account	Date of payment	Voucher No.	Amount Paid	Amount Remaining Unpaid
Total					

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

Name & description of payees	On what account	Date of payment if any	Voucher No.	Amount Paid	Amount Unpaid
Total					

G Under head G the cost of stationery shall be shown

Name & description of payees	On what account	Date of payment if any	Voucher No.	Amount Paid	Amount Unpaid
Total					

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

Expenditure incurred	Date of payment if separate payments are shown	Amount Paid

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

Name & description of payees	Locality & description of room	Date of payment	Voucher No.	Amount Paid	Amount Unpaid
Total					

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

Name & description of claimant	Nature & alleged ground of claim	Amount of claim
	Total	

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

Name & description of payee	On what account	Date of payment, if any	Voucher No.	Amount Paid	Amount Unpaid
Total					

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

Head	Paid	Unpaid	Total
A			
B			
C			
D			
E			
F			
G			
H etc.			
Total			

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

FORM OF DECLARATION BY ELECTION AGENT

I being the appointed election agent for..... a candidate for election in the..... constituency, do hereby solemnly affirm that the above return of election expenses in true to the best of my knowledge and belief and that, except the expenses herein set forth to expenses of any nature whatsoever have to my knowledge or belief been incurred in or for the purpose of .....candidature.

Solemnly affirmed before me

Election Agent

(Magistrate)

FORM OF DECLARATION BY CANDIDATE.

I..... being a candidate for election in the constituency, do hereby solemnly affirm that the above return of expenses is true to the best of my knowledge and behalf that except the expenses herein set forth no expenses of any nature whatsoever have to my knowledge or belief been incurred in or for the purpose of my candidature.

Solemnly affirmed before me

Candidate

(Magistrate)

**FORM OF DECLARATION BY A CANDIDATE**

*under Rule 173 (3)*

I.....being a candidate for election in the..... constituency do hereby solemnly affirm that the return of election expenses signed by my election agent is (with the exceptions noted below) true to the best of my knowledge and belief and that (with the exception noted below) no expenses of any nature whatsoever other than the expense therein set forth have to my knowledge of belief been incurred in or for the purpose of my candidature

Particulars of exceptions  
Solemnly affirmed before me

Sd/- Candidate  
Sd/- Magistrate

**APPENDIX - X**  
**(Rule 217)**

An Extract from the Representing of the People Act, 1951  
(No XLIII of 1951)

160 Requisition of premises vehicles etc. for election purposes.

1. If it appears to be State Govt. that in connection with an election held within the state.
  - (a) any premises are needed or are likely to be needed for the purpose of being use as a polling station or for the shortage of ballot boxes after a poll has been taken, or.
  - (b) Any vehicle vessel or animal is needed or is likely to be needed for the purpose of transportation of ballot boxes to or from any polling station or transport of

members of the police force for persons for performance maintaining order doing the conduct of such election or transport of any officer or other person for performance of any duties in connection with such election, that Govt. may by order in writing requisition such premises or such vehicle, vessel or animal as the case may be and may make such further order as may appear to it to be necessary or expedient in connection with the requisitioning;

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

2. The requisition shall be effected by an order in writing addressed to the persons deemed by the State Govt. to be the owner or persons in possession of the property and such order shall be served in the prescribed manner on the person to whom it is addressed.
3. Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is requisitioned for any of the purpose mentioned in that sub-section.
4. In this section –
  - (a) ‘*Premises*’ means any land, building or part of the building and included a hut and or other structure of any part thereof.
  - (b) ‘*Vehicle*’ means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise.

## **161. Payment of compensation**

- (1) Whenever in pursuance of section 160 the State Govt. requisitions any premises there shall be paid to persons interested compensation the amount of which shall be determined by taking into consideration the following namely (i) the rent payable in respect of the premises or if no rent payable for similar premises in the locality; (ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business the reasonable expenses (if any) incidental to such change.

Provided that where any persons interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Govt. for referring the matter to an arbitrator the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine.

Provided further that where there is any dispute as to the title to receive the compensation or as the apportionment of the amount of compensation it shall be referred by the State Govt. to an arbitrator appointed in this behalf by the Govt. for determination and shall be determined in accordance with the decision of such arbitrator.

**Explanation** - In this sub-section the expression person interested means the person who was in actual possession of the premises requisitioned under section 160 immediately before the requisition or where no

person was in such actual possession, the owner of such premises.

- (2) Whenever in pursuance of sec. 160 the State Govt. requisition any vehicle vessel or animal there shall be paid to the owner thereof compensation the amount of which shall be determined by the State Govt. on the basis of the fares or rates prevailing in the locality for the hire of such vehicle vessel or animals.

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Govt. for referring the matter to an arbitrator the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Govt. may determine.

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner the amount determined under this Sub-section as the total compensation payable in respect of the requisition shall be appointed between that person and the owner in such manner as they may agree upon and in default of agreement in such manner as an arbitrator appointed by the State Govt. in this behalf may decide.

## **162. Power to obtain information**

The State Govt. may with a view the requisitioning any property under section 160 or determining the compensation payable under section 161 by order require any person to

furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

### **163. Powers of entry into and inspection of premises etc.**

- (1) Any person authorised in this behalf by the State Govt. may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether and if so in what manner and under section 160 should be made in relation to such premises vehicles, vessel or animal or with a view to securing compliance with any order made under that section.
- (2) In this section the expression 'premises and Vehicle' have the same meanings as in section 160.

### **164. Eviction from requisitioned premises-**

- (1) Any persons remaining possession of any requisitioned premises in contravention of any order made under section 160 may be summarily evicted from the premises by any officer empowered by the State Govt. in this behalf.
- (2) Any officer so empowered may, after giving to any women not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break, open any door of any building or do any other act necessary for effecting such eviction.

### **165. Release of premises from requisition-**

- (1) When any premises requisitioned under sec 160 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession

was taken at the time when the premises were requisitioned or if there were no such persons to the person deemed by the State Govt. to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Govt. from all liabilities in respect of such delivery but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so deliver.

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

**166. Delegation of functions of the State Govt. with regard to requisitioning-**

- (a) The Govt. may by notification in the official gazette, direct that any powers conferred or any duty imposed

on that Govt. by any of the provisions of sections 160 to 165 shall under such conditions, if any as may be specified in the direction be exercised or discharged by such officer or class of officers as may be so specified.

**167. Penalty for contravention of any order regarding requisitioning-**

If any person contravenes any order made under sec 160 or sec 162, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

B. Extracts from the Representation of the people (Conduct of Elections and Election petitions) Rule 1951.

122. Manner of serving the order of requisition of premises, vehicle etc.

An order of requisition under Sec. 160 be served :

- (a) Whether the person to whom such order is addressed is a corporation or firm, in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of order XXX, as the case may be in the First Schedule to the Code of Civil Procedure 1908 (Act V of 1908)
- (b) Where the person to whom order is discharged addressed is an individual (i) personally by delivering or tendering the order; or (ii) by registered post or (iii) where the person cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known

to have last resided or carried on business or personally worked for gain.

123 Time within an application for reference to arbitration is to be made under Sec. 161

The time within which any person interested who is aggrieved by the amount of compensation determined under sub-section (1) of Sec 161, or within which the owner of a vehicle, vessel or animal who is aggrieved by the amount of compensation determined under Sub-sec 1 (2) of that sec, may make referring the matter to an arbitrator shall be fourteen days from the date of determination of the amount of such compensation.

**APPENDIX - XI**

**FORM OF TENDERED BALLOT PAPER (Rule 155)**

Polling Station No. ....  
Constituency .....  
Name of Voter.....  
Number of Voter on Electoral Roll.....  
Name of Candidate for whom this is tendered.....  
Date .....      Signature of Presiding Officer

No. LAD/R-10/74/28, the 20th September, 1977. In exercise of the powers conferred by sub-paragraph (6) of paragraph 2 of the Sixth Schedule to the Constitution of India, the Lt. Governor (Administrator) of Mizoram is pleased to make the following rules further to amend the Mizoram Autonomous District Councils (Constitution and conduct of Business of the District Councils) Rules 1974, namely :-

### **Short title and commencement**

1. (1) These rules may be called the Mizoram Autonomous District Councils (Constitution and conduct of Business of the District Councils) (Amendment) Rules, 1977.
- (2) They shall come into force at once.

### **Amendment in the Rules**

2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974.
  - (i) for the words “Secretary, Local Administration Department” wherever they occur, the words “Secretary to the Government” shall be substituted.
  - (ii) in rule 2, for clause (17). the following clause shall be substituted, namely :-
 

“(17) “Secretary to Government” means the Secretary to the Government of Mizoram dealing with the Autonomous District Councils in Mizoram”;
  - (iii) in rule 18, in sub-rule (1), after clause (c), the following clause shall be inserted namely:-
 

“(cc) If, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the District Council for the supply of goods to, or for the execution of any works undertaken by, the District Council :

**EXPLANATION** :-For the purposes of this clause, where a contract has been fully performed by the person by whom

it has been entered into with the District Council the contract shall be deemed not to subsist by reason only of the fact that the District Council has not performed its part of the contract either wholly or in part”;

- (iv) for Appendix II, the following Appendix shall be substituted, namely :-

### **“APPENDIX - II”**

#### **List of Returning Officers**

#### **(RULE 131 (1))**

<b>Constituencies</b>	<b>Returning Officers</b>	<b>Other persons authorise to perform the function of Returning Officer</b>
1. Constituencies in Lai Autonomous District	Deputy Commissioner, Chhimtuipui District	Sub-Divisional Officer, Lawngtlai
2. Constituencies in Mara Autonomous District	Deputy Commissioner, Chhimtuipui District	Election Officer, Saiha
3. Constituencies in Chakma Autonomous District	Deputy Commissioner, Chhimtuipui District	Sub-Divisional Officer, Chawngte

- (v) In Appendix IV, for items 1 to 21 the following items shall be substituted, namely :-

1. Bicycle
2. Boat.
3. Camel
4. Cart

5. Cock
6. Eagle about to fly
7. Elephant
8. Flower
9. Hut
10. Lantern
11. Lion
12. Plough
13. Pot
14. Railway engine
15. Scales
16. Spade
17. Spade and stoker
18. Sparrow
19. Two leaves
20. Tiger
21. Umbrella
22. Calf and Cow - Indian National Congress
23. Charkha being plied by a woman - Indian National Congress Organisation
24. Lamp - Bharatiya Jana Sangh
25. Ears of Corn and sickle - Communist party of India
26. Tree - Socialist party
27. Hammer, Sickle and Star - Communist Party of India (Marxist)
28. Haldhar within wheel (Chakra Haldhar) - Bharatiya Lok Dal

No.LAD.78/73/66-67, the 24th September, 1977. In exercise of the powers conferred by sub-paragraph (6) of paragraph 2 of the Sixth Schedule to the Constitution of India, the Lt. Governor (Administrator) of Mizoram is pleased to make the following rules

further to amend the Mizoram Autonomous District Council (Constitution and Conduct of Business of the District Councils) Rules, 1974, namely :-

**Short title and commencement.**

1. (1) These rules may be called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Second Amendment Rules, 1977.
- (2) They shall come into force at once.

**Amendment in the Rules.**

2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974; in Appendix IV, for items 23 to 28, the following items shall be substituted, namely :- “Ears of corn and sickle-Communist party of India;
24. Hammer, sickle and Star - Communist Party of India (Marxist)
25. Haldhar within wheel - Janata Party (Chakra Haldhar).

J. Willson Sundara Raj,  
Secretary to the Govt. of Mizoram.

No.LAD/78/73/74, the 6th October, 1977. In exercise of the powers conferred by sub-paragraph (6) of paragraph 2 of the Sixth Schedule to the Constitutions of India, Lt. Governor (Administrator) of Mizoram is pleased to make the following rules further to amend the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, namely:-

**Short title and commencement.**

1. (1) The rules may be called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules 1974 namely:-
- (2) They shall come into force at once.

**Amendment in the Rules.**

2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils Rules, 1974: for Appendix IV, the following Appendix shall be substituted, namely:-

**“Appendix - IV”  
LIST OF SYMBOLS  
(Rule 134 (6))**

- |   |                   |
|---|-------------------|
| 1. Bull   | 2. Chicken Cage   |
| 3. Cock   | 4. Covered Basket |
| 5. Drum   | 6. Hand           |
| 7. Head of Mythun   | 8. He-Goat        |
| 9. House  | 10. Lantern       |
| 11. Spining Wheel   | 12. Tree          |
| 13. Umbrella  |                   |
| 14. Calf and Cow - Indian National Congress               |                   |
| 15. Haldhar within wheel - Janata Party” (Chakra Haldhar) |                   |

J. Willson Sundara Raj,  
Secretary to the Govt. of Mizoram.

No.LAD/A-97/77/11, the 28th January, 1978. In exercise of the power conferred by sub-paragraph (S) of paragraph 2 of the Sixth Schedule to the Constitution of India, the Lt. Governor (Administrator) of Mizoram is pleased to make the following rules further to amend the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, namely:-

**Short title and commencement.**

1. (1) These rules may be called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of District Councils) (Amendment) Rules, 1978.
- (2) They shall come into force at once

**Amendment in the Rules.**

2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, in sub-rule (1) of rule 185, for the words “a Subordinate Judge”, the words “of a District Magistrate” shall be substituted.

J. Willson Sundara Raj,  
Secretary to the Govt. of Mizoram.

No.DC/R-55/82/19-20, the 10th November, 1982. In exercise of the powers conferred by sub-paragraph (6) of paragraph 2 of the Sixth Schedule to the Constitution of India, the Lt. Governor (Administrator) of the Union Territory of Mizoram is pleased to make

the following rules further to amend the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974 namely.

**Short title and commencement.**

1. (1) These rules may be called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) second Amendment Rules, 1982.
- (2) They shall come into force at once

**Amendment in the Rules.**

2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974.
  - (a) in rule 18 in sub-rule (1), in clause (g), for the words and figures “in rule 173, unless 5 years”, the words and figures “in rules 174, unless three years” shall be substituted.
  - (b) in rule 212 for the words “five years” the words “three years” shall be substituted.

J.W. Sundara Raj,  
Secretary to the Govt. of Mizoram,  
District Council Affairs Deptt.

No.DCA/R-55/82/45-46, the 16th June, 1983. In exercise of the powers conferred by sub-paragraph (7) of paragraph 2 of the Sixth Schedule to the Constitution of India, the Lt. Governor (Administrator) of the Union Territory of Mizoram is pleased to make the following rules further to amend the Mizoram Autonomous District

Councils Constitution and Conduct of Business of the District Council) Rules, 1974 namely:-

**Short title and commencement.**

1. (1) These rules may be called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Amendment Rules, 1983.
- (2) They shall come into force at once

**Amendment in the Rules.**

2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974.
  - (a) for rule 8, the following rule shall be substituted, namely:-

**“8. TERM OF THE MEMBERS OF THE DISTRICT COUNCILS:**

The elected members of a District Council shall hold office during the life of the District Council as provided in sub-paragraph (6A) of paragraph 2 of the Sixth Schedule to the Constitution, and the nominated members shall hold office at the pleasure of the Administrator.

Provided that a member elected to fill a casual vacancy shall hold office only for the remainder of the term of office of the members whom he replaces.

- (b) in rule 34, for sub-rule (2) the following sub-rule shall be substituted namely:-

- (2) The procedure for the election of the Deputy Chairman shall be the same as that for the election of the Chairman as provided for in rule 33, except that.

No.DCA/R-55/82/68, the 5th December, 1984. In exercise of powers conferred by sub-paragraph (7) of paragraph 2 the Sixth Schedule to the Constitution of India, the District Council of the Lai Autonomous District, with the approval of the Administrator of the Union Territory of Mizoram, hereby make the following rules to amend the Mizoram Autonomous District Council (Constitution and Conduct of Business of the District Councils) Rules, 1974, in their application to the Lai Autonomous District, namely:-

#### **Short title and commencement.**

1. (1) These rules may be called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) (Lai Autonomous District Amendment) Rules, 1984.
- (2) They shall extend to the whole of the Lai Autonomous District.
- (3) They shall come into force at once.

#### **Amendment of Rule 20.**

2. In the Mizoram Autonomous District Council (Constitution and Conduct of Business of the District Councils) Rules, 1974, in sub-rule (1) of rule 20, for the figure and words “2 other members” the words, “three other members” shall be substituted.

M.M. LAL,  
Secretary to the Govt. of Mizoram,  
District Councils Affairs Deptt.

No.DCA/R-55/82/100, the 16th July, 1987. In exercise of the powers conferred by 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 further to amend the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974 in their application to the Lai, Mara and Chakma Autonomous Districts.

### **Short title and commencement.**

1. (1) These rules may be called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) (Amendment) Rules, 1987.
- (2) They shall come into force at once.

### **Amendment of Rule 29.**

2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974.

In rule 29 (2) for the words “authorised in writing by the Executive Member”, the words “authorised in writing by the Chief Executive Member” shall be substituted.

### **Amendment of Rule 146.**

3. For rule 146, the following shall be substituted, namely:-

### **146. PROVISION OF BALLOT BOXES AND SYMBOLS AT POLLING STATION :-**

- (1) Each polling station shall be provided with necessary ballot boxes by the Returning Officer.

- (2) A ballot box shall be common for all the candidates and there shall be only one ballot box in use at a time. This ballot box shall be placed somewhere in the middle of polling station in full view of the Presiding Officer and the polling Agents.
  - (3) There shall be no symbol posted on the ballot box. Every ballot box used at a polling station shall bear labels, both inside and outside, marked with;
    - (i) the serial number and name of the constituency.
    - (ii) the serial number and name of the polling station.
    - (iii) the 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
    - (iv) the date of the poll.
  - (4) The Returning Officer shall provide each polling station with necessary ballot boxes copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the official mark on ballot papers by the electors.
  - (5) Outside and inside each polling station there shall be fixed in a conspicuous place by the Presiding Officer before the commencement of the poll, a notice showing the name of each candidate in English or local language or languages issued by the Returning Officer with the symbol assigned to him be placed at the entrance of the polling station”.
4. For the Form of Ballot paper at APPENDIX-V the following Form shall be substituted, namely:-

APPENDIX - V  
 “Form of Ballot Paper”  
 (See Rule 154)

Election 19..... Constituency No. .... Polling Station No. .... <b>BALLOT PAPER</b> Electoral Roll Part No. .... Serial No. of Elector .....  Sl. No. ....	District Council (GENL/BYE)       Signature/Thumb impression
---	--

---

Election 19..... Constituency No. .... Polling Station No. .... <b>BALLOT PAPER</b>  Sl. No. ....	District Council (GENL/BYE)
--	--------------------------------

Name of the Candidates and Party	Symbol

K.N. Srivastava,  
Secretary,  
District Council Affairs Deptt.

No.DCA/R/55/82/110, the 26th October, 1987. In exercise of the powers conferred by sub-paragraph (6) of paragraph 2 of the Sixth Schedule to the Constitution of India, the Lt. Governor (Administrator) of Mizoram is pleased to make the following rules further to amend the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974 as follows:-

**Short title and commencement.**

1. (1) These rules may be called the Mizoram Autonomous District Councils (Constitution an Conduct of Business of the District Councils) (Amendment) Rules, 1987.
- (2) They shall come into force at once.

**Amendment of Rule 130.**

2. In the Mizoram Autonomous District Councils (Constitution an Conduct of Business of the District Councils) Rules, 1974.
  - (a) in the Second line of sub-rule (2) of rule 130, for the figure “128”, the figure “129” shall be substituted;
  - (b) in the first and second provision of sub-rule (2) of rule 130, for the words and figures “sub-rule (1) of rule 128”, the words and figures “sub-rule (1) of rule 129” shall be substituted:
  - (c) in sub-rule (2) of rule 130, the following provision shall be added as the third proviso-

“Provided further that the names of those who were eligible and qualified to be voters but not included in the last electoral roll and also names of

those who thereafter become qualified under rule 129 and these qualified voters who shifted their ordinary place of resident from one Constituency to other Constituency within the same of District Council area, may be included in the electoral roll for the respective constituency for election to the District Council”.

- (d) Sub-rule (3) of rule 130 shall be substituted as follows:-

“(3) The Returning Officer shall make correction, reinstatement or inclusion as the case may be, referred to in the proviso to sub-rule (2) of shall cause such correction, reinstatement or inclusion to be made, in all copies of the electoral roll which will remain in his custody and possession for the purpose of election to the District Council. But before such correction, reinstatement or inclusion is made, the Returning Officer or any other Officer authorised by him in writing in this behalf shall make a list of such persons whose names are to be struck off, reinstatement or inclusion in the electoral roll, as the case may be, and cause it be to hung up in the Court of the Deputy Commissioner or Sub-Divisional Officer, as the case may be, or in such other place or places as the Returning Officer may direct: Any person entered in the list may lodge with Returning Officer an objection against his name being struck off the electoral roll or a claim against the name of a person being admitted within a period of fifteen days from the date on which the list is hung up. Returning Officer or any other Officer authorised by him in this behalf shall summarily dispose of such objection or claim petitions within a period not exceeding two weeks from the date of submission of the petitions.

Every correction, reinstatement or inclusion, so made or caused to be made in an electoral roll shall be initialed and dated by the officer who makes the correction, reinstatement or inclusion;

#### **Amendment of Appendix IV.**

3. In appendix IV, after serial 15 following shall be added :-  
“16 Tiger - Mizo National Front”.

K.N. Srivastava  
Secretary to the Govt. of Mizoram  
District Council Affairs Department

No. DCA/R-55/82/133, the 28<sup>th</sup> December, 1987. In exercise of the powers conferred by 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 further amend the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974 as follows:-

#### **Short title and commencement.**

1. (1) These rules may be called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) (Sixth Amendment) Rules, 1987.
- (2) They shall come into force at once.

#### **Amendment of Appendix-IV.**

2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974;

In Appendix IV, after serial 16<sup>th</sup> following shall be added :-  
“17. Rising Sun - Mizoram Chakma Jatiya Parishad.

Thuama  
Deputy Secretary to the Govt. of Mizoram,  
District Council Affairs Deptt.

No.DCA/55/82/145, the 31<sup>st</sup> December, 1987. Whereas Rule 146 of the Mizoram Autonomous District Council (Constitution and Conduct of Business of the District Councils) Rules, 1974 has been amended vide the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) (Amendment) Rules, 1987, to provide that instead of separate ballot boxes there will be common ballot boxes for all the contesting candidates and the voter will cast their vote in common ballot box instead of separate ballot boxes for each candidate.

And whereas rules 151 and 164 of the said Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974 prescribes the old procedure of casting votes and counting which does not commensurate with rule 146 as amended in 1987 and it is necessary to modify the existing provisions of rules 151 and 164.

Now, therefore, the Governor of Mizoram in exercise of power conferred under rule 4 of the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, and all other powers enabling him in this behalf is pleased to order that notwithstanding anything contained in rules 151 and 164 of the said Rules of 1974, the manner of

casting votes and, procedure to be followed or the counting of votes in the election of the District Councils in Mizoram shall be the same as normally followed in the election of MLAs.

K.N. Srivastava,  
Secretary to the Govt. of Mizoram,  
District Council Affairs Deptt.

No.DCA/R-55/82/159, the 8<sup>th</sup> January, 1988. In exercise of the powers conferred by sub-paragraph (6) of paragraph 2 of the Sixth Schedule to the Constitution of India and rule 4 of the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974 the Governor of Mizoram is pleased to make the following rules further to amend the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, namely :-

**Short title and commencement.**

1. (1) These rules may be called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) (First Amendment) Rules, 1988.  
(2) They shall come into force at once.
2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, for Appendix - IV, the following shall be substituted namely :-

“Appendix IV”  
LIST OF SYMBOLS  
(Rule 134 (6))

1. Bull
2. Chicken Cage.
3. Cock
4. Covered Basket.
5. Drum.
6. Head of Mythun.
7. He-Goat.
8. House
9. Lantern.
10. Spining Wheel.
11. Tree.
12. Umbrella.
13. Haldhar within wheel - Janata Party (Chakra Haldhar)
14. Hand - Indian National Congress (I)
15. Scales - People Conference Party.
16. Tiger - Mizo National Front.
17. Rising Sun - Mizoram Chakma Jatiya Parishad.
18. Bicycle.
19. Boat.
20. Camel
21. Cart.
22. Eagle about to Fly
23. Elephant.
24. Fish.
25. Flaming Torch.
26. Horse.
27. Ladder.
28. Pot.

29. Railway Engine.
30. Spade.
31. Spade and stoker.
32. Sparrow
33. Two leaves.

Thuama,  
Deputy Secretary to the Govt. of Mizoram,  
District Council Affairs Deptt.

No. DCA/E-108/88/10, the 5th December, 1988. In exercise of the powers conferred by sub-paragraph (7) of paragraph 2 of the Sixth Schedule to the Constitution of India, the Governor of Mizoram is pleased to make the following rule to amend the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, namely :-

**Short title, extent and commencement.**

1. (1) These rules may be called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) (Amendment) Rules, 1988.
- (2) They shall extend to the whole of the three Lai Autonomous District of **Mizoram**,
- (3) They shall come into force at once.

**Amendment of Rule 20.**

2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, in sub-rule (1) of rule 20, or the existing provisions

along with its amendment in 1984, the following shall be substituted “There shall be an executive Committee in each of the Dist. Councils, with the Chief Executive Member at the head and five other members for Lai District Councils, four other members for Mara District Councils and three other members for Chakma District Councils to exercise the functions hereinafter specified in rules 29, 30, 31, & 32”.

K.N. Srivastava,  
Secretary to the Govt. of Mizoram,  
District Councils Affairs Deptt.

- (i) the meeting for the election of the Deputy Chairman shall be presided over by the Chairman;
- (ii) sub-rule (6) of rule 33 shall not be applicable; and
- (iii) rule 26 shall apply as it applies to the determination of any question at any sitting of a District Councils.

No. DCA/E-176/82/359-A, the 14<sup>th</sup> June, 1983. In exercise of the powers conferred by sub-rule (1) of the rule 7 of the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, read with Sub paragraph (1) of paragraph 2 of the Sixth Schedule to the Constitution of India, the Lt. Governor (Administrator) of the Union Territory of Mizoram is pleased to nominate Shri, V. Lalchhawna, son of late Shri. Chhiatuma of Saiha Old as a member of the Mara District Council.

J.W. Sundara Raj,  
Secretary to the Govt. of Mizoram.

**GOVERNMENT OF MIZORAM  
DISTRICT COUNCIL AFFAIRS DEPARTMENT**

**NOTIFICATION**

No.DCA/R-55/82/149, the 8th January, 1988. In exercise of the powers conferred by sub-paragraph (6) of paragraph 2 of the Sixth Schedule to the Constitution of India, and rule 4 of the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974 the Governor of Mizoram is pleased to make the following rules further to amend the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, namely:-

**Short title and commencement.**

1. (1) These rules may called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) (First Amendment) Rules, 1988.
- (2) They shall come into force at once.
2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, for Appendix IV, the following shall be substituted, namely :-

“Appendix IV”  
LIST OF SYMBOLS  
(Rules 134 (6))

1. Bull
2. Chicken Cage.

3. Cock
4. Covered Basket
5. Drum
6. Head of Mythun.
7. He-Goat.
8. House
9. Lantern.
10. Spinning Wheel
11. Tree
12. Umbrella.
13. Haldhar with wheel - Janata Party (Chakra Haldhar)
14. Hand - Indian National Congress ( I )
15. Scales - People Conference Party.
16. Tiger - Mizo National Front.
17. Rising Sun - Mizoram Chakma Jatiya Parishad.
18. Bicycle.
19. Boat.
20. Camel
21. Cart.
22. Eagle about to Fly.
23. Elephant.
24. Fish
25. Flaming Torch.
26. Horse
27. Ladder
28. Pot.
29. Railway Engine.
30. Spade.
31. Spade and stoker.
32. Sparrow
33. Two leaves.

Thuama,  
Deputy Secretary to the Govt. of Mizoram,  
District Council Affairs Deptt.

Memo No. DCA/R-55/82/149A : Dated Aizawl, the 8.1.1988.

Copy to :-

- (1) Controller Printing & Stationeries, Aizawl with 5 spare copies for immediate publication in the Mizoram Gazette extra-ordinary issue and sent 100 printed copies to this Department.
- (2) Secretary to Governor, Mizoram.
- (3) Secretary to Chief Minister, Mizoram.
- (4) P.A. to Minister i/c DCA, Mizoram.
- (5) P.S. to Chief Secretary, Mizoram.
- (6) Deputy Commissioner, Saiha/Lunglei.
- (7) SDO (C) Saiha/Lawngtlai/Chawngte.
- (8) SDO (C) i/c Lai District Council, Lawngtlai.
- (9) CEM, LDC, Saiha.
- (10) CEM, CDC, Kamalanagar.
- (11) Guard File.

Thuama,  
Deputy Secretary to the Govt. of Mizoram,  
District Council Affairs Deptt.

**GOVERNMENT OF MIZORAM  
DISTRICT COUNCIL AFFAIRS DEPARTMENT.**

**NOTIFICATION**

Dated Aizawl, the 16th November, 1989.

No. DCA/R-55/82/168 : In exercise of the powers conferred by clause (c) 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 further to amend the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the Dist. Councils) Rules, 1974 namely :-

**Short title and commencement.**

1. (1) These rules may be called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) (Amendment) Rules, 1989.
- (2) They shall come into force at once.

**Amendment of Rule 129.**

2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974 in clause (b) of sub-rule (1) of rule 129, for the words and figures “the age of twenty one (21)”, the words and Figures “the age of eighteen (18)” shall be substituted.

H. Raltawna,  
Secretary to the Govt. of Mizoram,  
District Councils Affairs Department.

Memo No. DCA/R-55/82/168-A Dated Aizawl, the 16th November, 1989

Copy to :-

- (1) Special Secretary to the Governor, Mizoram.
- (2) P.S. to Chief Minister, Mizoram.
- (3) P.A. to Minister, i/c District Council Affairs.
- (4) P.S. to Chief Secretary, Mizoram.
- (5) Controller, Printing & Stationeries, Aizawl with 6 spare copies for favour of immediate publication in the Mizoram Gazette extra-ordinary issue and send 400 printed copies to this Department.
- (6) Deputy Commissioner, Saiha.
- (7) Chief Executive Member, Lai District Council Lawngtlai.
- (8) Chief Executive Member, Mara District Council, Saiha.
- (9) Chief Executive Member, Chakma District Council, Kamalanagar.
- (10) S.D.O. (C) Lawngtlai / Saiha / Chawngte.
- (11) Guard file.

H. Raltawna,  
Secretary to the Govt. of Mizoram,  
District Council Affairs Deptt.

**GOVERNMENT OF MIZORAM  
DISTRICT COUNCIL AFFAIRS DEPARTMENT.**

**NOTIFICATION**

Dated Aizawl, the 24<sup>th</sup> March, 1992.

No. H.14012/2/92-DCA : The Governor of Mizoram is pleased to make the following rule further to amend the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, namely :-

**1. Short title and commencement.**

- (1) These rules may be called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) (Second Amendment) Rules, 1992.
- (2) They shall come into force with immediate effect.

**2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, in the Appendix IV, after the entry of item “No. 33-Two leaves” the following items shall be inserted, namely :-**

“34-Chakra (Wheel)-Mizoram Janata Dal”,

Sd/- Dr. H.C. THANHRANGA  
Secretary to the Govt. of Mizoram

Memo No. H. 14012/2/92-DCA : Dated Aizawl, the 24th March, 1992.

Copy to :-

- (1) Accountant General, Meghalaya etc, Shillong.
- (2) P.A. to Chief Minister, Mizoram.
- (3) P.S. to all Ministers/ Deputy Ministers, Mizoram.
- (4) P.S. to Speaker / Deputy Speaker, Mizoram.
- (5) P.S. to Chief secretary, Mizoram.
- (6) All Commissioners/ Secretaries, Govt. of Mizoram
- (7) Chief Controller of Account, Govt. of Mizoram.
- (8) Controller of Printing and Stationery, with five spare copies for publication in the Mizoram Gazette, Extraordinary issue and to send 150 copies to this Deptt.
- (9) Deputy Commissioner, Lunglei/Saiha.
- (10) Administrator, Lai Autonomous District Council, Lawngtlai/Saiha.
- (11) T.O. Aizawl/Lunglei/Lawngtlai.
- (12) SBI Aizawl/Lunglei/Lawngtlai.
- (13) All Executive Secretaries/Lai/Mara/Chakma.
- (14) Officer concerned.
- (15) Guard File.

Sd/- Dr. H.C. THANHRANGA,  
Secretary to the Govt. of Mizoram,  
District Council Affairs Deptt.

**GOVERNMENT OF MIZORAM  
DISTRICT COUNCIL AFFAIRS DEPARTMENT**

**NOTIFICATION**

Dated Aizawl, the 8<sup>th</sup> April, 1992.

No. H.14011/2/92-DCA : The Governor of Mizoram is pleased to make the following Rule further to amend the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, namely :-

**Short title and commencement.**

1. (1) These Rule may be called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) (Third Amendment) Rules, 1992.
- (2) They shall come into force with immediate effect.

**Amendment of Rule 158.**

2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, (hereinafter referred to as the principal Rules) for rule 158, the following rule shall be substituted, namely :-

**“158. Provision for voting by persons on election duty-”**

1. A Presiding Officer, Polling Officer, other public servant, polling agent or any person, who being entitled to vote in the constituency but by reason of his being detailed by the Returning Officer for Election Duty outside the Polling Station where he is enrolled, may apply to the Returning Officer in a prescribed Form below for-

- (i) **A postal Ballot Paper** : If his place of duty falls outside the polling areas of the constituency of his enrollment as voter; and
- (ii) **an Election Duty Certificate** : if the place of duty falls within the polling areas of the constituency of his enrollment as a voter.

**(Application for Postal Ballot Paper)**  
**(See rule 158 (1) (i))**

To,

The Returning Officer for  
 \_\_\_\_\_ District Council Constituency.

Sir,

I intend to cast my vote by post at the ensuing election to the District Council from the \_\_\_\_\_ Constituency.

My name is entered at Serial No \_\_\_\_\_ in Part No \_\_\_\_\_ of the electoral roll for the \_\_\_\_\_ District Council Constituency comprised within the \_\_\_\_\_ Assembly/Parliamentary Constituency.

The ballot paper may be sent to me at the following address :-

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Yours faithfully,

**Application Form for Election Duty Certificate**  
**(See rule 158 (1) (ii) )**

To,

The Returning Officer  
 \_\_\_\_\_ Constituency-

Sir,

I intend to cast my vote in person at the ensuing election to the District Council from the \_\_\_\_\_ Constituency.

I have been posted on election duty within the constituency at \_\_\_\_\_ (No and name of the Polling Station) but my name is entered at serial No \_\_\_\_\_ Part No \_\_\_\_\_ of the Electoral Rolls from \_\_\_\_\_ District Council Constituency comprised within \_\_\_\_\_ Assembly/Parliamentary Constituency.

I request that an Election Duty Certificate in Form 12 (B) may be issued to enable me to vote at the Polling station where I may be on duty on the Polling day it may be sent to me at the following address :-

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Yours faithfully,

2. The Returning Officer shall, if satisfied the application is in order and is submitted in time issue-postal ballot Paper to be sent by Post/Submitted to the Returning Officer under seal cover by the applicant so as to reach the Returning Officer not later than the hour fixed for the commencement of counting of votes of the concerned constituency.
  - (ii) an Election Duty certificate and mark 'PB' or 'EDC' as the case may be against the name of the applicant voter in the mark copy of the Electoral Roll.

**ELECTION DUTY CERTIFICATE**  
**(See rule 158 (2) (ii))**

Certified that \_\_\_\_\_ is an elector in the \_\_\_\_\_ District Council Constituency, his electoral roll number being Assembly \_\_\_\_\_ that by reason of his being on election duty he is unable to vote at the polling station where he is entitled to vote and that he is therefore hereby authorised to vote at any polling station (in the said Constituency where) he may be on duty on the date of poll.

Place \_\_\_\_\_  
 Date \_\_\_\_\_ Seal

Signature of the  
 Returning Officer.

**Amendment of Rule 159.**

3. In the Principal Rule for rule 159, the following rule shall be substituted. Namely :- “159. Method of voting by persons on Election Duty at Polling Station :-

A person in possession of a certificate in the form mentioned in rule 158 (2) (ii) shall deliver it to the presiding Officer of the polling station where he is employed on duty and the presiding Officer shall there-upon - (i) obtain the signature of the person Producing the same on the body of the certificate (ii) have the person name and electoral number as mentioned in the certificate entered at the end of the marked copies of the electoral roll ; and (iii) issue to him a ballot paper after obtaining his signature/thump impression on the counterfoil of the ballot paper and permit him to vote in the same manner as for an elector entitled to vote at that Polling Station in accordance with the provision of rule 151".

THUAMA,  
Jt. Secretary to the Govt. of Mizoram,  
District Council Affairs Department.

## NOTIFICATION

Dated Aizawl, the 23rd March, 1992.

No. H.14011/2/92-DCA : The Governor of Mizoram, is pleased to make the following rules further to amend the Mizoram Autonomous Dist. Councils (Constitution and Conduct of Business of the District Councils) Rules, 1974, namely :-

### **1. Short title and commencement.**

- (1) These rules may called the Mizoram Autonomous District Councils (Constitution and Conduct of Business of the District Councils) (Amendment) Rules, 1992.
- (2) They shall come into force with immediate effect.

### **2. Amendment of Rule 129 :-**

2. In the Mizoram Autonomous District Councils (Constitution and Conduct of Business) Rules, 1974, in rule 129 in sub-rule (4) for the words “first day of March” the words “first day of January” shall be substituted.

Sd/- Dr. H.C. THANHRANGA,  
Secretary to the Govt. of Mizoram.

**NOTIFICATION**

Dated Aizawl, the 30<sup>th</sup> April, 1977

No. LAD. 31/A/73/145 : WHEREAS it is expedient to amend the Pawi Autonomous District Council (Administration of Justice) Rules, 1974;

AND WHEREAS by Notification No. LAD/C-2/76/pt, dated the 13<sup>th</sup> November, 1976 the Pawi District Council has been dissolved and the Lt. Governor (Administrator) of Mizoram has assumed to himself all the functions and powers vested in or exercisable by the said District Council with effect from the 17<sup>th</sup> November, 1976;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (4) of paragraph 4 of the Sixth Schedule to the Constitution of India, read with the said Notification, I, S.K. Chhibber, Lt. Governor (Administrator) of Mizoram hereby make the following rules, namely :-

**THE PAWI AUTONOMOUS DISTRICT COUNCIL  
(ADMINISTRATION OF JUSTICE)  
AMENDMENT RULES, 1977**

1. (1) These rules may be called the Pawi Autonomous District Council (Administration of Justice) Amendment Rules, 1977.  
(2) They shall have the like extent as the principal rules.  
(3) They shall come into force at once.
2. In the Pawi Autonomous District Council (Administration of Justice) Rules, 1974, -

- (1) in rule 2.-
  - (a) for clause (j) and (k), the following clauses shall be substituted, namely :-
    - (j) “Village” means any area for which a Village Council is constituted under section 3 of the Autonomous District Council (Village Councils) Act, 1974;
    - (k) “Village Council” means a Village Council referred to in rule;
  - (b) in the note, for the figures “1898”, the figures “1973” shall be substituted;
- (2) for rule 4, the following rule shall be substituted; namely :-
  - “4(1) Every Village Council constituted under section of the Pawi Autonomous District Council (Village Councils) Act, 1974 shall be a Village for the purposes of these rules.
  - (2) The President of a Village Council elected under section 8 of the Pawi Autonomous District Council (Village Councils) Acts, 1974 shall be the President of the Village Council for the purposes of these rules.
  - (3) For the purpose of this rule, the District Council shall publish in the Mizoram Gazette a list of Villages within its jurisdiction”;
- (3) in rule 19 for the figures “1898” the figures “1973” shall be substituted;
- (4) in rule 20A, for the word and figures “rule 22” the word and figures “rule 21” shall be substituted;

- (5) in rule 21, -
  - (a) in item (ii) of clause (c) of sub-rule (1) for the word and figures “chapter 10”, the word and figure “chapter X” shall be substituted.
  - (b) In clause (a) of sub-rule (2), for the figures “1898”, the figures “1973” shall be substituted;
- (6) in rule 22, in sub-rule (1), for the word and figures “rule 22” , the word and figures “rule 21” shall be substituted;
- (7) in rule 24, in clause (c), for the word “assensible”, the word “ostensible” shall be substituted;
- (8) in rule 25, for the figures “1898”, the figures “1973” shall be substituted;
- (9) in rule 32, -
  - (a) in the proviso to sub-rule (1), for the word and figures “rule 35”, the word and figures “rule 33” shall be substituted;
  - (b) in sub-rule (2), for the words “punishment with”, the words “punishable with” shall be substituted;
  - (c) for sub-rule (3), the following sub-rule shall be substituted, namely :-
 

“(3) The provisions of sections 121, 124 and 373 of the Code of Criminal Procedure, 1973 shall apply mutatis mutandis in the case of sureties offered in pursuance of the provision of this rule”,
- (10) in rule 41, for the word and figures “rule 49”, the word and figures “rule 54” shall be substituted;

- (11) in rule 42, in sub-rule (1), for the figures “1898”, the figures “1973” shall be substituted;
- (12) in rule 52, in sub-rule (1), for the figures “1898”, the figures “1973” shall be substituted;
- (13) in rule 54, in sub-rule (3), for the figures “1898”, the figures “1973” shall be substituted;
- (14) in rule 55, for the figures “1898”, the figures “1973” shall be substituted.

30/4/77

Sd/- J. Malsawma,  
Secretary to the Govt. of Mizoram,  
Local Administration Deptt.

## **A Regulation**

To provide for the levy and collection of a tax on professions, trades, callings and employments within the Pawi Autonomous District.

**Preamble :** Whereas it is expedient to impose a tax on professions, trades, callings and employments within the Pawi Autonomous District of Mizoram;

It is hereby enacted in the Thirtieth Year of the Republic of India as follows :-

### **CHAPTER I Preliminary**

#### **1. Short Title, Extent and Commencement :-**

- (1) This Regulation may be called the Pawi Autonomous District (Professions Trades, callings and employments Taxation) Regulation, 1979.
- (2) It extends to the whole of the Pawi Autonomous District.
- (3) It shall come into force on the 1<sup>st</sup> April, 1979.

#### **2. Definitions :-**

In this Regulation, unless the context otherwise requires;

- (1) “Administrator” means the Administrator of the Union territory of Mizoram appointed under article 239 of the Constitution;
- (2) “Assessing authority” means the Secretary of the Executive Committee or any other officer authorized

or appointed by the Executive Committee in this behalf;

- (3) “Chief Executive Member” means the Chief Executive Member of the Pawi District Council;
- (4) “District” means the Pawi Autonomous District;
- (5) “District Council” means the Pawi District Council;
- (6) “Executive Committee” means the Executive Committee of the District Council;
- (7) “Person” includes a company, firm or other association of persons.
- (8) “Prescribed” means prescribed by rules made under this Regulation;
- (9) “Previous year” means twelve months ending on the 31<sup>st</sup> March next preceding the year for which the assessment is to be made;
- (10) “Principal Officer” means with reference to –
  - (i) a Government, the head of an office or the disbursing officer;
  - (ii) a 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;
- (11) “Secretary to the Executive Committee” means the Secretary to the Executive Committee of the Pawi District Council.
- (12) “Total gross income” means aggregate of income derived from all sources.

## **CHAPTER II**

### **Liability to Tax**

#### **3. Liability to Tax :-**

As from the commencement of this Regulation and subject to the provisions of this Regulation, every person who carries on a trade either by himself or by an agent or representative, or who follows a profession as calling, or who is in employment, either wholly or in part within the District shall be liable to pay for each financial year a tax in respect of such profession, trade, calling or employment and in addition to any tax, rate, duty or fees 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. Rates of Tax :-**

The tax shall be levied at the rates specified in the schedule to this Regulation.

#### **5. Determination of Tax :-**

The tax payable by any person under this Regulation shall be determined with reference to his total gross income during the previous year from his profession, trade, calling or employment.

### **CHAPTER III**

#### **Taxing Authorities**

#### **6. Taxing authority :-**

- (1) The Secretary to the Executive Committee or such other officer as may be appointed or authorized by the Executive Committee shall be responsible for the administration of the Regulation.
- (2) The persons 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 II shall, subject to the provisions in sub-section.
- (2) thereof, be exempted from the liability to submit a return under this sub-section.
- (3) 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 thereupon 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 satisfy that a return furnished under section 7 is correct and complete or 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 satisfy 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 and the 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) If any person fails to make a return as required by section 7 or having made the return fails to comply with the terms of the 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.

Provided that before making assessment, the assessing authority may all allow the person such further time as he thinks fit to make the return or comply with the terms of the notice issued under sub-section (2).

## **9. Assessment of Escaped Tax :-**

If for any reason any person has not been assessed or has been under 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 requirements which may be included in the notice under sub-section (2) of section 7 and may proceed to assess or re-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 an assessment of 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 the case.

Provided that no such rectification having adverse effect upon the assessee shall be made unless the assessee 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 of 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 persons and the amount so deducted shall be credited to the District Council Fund in accordance with the procedure as laid down in the Pawi-Lakher Regional Council Fund Rules, 1962 as applicable to the District Council and as may be amended or revised 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 is required by or under this Regulation he shall, without prejudice to any other consequences he may incur under his 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 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 Officer shall comply forthwith with such requisition.

**13. Indemnity :-**

The Principal Officer deducting or paying any tax under the provisions of this Regulation is hereby indemnified 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 prefer an appeal within thirty days of receipt of such order, to the Chief Executive Member and in such manner as may be prescribed.

Provided that the appellate authority may admit an appeal after the expiration of thirty days, if he satisfied that for reasons beyond the control of the appellant or for any other sufficient cause it should not be filled within time :

Provided further that no appeal 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 own motion revise any order passed under this Regulation by any officer :

Provided that no order prejudicial to a person shall be passed without giving him a reasonable opportunity of being heard :

Provided further that no application under this section shall lie to the Chief Executive Member against the order, an appeal against which has been provided for in this Regulation or Rules made thereunder.

## **CHAPTER VI**

### **DEMANDS, PAYMENT AND RECOVERY**

#### **16. Notice of Demand :-**

Where any tax or penalty is payable in consequence of any order passed 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 Pawi-Lakher Regional Council Fund Rules, 1962, as may be amended or revised 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 II 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-section (2) therefore, a receipt in token of such payment.

- (4) The amount of tax or penalty due under this Act –
- (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 service 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 revision has been admitted he shall not be deemed, for so long as the appeal or petition for revision remains 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, order 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 of such tax shall, on conviction before a Magistrate and in addition to any tax or penalty or both that may be due from him, be punishable with imprisonment which may extend to six months or with fine not exceeding five hundred rupees or with both.

## **CHAPTER VIII**

### **MISCELLANEOUS**

#### **21. Power to compel attendance, 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, if his power and possession, as the case may be, at the place and time 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 Officer of any Government, local authority, company or firm or other association of persons the names 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 Officer shall thereupon furnish the assessing authority with the names and addresses so demanded

#### **23. Prosecution, Suits or other proceedings :-**

- (1) No suit shall be brought in any Civil Court to set aside or modify any assessment made or order passed under the

provisions 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 complained of 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.

#### **Power to make rules :-**

Subject to the previous approval of the Administrator, the Executive Committee may make rules for carrying out the provisions of this Regulation.

**THE SCHEDULE**  
**(See section 4)**  
**RATE OF TAX.**

- A. In the case of every person other than a Hindu undivided or joint family where the total gross income :-

		Amount of Tax
1	Does not exceed Rs. 6,000/-	NIL
2	exceeds Rs. 6,000/- but does not exceed Rs. 10,000/-	Rs. 30.00
3	exceeds Rs. 10,000/- but does not exceed Rs. 15,000/-	Rs. 50.00
4	exceeds Rs. 15,000/- but does not exceed Rs. 20,000/-	Rs. 75.00
5	exceeds Rs. 20,000/- but does not exceed Rs. 25,000/-	Rs. 100.00
6	exceeds Rs. 25,000/- but does not exceed Rs. 30,000/-	Rs. 150.00
7	exceeds Rs. 30,000/- but does not exceed Rs. 35,000/-	Rs. 200.00
8	exceeds Rs. 35,000/-	Rs. 250.00

- B. In the case of every Hindu undivided or joint family where the total gross income :-

		Amount of Tax
1	Does not exceed Rs. 10,000/-	NIL
2	exceeds Rs. 10,000/- but does not exceed Rs. 15,000/-	Rs. 60.00
3	exceeds Rs. 15,000/- but does not exceed Rs. 20,000/-	Rs. 80.00
4	exceeds Rs. 20,000/- but does not exceed Rs. 25,000/-	Rs. 100.00
5	exceeds Rs. 25,000/- but does not exceed Rs. 30,000/-	Rs. 150.00
6	exceeds Rs. 30,000/- but does not exceed Rs. 35,000/-	Rs. 200.00
7	exceeds Rs. 35,000/-	Rs. 250.00

Passed by the Pawi District Council on 29 March 1979. In authentication whereof, I put my signature this 21<sup>st</sup> day of January, 1980.

Thanghluna,  
Chairman,  
Pawi District Council, Lawngtlai.

## NOTIFICATION

No. DCA/R-19/79/24, the 30<sup>th</sup> August, 1980. In pursuance of paragraph II of the Sixth Schedule to the Constitution of India, the following Act made by the Pawi Autonomous District Council under paragraph 3 of the said schedule and assented to by the Administrator of Mizoram is hereby published for general information.

J.W. Sundara Raj  
Secretary to the Govt. of Mizoram.

**Pawi District Council Act No. 2 of 1980**  
**Pawi Autonomous District Agricultural Land Act, 1979**

**An**  
**Act**

to provide for the control and allotment of land for agriculture in the Pawi Autonomous District.

**Preamble** – Whereas it is expedient to provide for the control and allotment of land for the improvement of agriculture within the Pawi Autonomous District of Mizoram.

It is hereby enacted in the Thirtieth Year of the Republic of India as follows :-

**1. Short title extent and commencement –**

- (1) This Act may be called the Pawi Autonomous District Agricultural Land Act, 1979.
- (2) It extends to the whole of the Pawi Autonomous District
- (3) It shall come into force at once.

## 2. Definitions –

In this Act, unless the context otherwise requires –

- (a) “*Administrator*” means the Administrator of the Union territory of Mizoram appointed under article 239 of the Constitution.
- (b) “*Allotment*” with respect of land means allotted in writing by the Executive Committee or any Officer authorized by it in writing in this behalf and registered in the District Council Office.
- (c) “*District*” means the Pawi Autonomous District.
- (d) “*District Council*” means the Pawi Autonomous District Council.
- (e) “*Executive Committee*” means the Executive Committee of the Pawi District Council.
- (f) “*Garden*” means any land cultivated for fruits, vegetables, sugar cane or other plantations including flowers bamboos, trees for timbers and other products;
- (g) “*Wet cultivation*” means an area or areas suitable for permanent cultivation and used for such purposes and shall also include terraces for permanent cultivation and wet paddy cultivation;
- (h) “*Farm*” means cattle form, poultry farm, fish farm, piggery farm;
- (i) “*Land*” includes all lands either vacant or occupied within the District and also benefits to arise out of lands, and things attached to the earth or permanently fastened to anything attached to the earth, but shall not include minerals, mineral oil, natural gas, petroleum and reserved trees;

- (j) “*Vacant land*” means any land which has not been allotted to any one, whether occupied or unoccupied and over which no body has acquired any right.
- (k) “*Prescribed*” means prescribed by rule;

### **3. Application of the Act –**

This Act shall apply to all lands within the District, except the following :-

- (a) Land included in the State reserved forest.
- (b) The Soil of all Government and Public Roads.
- (c) All lands in the Council reserved forest and any other area or areas as may be notified from time to time by the Executive Committee.

### **4. Allotment –**

- (1) The Executive Committee or any Officer authorized by it in writing shall have the power to allot any vacant land for the purpose of garden, or wet cultivation or any farm.
- (2) All such allotments shall be made by issue of patta or periodic patta in a prescribed form in which the location and the area in hectares of the allotment shall be clearly and specifically defined.
- (3) The Executive Committee may, by rules, impose such conditions and terms as it may deem reasonable on all allotments of lands made under sub-section (1) of this section in the interest of general public or of Scheduled Tribes.

**5. Land to be occupied only under patta -**

No person shall occupy and take possession of any land unless allotted and patta or periodic patta obtained in accordance with the provisions of this Act.

**6. Patta for lands already occupied –**

- (1) All lands occupied under any pass or permit granted by any authority before the commencement of this Act shall have to be registered and fresh patta or periodic patta obtained from the District Council within such time and in such manner and on payment of such fees as may be prescribed;
- (2) Failure to carry out the provisions of sub-section (1) and the rules there under may entail cancellation of the pass or permit by the Executive Committee/provided that due notice is served to the person concerned.

Provided further that the Executive Committee shall not refuse fresh patta or periodic patta, as the case may be, in any case where registration is applied for in accordance with the provisions of sub-section(i) and the rules thereunder.

**7. Rights over land –**

- (1) The patta holder shall have heritable and transferable right of use on, or of subletting, in his land subject to :-
  - (a) The payment of all revenues and taxes from time to time legally assessed or imposed in respect of the land.

- (b) such terms and conditions as are imposed by rules made under this Act;

Provided that a periodic patta holder shall have such rights only during the term of the periodic patta.

- (2) No person shall acquire by length of possession or otherwise any right over land disposed of, allotted or occupied unless registered and patta or periodic patta obtained in accordance with the provisions of this Act.

## **8. Registration –**

The Executive Committee or any Officer authorized by it in writing in this behalf shall maintain a register of land records in which all allotments of land shall be registered:

Provided that the Executive Committee or such Officer may refuse to register any unauthorized garden or wet cultivation or farm and in such case such land shall be deemed to be open for allotment by the appropriate authority.

## **9. Transfer of land -**

Any transfer in respect of any registered garden or wet cultivation or any farm due to sale or otherwise shall be reported to the Executive Committee for necessary incorporation in the register, failing which the permit or pass may be liable to be cancelled.

## **10. Eviction –**

- (1) If any person is found to be in possession of land otherwise than in accordance with the provisions of this Act, any Officer authorized by the Executive Committee may evict the person after serving a notice on him requiring him to vacate the land within three months

from the date of service of the notice and to remove any building or fence which may have been raised on such land. Subject to the condition that crops actually growing on the land may be allowed to remain till they are ripe for ensuing harvest.

- (2) Any person aggrieved by an order under sub-section (1) may, within a period of sixty days from the date of such order, prefer an appeal to the Executive Committee. Every order passed in appeal under this section shall be final.

## **11. Penalty –**

- (1) If any person contravenes any of the provisions of this Act or the rules thereunder he shall be liable to a fine which may extend to five hundred rupees and in case of continuing breach to a further fine which may extend to ten rupees for each day during which the breach continues.
- (2) The Executive Committee may impose fine for the contravention of any provisions of this Act or any rule thereunder to the extent prescribed in sub-section (I) of this section after giving reasonable opportunity for hearing and recording the reasons and findings or all facts on which the order is based.

## **12. Rules –**

Subject to the previous approval of the Administrator, the Executive Committee may make rules for carrying out the provisions of this Act.

**13. Power of Administrator to give directions –**

The Administrator may, if he is of opinion that it is expedient in the public interest so to do, give such directions as he may deem necessary to the District Council, regarding the carrying into execution of the provisions of this Act, and in particular regarding the allotment of land for the purposes of the Government or for any other public purpose and the District Council shall comply with such directions.

**14. Repeal –**

- (1) The Pawi-Lakher Autonomous Region (Agricultural Land) Act, 1959 (Act 1 of 1960) (hereinafter referred to as the said Act) is hereby repealed.
- (2) Notwithstanding such repeal, and subject to the provisions of section 6, all actions taken or orders made or directions given under the provisions of the said Act shall be deemed to be taken, made or given under the respective provision of this Act and subsequent actions, if any, with regard to any such action, order or direction shall be in accordance with the provisions of this Act.

## NOTIFICATIONS

No. LADC 31(E)/78/(A)/48, the 3<sup>rd</sup> October, 1980. In pursuance of paragraph II of the Sixth Schedule to the constitution of India, the following Act made by the Pawi District Council under paragraph 3 of the said Schedule and assented to by the Administrator of Mizoram is hereby published for general information.

J. Wilson Sundara Raj,  
Secretary to the Govt. of Mizoram.

**Pawi District Council Act No. 3 1980**  
**The Pawi Autonomous District Council (Forest) Act, 1979.**

**An**  
**Act**

to provide for the management of any forest not being a reserved forest in the Pawi Autonomous District Council area.

**Preamble** -Whereas it is expedient to provide for the management of forest within the Pawi Autonomous District Council area which are not State Reserved Forest;

It is hereby enacted by the Pawi District Council in the Thirtieth year of the Republic of India as follows :-

**1. Short title, extent and commencement –**

- (1) This Act may be called the Pawi Autonomous District Council (Forest) Act, 1979.

- (2) It shall extend to such areas within the Pawi District Council area other than those which may be declared as State Reserved Forests by the order of the Lt. Governor (Administrator).
- (3) It shall come into force on the date of its publication in the Mizoram Gazette.

## 2. Definitions –

In this Act, except where it is otherwise expressly provided or the context otherwise requires;

- (1) “*Administrator*” means the Administrator of the Union territory of Mizoram appointed by the President of India under article 239 of the Constitution of India.
- (2) “*Cattle*” includes also sials, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;
- (3) “*Council forest*” means any forest in the District other than the reserved forest;
- (4) “*Council Forest Officer*” means any person appointed by name or as holding an Office by or under the orders of the Pawi District Council and shall include Deputy Conservator of Forest, Assistant Conservator of Forest, Forest Rangers, Deputy Rangers, Foresters, Assistant Foresters, Forest Guards and any Person appointed to discharge the duties and functions of a Council Forest Officer under this Act or any rule thereunder;
- (5) “*Council reserved forests*” means any forest constituted as such by or under orders of the Pawi District Council;
- (6) “*Deputy Commissioner*” means the Deputy Commissioner of Chhimtuipui District at Saiha;
- (7) “*District*” means the Pawi Autonomous District;

- (8) “*District Council*” means the Pawi Autonomous District Council;
- (9) “*Executive Committee*” means the Executive Committee of the Pawi District Council and the term “Chief Executive Member”, “Member of Executive Committee”, shall be constructed accordingly;
- (10) “*Forest offence*” means an offence punishable under this Act or any rule thereunder;
- (11) “*Forest Produce*” means forest produce of Council forest and includes :-
  - (a) the following whether found in, or brought from a forest or not, that is to say-timber, charcoal, cautchoue, gatechu, woodoil, resin, natural varnish, bark, lac and myrabolams; and
  - (b) The following when found in, or brought from a forest, that is to say –
    - (i) trees and leaves, and fruits and all other parts or produce not herein-before mentioned of trees;
    - (ii) Plants not being trees (including grass, creepers, reeds and moss) and all parts of produce of such plants;
    - (iii) skins and horns, bones, silk cocoons, honey and wax and all other parts or produce of animals; and
    - (iv) peat, surface soil, rocks, and all other products of quarries;
- (12) “*Land at the disposal of the District Council*” means any land at the disposal of the Pawi District Council in respect of which no person has acquired a permanent,

heritable and transferable right of use and occupancy under any law for the time being in force or any right created by grant or lease made or continued by, or on behalf of the Government of the Union territory of Mizoram;

- (13) “*President*” means the President of a Village Council appointed under the provisions of the Pawi Autonomous District (Village Council) Act, 1974, as amended from time to time;
- (14) “*Reserved forest*” has the same meaning as assigned to it by sub-paragraph (2) of paragraph 3 of the Sixth Schedule to the Constitution of India;
- (15) “*River*” includes also streams, canals, creeks and other channels natural as artificial;
- (16) “*Secretary*” means the Secretary to the Executive Committee of the Pawi District Council;
- (17) “*Timber*” includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned out for any purpose or not;
- (18) “*Tree*” includes palms, bamboos, stumps, brushwood and canes;
- (19) “*Village Council*” means a Village Council constituted under the provisions of the Pawi Autonomous District (Village Councils) Act, 1974, as amended from time to time.

### **3. Jurisdiction of the District Council –**

The administration of forests (other than the State Reserved Forest) in the Pawi District is vested in the District Council of the Pawi Autonomous District.

**4. Reserved trees -**

The trees specified in Appendix-I to the Act shall be treated as reserved trees and such trees in Council forests shall not be cut, felled tapped, or injured in any manner without permission of any kind issued in writing by the Executive Committee or a competent Council Forest Officer appointed in this behalf by the Executive Committee in writing.

**5. Disposal of forest Produce -**

- (1) The cutting, sewing, conversion and removed of trees and timbers and the collection, manufacture and removal of forest produce from a Council forest except for purposes or personal use under such condition as the District Council may be rules made in this behalf allow, are prohibited, except under a permit granted by the Executive Committee or any other Officer empowered in this behalf in writing.
- (2) Trade Permit as prescribed in Appendix-II shall be granted for timber, reserved or unreserved or other forest produce cut, collected or removed from the Council forest for the purpose of trade.

**6. Royalties –**

- (1) The rates of royalties to be charged on all forest produce remove from the Council forest to outside District for trade under permit are given in Appendix-III to this Act. The power to increase or decrease any of the rates is vested in the Executive Committee to a limit of 25 percent of increase or decrease according to distance and difficulties of extraction.

- (2) All other forest produce not included in Appendix-III shall be charged at such rates as may be fixed by the Executive Committee.
- (3) The Executive Committee is empowered to revise whenever necessary the classification of trees mentioned in Appendix-III and such revision whenever made shall be notified in the Mizoram Gazette.
- (4) No forest produce shall be extracted for any purpose from any of the Council reserved forest except on payment of royalty and with the written permission of the Executive Committee or, any other officer empowered in this behalf.

**7. Payment of fees and royalties –**

- (1) All fees and royalties payable on account of any forest produce collected or removed under the provisions of this Act or rules made thereunder shall be paid for at the time of marking, previous to removal at the first forest revenue station reached by such forest produce.
- (2) No forest produce shall be removed in transit pass or any revenue Station, unless provided with a pass in the Form given in Appendix-IV to this Act. Such passes shall be obtained from the officer in charge of the revenue station reached by forest produce.

**8. Registration of property marks –**

All persons trading in or conveying timber not belonging to reserved forest shall annually register their property marks at the revenue stations, and shall pay a fee of Rs. 20/- for a certificate of registration for the first time and Rs. 5/- for each registration thereafter.

**9. Honey and Wax -**

No person shall remove honey and wax for purposes of trade from the Council forests, save under and subject to the conditions of purchasing licenses granted by the Executive Committee, or any other officer empowered in this behalf. Such licences shall be in the form contained in Appendix-V to this Act and the amount of the fee for the same, which may from time to time be prescribed by the District Council shall be printed on each licence.

**10. Application of section 188 of I.P.C. to breach of the provisions of some sections of this Act –**

All breaches of the provisions of section 4, 5, 7 and 9 of this Act shall be punishable with the application in spirit of section 188 of the Indian Penal Code.

**11. Town station reserve –**

- (1) The District Council may, by notification in the Mizoram Gazette or by publication in any after manner it deems suitable, constitute any forest which is not a Government reserved forest into town station reserve and may, in like manner, vary or cancel any such notification.
- (2) Every such notification shall specify the limits of such town station reserve or reserves.
- (3) No forest produce within a town station reserve shall be removed, collected, cut, felled tapped or injured in any manner, without permission in writing which will be subject to such condition as may be imposed by the Executive Committee or any other officer empowered in this behalf.

- (4) Anyone contravening the provisions of this section shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

**12. District Council may appoint, officer and staff for management of Council forest reserve -**

The Constituted under section 25 of this Act.

**13. Power to constitute village forest reserve –**

- (1) The District may, by order, constitute any land at the disposal of the District Council into a village forest reserve for the collective benefit of any village community or group of village communities and may, in like manner, vary or cancel any such order.
- (2) Every such order shall specify the limits of such village forest reserve.

**14. Village forest reserve –**

The village forest reserves constituted under section 13 may be of two classes, namely :-

- (a) A village safety reserve, that is a reserve for the protection against fire from without or reserve constituted in the interest of health and water supply. No one shall utilize for any purpose, any portion of land inside this reserve and no of the Executive Committee. The President of the Village Council of any dead tree in the manner it considers most beneficial for the village.
- (b) Village supply reserve, that is reserve for the supply of the needs of the village or villagers. Any person

belonging to any village communities for whose benefit such reserve is constituted may cut trees and bamboos from this reserve for his household needs.

**15. Power of village Council to distribute land for jhums -**

The Village Council shall have the power to distribute land for jhums within the Council forests other than the following reserves :-

- (1) The village safety reserve;
- (2) The village supply reserve;
- (3) Town station reserve;
- (4) The Council reserved forest; and
- (5) The reserved forest.

No Village Council shall be allowed to distribute dense forest within the Council forests for jhum except with the permission of the Executive Committee;

**16. Certain punishment with fines -**

- (a) Any person doing anything in contravention of the provision of sections 14 and 15 shall be punishable with a fine not exceeding Rs. 50/-
- (b) Subject to clause (a) above, any person doing anything in contravention of any provision of this Act shall be punishable with a fine according to the amount.

**17. Power to constitute protected forest reserve –**

- (1) The District Council may constitute any land at the disposal of the District Council as protected forest reserve for protection of valuable forest from destruction for the interest of the village communities.

No one shall utilize for any purpose any portion of land inside this protected forest reserve and no trees thereof shall be cut in the protected forest reserve except with the permission of the Executive Committee or any Forest Officer empowered in this behalf.

- (2) Any person doing anything in contravention of this section shall be punishable with a fine not exceeding Rs. 50/-

**18. Power to constitute Council reserved forest –**

The District Council may constitute any land at the disposal of the Council as a Council reserved forest, in the manner hereinafter provided.

**19. Notification of Proposal to constitute a Council reserved forest –**

Whenever it is proposed to constitute any land as a Council reserved forest, the Executive Committee shall publish a notification –

- (1) declaring that, it is proposed to constitute such a land as a Council reserved forest, and
- (2) specifying, as nearly as possible, the situation and limits of such land, and
- (3) inviting claims of rights and objections.

**20. Survey of the proposed Council reserved forest -**

The Executive Committee, as soon as a notification is issued under section 19, shall caused the area to be surveyed and demarcated by one or more of the Council Forest Officers not below the rank of Forester or any Officer authorized in

this behalf, who shall also enquire into any right of any person in the area and shall also submit reports to the Executive Committee and such reports shall deal with all points including compensation involved or alternation of the area recommended.

**21. Claims and objections –**

All claims of rights on the land and all objections against the proposed Council reserved forest shall be submitted in writing to the Executive Committee within sixty days from the date of publication of the notification under section 19.

**22. Council Forest Tribunal –**

The Executive Committee shall appoint a Council Forest Tribunal who shall decide all claims of rights on land and all objections against the proposed Council reserved forest. The orders of the Council Forest Tribunal shall be published forthwith in the Mizoram Gazette.

**23. Appeal –**

All appeals against the decision of the Council Forest Tribunal shall be submitted to the Executive Committee within thirty days of the order issued by the Council Forest Tribunal. The Executive Committee shall review the case as it deems necessary and pass order which shall be final.

**24. Jurisdiction of Civil Courts not banned –**

Nothing in sections 22 and 23 of this Act shall bar the jurisdiction of a competent Civil Court.

**25. Final notification constituting Council reserved forest –**

The Executive Committee shall, after disposal of all appeals, publish in the Mizoram Gazette or by publication in any

other manner it deems suitable, the final notification specifying the limit of the Council reserved forest incorporating therein any change and modifications made from the preliminary notification under section 19 of this Act and, declaring the same to be a Council reserved forest from the date fixed by such notification.

**26. Right in or over the Council reserved forest –**

No person shall have right of any nature in or over the land within the area of the Council reserved forests, except those that may have been conceded in the final notification referred to in section 25. The Executive Committee or any other officer empowered in this behalf may permit or grant rights of any nature other than jhuming to an individual or a community for the benefit of a community or communities.

**27. Penalties for trespass or damage –**

Any person, who, in a Council reserved forest –

- (1) trespasses or pastures cattle or permits cattle to trespass;
- (2) causes any damage by negligence in felling any tree or cutting or dragging timbers.

Shall be punished with fine which may extend to fifty rupees, or when the damage resulting from his offence amounts to more than twenty five rupees to double the amount of such damage.

**28. Acts prohibited -**

Any person, who, in the Council reserved forest –

- (1) sets fire, or in contravention of any rules made by the Executive Committee, kindles any fire or leaves any fire

burning in such a manner as to endanger such a forest, or

- (2) Kindles, keeps or carries any fire except in such seasons and in such manner as the Executive Committee may, from time to time, or
- (3) fells, cuts, girdles, marks, lops, taps, or injures by fire or otherwise any tree, or
- (4) quarries stones, burn lime or charcoal or collects, subjects to any manufacturing process or removes any forest produce, or
- (5) clears or breaks up any land for cultivation or any other purposes, or
- (6) Poisons water or in contravention of any rules made by the Executive Committee, hunts, shoots, fishes or sets traps or chares, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

## **29. Jhuming in Council forest –**

The right to jhuming or any shifting cultivation in the unclassified Council forests other than Council reserved forest is conceded subject to any regulation rules or orders that may be made or prescribed by a Village Council or any other body granted powers similar to a Village Council by the District Council.

## **30. Collection of timber free of royalties or permit for private use –**

Any inhabitant of the District is permitted to collect free of royalty or permit such timber and other forest produce other

than reserved trees as he may require for his own use within the unclassed Council forest, including the village supply reserve, but not for sale, trade, mortgage or gift for which purposes either permit or royalty or both may be imposed by the Executive Committee as it deems fit.

### **31. Forest offences –**

- (1) When there is reason to believe that a forest offence has been committed in respect of any forest produce of a Council forest such produce, together with all tools and other articles used in the Commission of such alleged offence such property shall keep the seized property in safe custody and report the matter to the appropriate Court under the District Council or the Deputy Commissioner, as the case may be. Such Court after trial of case, shall dispose of the confiscated articles according to the merit of the case in addition to any punishment as may be awarded to the offender or offenders.
- (2) When the offender is not known or traceable, such seized articles shall be confiscated and taken possession of by the District Council : Provided that any claims for such confiscated articles within a period of one month from the date of confiscation shall be heard and disposed of in such manner as the court may order.

### **32. Presumption that the forest produce belongs to the District Council –**

When in any proceeding taken under this Act or in consequence of anything done under this Act, question arises whether any

forest produce is the property of the District Council, such shall be presumed to be the property of the District Council until the contrary is proved.

**33. Power to compound –**

- (1) (a) The Executive Committee may accept, from any person against whom reasonable suspicion exists that he has committed any forest offence specified in section 27 and 28 of this Act, a sum of money by way of compensation for the offence which such person is suspected to have committed.
- (b) When any property has been seized as liable to confiscation, the same may be released on payment of the value thereof estimated by the Executive Committee.
- (2) On the payment of such sum of money, or such value or both, as the case may be, the suspected person if in custody, shall be discharged and no further proceeding shall be taken against such person or property.

**34. Procedure for disposal of perishable property –**

Notwithstanding anything hereinbefore contained the Court concerned may direct the sale of any property seized under section 31 if it is subject to speedy and natural decay and may deal with the proceeds as the Court might have dealt with such property as if it has not been sold.

**35. Power to arrest without warrant –**

- (1) Any Council Forest Officer not below the rank of Assistant Forester or Police Officer may, without order from a

Magistrate and without a warrant, arrest any person reasonable suspected of having been connected with or concerned in any forest offence punishable with imprisonment for one month or upwards if such person refuses to give his name and residence or gives a name or residence if which there is reason to believe to be false or if there is reason to believe that he will abscond.

- (2) Every Officer making an arrest under this section, shall without delay, take or send the arrested person before a Magistrate having jurisdiction in the case.
- (3) No Officer shall detain in custody a person arrested under this section for a longer period exceeding twenty four hours exclusive of the time necessary for journey from the place of arrest to the Court of Magistrate concerned.

**36. Power of the Executive Committee to evict unauthorized occupant from reserved forest –**

- (1) The Executive Committee or any Officer authorized by Executive Committee may eject any person from any land in a Council reserved forest unless such person has been allowed to settle.
- (2) Such person may be ejected or ordered to vacate forthwith, and the Executive Committee or any Officer authorized by the Executive Committee may sell, confiscate or destroy any crop raised or any building or other construction erected without authority.

**37. Penalty for counterfeiting or defacing marks on trees and timbers, etc. -**

Any person, who, with the intention to cause damage or injury to the public or to any person or to cause wrongful gain as defined in the Indian Penal Code –

- (a) Knowingly counterfeits upon any trees or timber a mark used by Forest Officers to indicate that such tree or timber is the property of the District Council or some person, or that it may lawfully be felled or removed by some person, or
- (b) unlawfully affixes to any tree or timber a mark used by Forest Officers, or
- (c) alters, defaces or obliterates any such mark placed on any tree or timber or under the authority of a Council Forest Officer, or
- (d) alters, moves, destroys or defaces any boundary mark of any forest to which this Act applies, shall be punished with imprisonment for a term which may extend to two years, or with fine or with both.

**38. Compensation for damage caused by Commission of offence –**

- (1) When any person is convicted of felling, cutting, girdling, marking, lopping or tapping trees, or of injuring them by fire or otherwise in contravention of this Act, or of any rule thereunder the convicting Court may, in addition to any other punishment which it may award, order that person to pay to the District Council such compensation, not exceeding twenty rupees for each tree with respect to which the offence was committed as it may deem fit.

- (2) If the person convicted of the offences committed it as the agent servant of another person, the convicting Court may, unless after hearing that order person, it is satisfied that the commission of the offence was not a consequence of his instigation the person who committed the offence to pay the compensation referred to in sub-section (1)

### **39. Forfeiture of lease –**

When the holder of any lease, license of contract whatsoever granted or continued by or on behalf of the District Council for any of the purposes of this Act commits an offence against this Act, or any rule there under or when any such offence lease, license or contract, and the District Council is satisfied that the commission of the offence was a consequence of the instigation of such holder or of any neglect or default on his part, the District Council may, by order in writing, declare the lease, license or contract to be forfeited in whole or in part with effect from a date to be specified in the order not being prior to the date of the commission of the offence.

### **40. Forest Officers not to trade –**

No Council Forest Officer shall, as Principal or agent, trade in forest produce, or be, or become interested in any lease or mortgage of any forest, or in any contract for working any forest.

### **41. Persons bound to assist Forest Officer –**

Every person who exercises any right in any class of Council forest, or who is permitted to remove any forest produce from,

or to pasture cattle or practice jhum cultivation in such forest, and every person who is employed by such person in such forest shall be bound to furnish, without unnecessary delay, to the nearest Forest Officer any information which he may possess respecting the occurrence of a fire in or near such forest, or the commission of or, intention to commit any forest offence, and shall assist any Forest Officer demanding his aid –

- (a) in extinguishing any fire occurring in such forest;
- (b) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;
- (c) in preventing the commission in such forest of any forest offence; and
- (d) when there is reason to believe that any such offence has been committed in such forest in discovering and arresting the offender.

#### **42. Recovery of money due to District Council –**

All money, other than fines, payable to the District Council under this Act, any forest produce, or of expenses incurred in the execution of this Act or rule made thereunder in respect of any forest produce, may, if not paid when due, be recovered by the same process as by which arrears of land revenue are recovered where the Assam Land and Revenue Regulation, 1886 is in force.

#### **43. Lien on forest produce for money –**

- (1) When any such money is payable for or in respect of any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken procession of by a Forest

Officer specially empowered in this behalf and may be retained by him until such amount has been paid.

- (2) If such amount is not paid when due, such Forest Officer may sell such produce by public auction and the proceeds of the sale shall be applied first in discharging such amount.
- (3) The surplus if any, if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to the District Council.

**44. District Council and its Officers not liable for loss or damage in respect of Forest produce –**

The District Council shall not be responsible for any loss or damage which may occur in respect of any forest produce while at the revenue station established under this Act or rules thereunder or while collected or detained elsewhere for the purpose of this Act, and no Forest Officer shall be responsible for any such loss or damage unless he shall have caused the same negligently, maliciously or fraudulently.

**45. Recovery of penalties due under land –**

When any person in compliance with any rule under this Act, binds himself by any instrument to perform any duty or act or covenants by any instrument that he, or that he and his servants and agents, will obtain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of any condition thereof may be recovered by the same process as by which arrears of land revenue is recovered where the Assam Land and Revenue Regulation, 1886 is in force.

**46. Distribution of jhum –**

- (1) The extend of area to be allocated for distribution for jhum under section 15 shall be notified by the Village Council in the manner it deems fit and submitted to the District Council and the District Council may issue any direction in this regard.
- (2) Except for any special privilege granted under this Act to any person, distribution of jhum to village shall rest with the Village Council.
- (3) No jhumming shall be permitted within one hundred yards on either side of all Government roads, except with the written permission of the Deputy Commissioner in consultation with the Chief Executive Member or the Executive Committee.

**47. Opening wet cultivation -**

No new wet cultivation shall be opened in the Council forests except under a pass granted by the Executive Committee on such conditions as it may deem fit to impose. In granting such pass, the Executive Committee shall take into consideration the recommendation of the Village Council.

**48. Establishment and control of forest villages –**

- (1) For the purpose of providing a source of suitable local labour for forming and maintaining plantation and taungyas, the District Council may with the previous approval of the Administrator, establish forest villages within the limits of any Council reserved forests on such sites as may be selected by the Executive Committee.

- (2) The boundary of all forest villages shall be demarcated by boundary pillars and shown in maps together with all interior details such as fields, homesteads, etc. and a register shall be maintained of the houses in each village.
- (3) Jhum in the reserve shall be allowed to the forest villagers on the following conditions –
  - (i) the area will be selected by the Council Forest Officer with the approval of the Executive Committee.
  - (ii) an allotment of maximum 3 (three) acres of jhum land will be annually made for each resident household.
  - (iii) the villagers themselves will sow or plants with their crops the seeds or plants of such forest trees in such manner as Forest Officer may direct.
- (4) Building materials and fuel will be given to the villagers free of charge but they will be liable to render ten days free labour in the first instance and another ten days labour, if called upon, in the next instance at a rate of wages to be fixed by the Forest Officer.
- (5) The sub-letting of land by a forest villagers is not permissible.
- (6) The forest villagers admitted the reserved forest shall execute an agreement in the form as may be prescribed from time to time by the Executive Committee.
- (7) The Executive Committee may appoint a person among the forest villagers as Headman and prescribe his duties.

- (8) The Executive Committee may evict summarily from a forest village without payment of compensation, any one who does not comply with the provisions of the Act, or who refuses to carry out the orders of the Council Forest Officer so far as they are consistent with the provisions of the Act, or whose conduct in the opinion of the said Officer, impairs the harmonious working of the village.

#### **49. Penalties –**

If any person infringes any of the provisions of section 46 and 47 he shall be punishable with a fine not exceeding Rs. 50/-

#### **50. Powers to make rules -**

Subject to the approval of the Administrator, the District Council may frame rules for carrying out the provisions of this Act.

#### **51. Repeal and Saving -**

- (1) The following Acts are hereby repealed with effect from the date of publication of this Act in the Mizoram Gazette :-
- (a) The Pawi-Lakher Autonomous Region (Forest) Act, 1954;
  - (b) The Pawi-Lakher Autonomous Region (Forest) (Amendment) Act, 1957; and
  - (c) The Pawi-Lakher Autonomous Region (Forest) (Amendment) Act, 1960.

- (2) Notwithstanding such repeal, all actions taken, orders made or directions given under the provisions of the Pawi-Lakher Autonomous Region (Forest) Act, 1954, the Pawi-Lakher Autonomous Region (Forest) (Amendment) Act, 1957 and the Pawi-Lakher Autonomous Region (Forest) (Amendment) Act, 1960, shall be deemed to be taken, made or given under the respective provisions of this Act and subsequent actions, if any, with regard to any action, order or direction, shall be accordance with the provisions of this Act.

**52. Receipt for forest revenue -**

All forest revenue shall be received in the Form as prescribed in Appendix VI.

**APPENDIX – I**  
**(See section 4)**  
**Reserved Trees)**

All trees of the under mentioned kinds standing on any land at the disposal of the District Council shall be reserved trees :-

	Vernacular Name	Botanical Name	Mizo Name
1	Tital Sepa	Michelia Champaca	Ngiau chi (Hnahhlai)
2	Nahor, Nage Swar	Nessua ferrea	Herhse
3	Chaulmugra	Taraktogenos Kurzil	Saithei
4	Cugra, Nagalkhe or Makria	Waltichii and schima Khasiana	Khiang
5	Hollong	Depterocarps Marcocarpas	Lawngthing
6	Sal	Shorea Pebusta	Lawngthingtha
7	Mekai	Shorea Assamica	-
8	Simul	Salmalia Malabaricum	Phunchawng
9	Amari	Ammora Wallichii	Sahatah, Zunglianban
10	Bogipoma	Chikassia Tabularis	Zawngtei
11	Sissoo	Delbergia Sissoo	-
12	Senaru	Cassia fistula	Luahmurh
13	Khair	Acacia Catechu	-
14	Korii	Albizzia procera	Kangtek
15	Jutuli	Altingia excelsa	Hriang
16	Hollook, Jhalna	Tormialia myriocarpa	Char

	Vernacular Name	Botanical Name	Mizo Name
17	Jamuk	Eugenia Jambolana	Lenhmui
18	Sida	Legarstrgemia Parvilficre	Thlado
19	Ajhar	Legar Stregmia flasreginea	Zuang
20	Khakhan	Duabanga Senerotiodes	Banphar
21	Kadam	Anthocephalus Kadamba	-
22	Haldu	Adina Cordifolia	-
23	Mohidal	Cordia gragrantissima	Muk
24	Ahoi	Vitex peduncularis	Thingkhualu
25	Gomari	Emelina arborea	Thlanvawng
26	Bonsum	Phoebe Goalparansis	Bul chi
27	Agar, Sasi	Aquilaria Agellacha	Thingrai
28	Kuhir	Bridelia Retursa	Phaktel
29	Uriam	Bischofia Javanica	Khuangthli
30	Indian Rubber	Ficus elastiea	Theiret
31	Dam	Artocarpus chaplasam	Tatkawng
32	Bola	Moruslasvigates	Lungli

Including all medicinal Plants.

**APPENDIX – II**  
**(See section 5(2))**

Permit for timber and other forest produces to be collected from Pawi Autonomous District.

Name ..... Residence .....

Forest	Date of expiry	Description of timber and other forest produces	Number or quantity	Rate amount	Remarks

Signature and designation  
of the issuing Officer

**Conditions under which this permit is issued :-**

1. This permit must be in the possession of the person removing forest produce under it and must be produced by such person whenever called upon to do so by a Forest Officer.
2. Only tree marked with the District Council hammer may be felled. No. 109 or sawn timber may be removed from felling sites unless it has been measured and marked with the prescribed hammer i.e passing hammer, if royalty is to be paid at site.

**NOTE :** Logs may not be converted at sites unless they have been measured and unless the sale is at converted timber rate.

3. All Timber and other forest produces must be removed from the forest with in the time granted in the permit.
4. This permit must be returned to the nearest Forest Officer within one month of the date of its expiry.
5. Any advance royalty paid at the time of taking out a permit will lapse to District Council with the lapsing of the permit unless application for extension has been made to the Executive Member-incharge-Forests within one month from the date of expiry and the Executive Member-incharge-Forests Pawi District Council, exercising his discretion has granted and extension which may not exceed a further period of one year after realization of an extension fee not exceeding 25 percent of the royalty on the forest produce to be removed under permit.
6. Breach of any of the above conditions will render this permit liable to be called and other forest produce confiscated notwithstanding any other penalties incurred by the permit Holder under the Pawi Autonomous District Council (Forest) Act, 1979 of rules made thereunder.

I understand and accepted  
the above conditions.

Signature of Forest Officer  
Signature of the permit holder

**APPENDIX – III**  
**(See section 6)**  
**Rate for timber**

1. Timber trees are classified as follows :-

A-I CLASS		
Botanical Name	Vernacular Name	Mizo Name
Michelia Champace	Champ Tita Sopa	Ngiau
Pheobe Coalparansis	Bonsum	Bul
Shorea Robasta	Sal	Lawngthing tha chi
Dipterocarpos Macrocarpus		Hollong -
Shorea Assamica	Makai	-
A-II CLASS		
Legetstroenia Closregina	Ajhar	Thlado
Morus Leabingate	Bala	Lungli
Accasia Catechu	Khair	-
Casis Fistula	Sonaru	Luahmurh
Terminalia (Myriecarpa)	Hallocc	Char
A-III CLASS		
Gmelina Arborea	Gomari	Thlanvawng
Schima Wallichit	Makria Sal	Khiang
Salmalia Malabericum	Simul	Phunchawng
Artocarpas Chaplacha	Sam	Tatkawng
Ammore Wellichit	Amari	Sahatah
Mesua ferra	Nahar	Herhse
Acrocarpus fraxinifolius	Nandani	Nganbawm
Duabanga Sonneriotiodis	Khokan	Zuang
Colphyllum Polynthum	Kurta	Hnaibung
Vitex Penduncularis	Ahui	Thingkhualu

Botanical Name	Vernacular Name	Mizo Name
Gordia Fraorantissima Bischofia Javanica	Mahidal Uriam	Muk Khuangthli
C-CLASS		
Chikresia tabularis Albizzia odoratissima Albizzia Procerra Terminalia belerica Dycoxy Binicteriferum Eugenia Jambolana	Bogipoma Koroi Moroi  Bohera Bandordima Jam	Zawngtei Thingri Kangtek Thingvandawt Zawngbaw Lenhmui
D-CLASS		
Magnifera Indica Legerstroomia Perviflora Ailanthus grandulosa Sapium baccatum	AM Sida Borpat Saleng	Theihai - Kaubal Thingvawkpui

All other species not included in any other classes will be classified and such royalty as fixed by the Executive Committee from time to time.

## 2. Schedule rates of royalties of timber

Class	Rates for logs below 1 meter in girth	1 meter to 1.5 meter in girth	Above 1.5 meter in girth
A-I	Rs. 30.50	Rs. 35.30	Rs. 40.00
A-II	Rs. 17.75	Rs. 24.00	Rs. 32.50
A-III	Rs. 15.70	Rs. 21.25	Rs. 28.50
B	Rs. 10.60	Rs. 15.50	Rs. 21.25
C	Rs. 9.00	Rs. 12.50	Rs. 17.75
D	Rs. 7.00	Rs. 10.50	Rs. 14.25
E	Rs. 3.50	Rs. 5.25	Rs. 8.50

3. The classification will be based on midgirth measurement. The cubit contents of the logs will be calculated by multiplying the square of the quarter girth taken in the middle of the logs by the length of the logs.
4. The above rates are for girth measurement taken over Bank. For measurement taken under bank add. Rs. 0.50 per cub-metre to its rate for all dressed poles and logs will be 20 per cent more than the above rate.
5. Rate for sawn timber will be double of the rates given under girth 1.5m and over irrespective of logs from which the sawn timber has been converted.
6. Payment at log rates will enable the permit holder to remove slabs obtained on conversion without further payment on sawn timber rates in the forest will enable the purchaser to remove slabs obtained on conversion and these will be sold at rates fixed by the Executive Committee.
7. Rates for Poles

Class	1mt to 1.5 metre	1.5 metre to 2 metres	2 metres to 2.5 metres	2.5 mtr. to 3 metres	3 metres and over
A-I	Rs. 1.50	Rs. 3.00	Rs. 4.50	Rs. 6.00	Rs. 7.50
A-II	Rs. 1.00	Rs. 2.00	Rs. 3.00	Rs. 4.00	Rs. 5.00
B	Rs. 0.75	Rs. 1.50	Rs. 2.26	Rs. 3.00	Rs. 3.75
C	Rs. 0.50	Rs. 1.00	Rs. 1.50	Rs. 2.00	Rs. 2.50
D	Rs. 0.25	Rs. 0.50	Rs. 0.75	Rs. 0.75	Rs. 1.25
E	Rs. 0.25	Rs. 0.50	Rs. 0.75	Rs. 0.75	Rs. 1.25

## 8. Rates for dugouts

Length	Class	Amount
Under 7.5 metres	A-I	Rs. 100.00
	A-II	Rs. 75.00
	A-III	Rs. 55.00
	B	Rs. 30.00
	C	Rs. 20.00
	D	Rs. 15.00
	E	Rs. 10.00
7.5 to under 11 metres	A-I	Rs. 125.00
	A-II	Rs. 90.00
	A-III	Rs. 65.00
	B	Rs. 40.00
	C	Rs. 25.00
	D	Rs. 20.00
	E	Rs. 15.00
Over 11 Metres	A-I	Rs. 150.00
	A-II	Rs. 100.00
	A-III	Rs. 75.00
	B	Rs. 50.00
	C	Rs. 33.00
	D	Rs. 25.00
	E	Rs. 20.00

Above rates are for each dugout

## 9. Rates for minor forest produce bamboos :-

Bambusa vulgaris bariala	7.50 per 100
Bambusa mirtenga	5.00 per 100
Bambusa Jati	3.75 per 100
Bambusa Balikha, barua	7.50 per 100
Dendracalamus hamiltonil	2.00 per 100

Dendracalamus strictus	5.00 per 100
Bajal bamboo	1.00 per 100
Balu bamboo	1.00 per 100
Melecamua bambusiodes	3.00 per 100

Above rates are per hundred in each case.

10. Sun or thatching grass

.30m girth	3.75 per 1000 bundies
.45m girth	1.50 per 1000 bundies
.60m girth	15.00 per 1000 bundies

11. Cane

Calamus garuba – Sundi	}	Rs. 1.00 per 100m
Calamus Jati - Jali		
Calamus Flagellum – raidang		
Calamus latifolius, horna		
Lolla cane		

12. Extra and other reeds

Up to 15m girth	Rs. 1.00 per 100 bundles
Over 15m to .30m girth	Rs. 3.00 per 100 bundles
Over .30m to .45 girth	Rs. 6.00 per 100 bundles

13. Sand and boulder.

Rs. 1.00 and Rs. 2.00 per cubic metre respectively.

14. Gravel, broken stone and shingle

Rs. 2.00 and Rs. 1.00 per cubic metre respectively.

15. Square stone and clay.  
Rs. 2.00 and Rs. 1.00 per cubic metre respectively.
16. Roofing leaves.  
Take at Rs. 1.00 per 1000 leaves.  
Jang and other leaves Rs. 0.75 per 1000 leaves.
17. Rate for firewood
  1. For removal by head load on monthly permit - Rs. 2.00
  2. For removal by head load on yearly permit - Rs. 18.00
  3. For removal by bullock carts - Rs. 2.00
  4. For removal by pony carts/1 qtls - Rs. 1.00
  5. For removal by 3 ton truck/10 qtls - Rs. 9.00
  6. For removal by 5 ton truck/20-50 qtls - Rs. 15.00
18. Increase and decrease of any of the rates is vested in the Executive Committee to a limit of 25 per cent of decrease according to distance and difficulties of extraction.
19. All other minor forest produce not listed above will be charged royalty at 12.5 per cent advalorem.

**APPENDIX IV**  
**(See section 7(2))**

**Forest Department, District Council Transit Pass**

\_\_\_\_\_ Range/Beat \_\_\_\_\_ Revenue station

1. Name and residence of permit/holder \_\_\_\_\_
2. Number and date of permit or agreement \_\_\_\_\_
3. Kind of forest produce \_\_\_\_\_
4. Number of Pieces packages or bundles \_\_\_\_\_
5. Measurement cubic content or weight \_\_\_\_\_
6. Marks hammer or other \_\_\_\_\_
7. Rate \_\_\_\_\_
8. Amount paid \_\_\_\_\_
9. Locality from where collected \_\_\_\_\_
10. Place from which to be transported \_\_\_\_\_
11. Destination \_\_\_\_\_
12. Route of transport \_\_\_\_\_
13. Date of issue \_\_\_\_\_
14. Date of Expiry \_\_\_\_\_

Signature and Designation  
of issuing Officer

**Conditions :**

1. Any person removing timber or, other forest produce without a transit pass in this form in contravention of any rules made under section 7(2) of the Pawi Autonomous District Council (Forest) Act, 1979 is liable for punishment.
2. The transit pass must be produced whenever called upon to do so by a Forest Officer.

**APPENDIX V**  
**(See section 9)**

**Licence to purchase Honey and Wax from Council Forest  
in the Autonomous District**

Fee Rs. 5

No. of Book

No. of licence.

Subject to the provisions of section 9 of the Pawi Autonomous District Council (Forest) Act, 1979 this license to purchase honey and wax has been granted for one year from \_\_\_\_\_ to \_\_\_\_\_ both days inclusive, under the condition specified on the reverse.

To .....  
of .....  
Circle .....  
District/Region .....  
Date .....  
the ..... 19 .....

Signature and designation of the  
Officer granting the licence

The conditions under which licence is granted are –

- (1) That the license is not transferable.
- (2) That the license shall always be in the personal possession of the licensee when purchasing honey and wax.
- (3) That the license shall be returned either to the Executive Committee or to the Officer by whom it was issued. Within one week of, or before the date on which the period for which it was issued expires.

Breach of any of the conditions under which the license is granted of any of the provisions of the rules under which it was issued, will render the license liable to forfeiture and the holder thereof to the punishment provided in the Act.

## **APPENDIX VI**

**(See section 52)**

### **Receipt Book in Triplicate**

Forest Department Receipt \_\_\_\_\_ Pawi District Council  
No. \_\_\_\_\_ Date \_\_\_\_\_

Received from \_\_\_\_\_ the sum of Rupees \_\_\_\_\_  
in cash on account of \_\_\_\_\_ in payment \_\_\_\_\_  
Rs \_\_\_\_\_

Designation

## **NOTIFICATION**

No. PDC/LJ-3/80/25 & 30, the 23<sup>rd</sup> February, 1980. In exercise of the power conferred by section 6 of the Pawi Autonomous District Council (Trading by Non-Tribals) Regulation, 1974 the Executive Committee of the Pawi Autonomous District Council, with the period approval of the Lt. Governor (Administrator) of Mizoram, is pleased to make the following rules, namely :-

# **1. Short title, extent and commencement :-**

- (1) These rules may be called the Pawi Autonomous District Council (Trading by non-Tribals) Rules, 1980.
- (2) They shall extend to the whole of the Pawi Autonomous District.
- (3) They shall come into force at once.

## **2. Definitions :-**

In these rules unless the context otherwise requires –

- (1) “*District Council*” means the Pawi Autonomous District Council;
- (2) “*Executive Committee*” means the Executive Committee of the Pawi Autonomous District Council;
- (3) “*Licence*” means a licence issued to non-Tribals by the Executive Committee or Officer appointed in this behalf authorizing to trade in the Pawi Autonomous District;
- (4) “*Regulation*” means the Pawi Autonomous District Council (Trading by Non-Tribals) Regulation, 1974.

## **3. Mode of submitting application :-**

All applications for licence to trade in the Pawi Autonomous District shall be submitted to the Executive Committee or Officer appointed in this behalf in the Form set forth in Appendix ‘A’ accompanied by a fee of Rs. 5/- (five rupees) which is non-refundable.

## **4. Verification of applicant’s antecedents and character :-**

Subject to the provisions of sections of the Regulation, the Executive Committee or officer appointed in this behalf may,

after making such enquiries as it or he deems proper into the antecedents and character of the applicant, reject to accept any application.

**5. Grant of licence :-**

When application is accepted, a licence to trade shall be issued to the applicant in the Form set forth in Appendix 'B' on payment of licence fee of Rs. 200/- (two hundred rupees only).

**6. Validity :-**

Every licence granted or renewed under these rules shall be valid for a period of one year commencing from the 1<sup>st</sup> day of April of a Calendar year and shall expire on the 31<sup>st</sup> day of March of the succeeding year.

**7. Renewal of licence :-**

Every licence granted under these rules may, on an application made by the licenced trade, be renewed on the expiry of its validity on payment of Rs. 200/- (two hundred rupees only).

**8. Accounts :-**

Every licenced trader shall maintain books of accounts in the Form set forth in Appendix 'C' for inspection.

**9. Special provisions :-**

- (1) A licenced trader shall not sublet his licence.
- (2) Local holidays must be observed by the licenced trader.

- (3) A licenced trader shall submit names of his employees with the Innerline Pass to Executive Committee and those persons shall not run any business independently or occupy another shop in the name of the licence trader.

#### **10. Cancellation of Licence :-**

- (1) Subject to the provisions of section 3 of the Regulation, the Executive Committee may for reasons to be recorded in writing refuse to renew any licence granted to a non-tribal trader.
- (2) Any contravention of the provisions of the Regulation these rules and the terms and conditions of the licence by a licenced trader shall be ground for cancellation of his licence by the Executive Committee.

## APPENDIX 'A'

### **Application Form for Grant of Licence under Rule 3 of the Pawi Autonomous District Council (Trading by Non-tribals) Rules, 1980**

I/we ..... son/Daughter of ..... resident  
of village/town/city ..... District .....  
State ..... do hereby apply for the grant of a licence  
to trade in village/town ..... in the District  
..... in Mizoram in goods/commodities specified  
below. Particular's are furnished below :-

1. Specific goods or commodities in which the trade is to be undertaken.
2. Investment required for the trade and the source of investment.
3. Land, house and installations required (description of land or house, if any, already owned or possessed by the applicant)
4. Area or the village or town where the trade is to be carried on.
5. Period for which the licence is sought for.
6. The experience of the applicant in the trade.
7. The technical knowledge and know how of the applicant.
8. Number of non-Tribals to be employed in the trade.
9. Number of tribals to be employed in the trade.
10. Sources of supplies and agencies, if any.
11. Anticipated time to start the trade.
12. Anticipated profit, both gross and net.
13. If the applicant has been already in similar trade, the registration number, patent, income tax and sales tax returns of the year preceeding the application and the receipts for payment of such taxes to be enclosed.

I/we hereby applicant has been that the statements made above are true to the best of my/our knowledge and receipt of Rs. 5/- application fee is enclosed herewith.

Date .....

Signature of the Applicant

## **APPENDIX 'B'**

### **Form of Licence granted under Rule 5 of the Pawi Autonomous District Council (Trading by Non-tribals) Rules, 1980.**

Non-Tribal Trade (NTT) Licence No..... of .....  
This is to permit Shri/Srimati .....  
son/daughter/wife of .....  
Resident ..... State .....  
to trade in the goods and commodities specified below and for  
the period of one year from 1<sup>st</sup> April 19\_\_ to 31<sup>st</sup> March 19\_\_  
The trade shall be carried out on Village/Town ..... and in  
..... Area (specific location to be mentioned).

The licensed trader shall strictly follow the conditions laid down in the aforesaid rules and the terms and conditions printed overleaf and on non-compliance of any of the rules, and the terms and conditions of licence the licence shall be cancelled. This licence covers only one business establishment and for only one specific location – For opening any branch at any other place, a fresh licence will be required.

1. Name of the goods and commodities in which the trade shall be carried on.  
.....  
.....  
.....
2. Investment of Rupees ..... is permitted.
3. Employment of ..... non-tribals in connection with the trade is permitted.
4. Certified that the trader has deposited Rs. 200/- as licence fee Vide Receipt No. .... Dt. ....

\_\_\_\_\_  
(Signature of the licence holder)

Place .....	Signature of Licensing Authority
Date .....	Seal of the Licensing Authority

TERMS AND CONDITION OF THE LICENCE

1. The Licence holder shall be bound by the provisions of both the Regulation and the Rules.
2. No commodities other than those permitted in the licence shall be allowed to be transacted.
3. The licence holder shall confine his trading operation only to the area specified in the licence.
4. The licence holder may be required to submit such returns as may be prescribed by the Executive Committee.
5. Renewal of licence is subject to the payment of the prescribed fee of Rs. 200/- which may be rejected in the event of default of payment.
6. Failure to comply with any of the conditions of the licence and the provisions of the Pawi Autonomous District Council (Trading by non-Tribals) Regulation, 1974 and the rules made there under may entail cancellation of the licence.

## APPENDIX 'C'

### Form of Account Book to be maintained under Rule 8 of the Pawi Autonomous District Council (Trading by non-Tribals) Rules, 1980

For the month of .....

1. Name of Trader .....
2. Licence No .....
3. Place of Trade .....
4. Stock in hand at the beginning of the month .....
5. Commodities in which licenced for trade .....
6. Description of commodities received, quantities and the  
sources of supply .....  
.....
7. Details of commodities sold during the month.  
.....  
.....  
.....
8. Stock position at the end of the month.  
.....

Place .....

Date .....

Signature of the licenced

Trader or his authorized agent

T. Hranghluta,  
Chief Executive Member,  
Pawi District Council, Lawngtlai.

## NOTIFICATION

NO. DCA/R-22/79/29, the 20<sup>th</sup> January, 1981. In pursuance of paragraph II of the sixth schedule to the Constitution of India, the following Act, made by the Pawi District Council under paragraph 3 of the said Schedule and assented to by the Administrator of Mizoram is hereby published for General Information.

Secretary to the Govt. of Mizoram,  
Law, Judicial & District Council Affairs Deptt.

### PAWI DISTRICT COUNCIL ACT NO 1 OF 1981

The Pawi Autonomous District (Inheritance of property) Act, 1980 (Received the assent of the Administrator of Mizoram on the 14<sup>th</sup> January, 1981).

### ACT NO. 1 of 1981 THE PAWI AUTONOMOUS DISTRICT (Inheritance of Property) ACT 1980

**An  
Act**

To provide for the regulation of inheritance of property.

**Preamble :-** Whereas it is expedient to provide for the regulation of inheritance of property by means of will.

It is hereby enacted in the Thirty-first year of the Republic of India as follows :-

### **1. Short title, extent and commencement :-**

- (1) This Act may be called the Pawi Autonomous District (Inheritance of property) Act, 1980.
- (2) It extends to the whole of the Pawi Autonomous District.
- (3) It shall come into force at once.

### **2. Savings of certain rights :-**

Nothing herein contained shall be deemed to affect the laws of inheritance among those other than the Scheduled Tribes.

### **3 Definitions :-**

In this Act, unless the context otherwise requires :-

- (i) “*Administrator*” means the Administrator of the Union Territory of Mizoram, appointed by the President under article 239 of the Constitution.
- (ii) “*District*” means the Pawi Autonomous District;
- (iii) “*District Council*” means the Pawi Autonomous District Council;
- (iv) “*District Council Court*” means District Council Court for the Pawi Autonomous District Council (Administration of Justice) Rules, 1974;
- (v) “*Intermediate District Council Court*” means an Intermediate District Council Court constituted under the provisions of the Pawi Autonomous District Council (Administration of Justice) Rules, 1974.
- (vi) “*Prescribed*” means Prescribed by rules under this Act;
- (vii) “*Probate*” means the copy of a will certified under the seal of a Court of competent jurisdiction with a grant of administration to the estate of the testator;

- (viii) “*Property*” includes moveable and immovable property;
- (ix) “*Will*” means a testamentary instrument.

#### **4. Competence of testator :-**

- (1) Every person of sound mind not below the age of 18, may dispose of by will his or her property which he or she could alienate during his or her life. Where a person has left no will, or the will left by him or her does not cover all of his or her property, the whole property or the property not covered by the will, as the case may be, shall devolve in accordance with the customary laws for the time being in force in the District.
- (2) A will is liable to be revoked or altered by the maker of it at any time when he is competent to dispose of his property by will.

#### **5. Procedure and condition :-**

- (1) If any person leaves more than one will, the one bearing the latest date shall be deemed to be final.
- (2) The testator of a will may or may not disclose the contents of the will to the witness or to the legatee.
- (3) The testator shall execute the will only when he is of sound mind.
- (4) A will shall be taken to have effect from death of the testator.

#### **6. Witness :-**

- (1) A witness to a will shall be of sound mind and no person below the age of 21 and who is not to sound mind shall be competent to be a witness of the execution of a will.
- (2) The execution of a will shall be in the presence of not less than two witnesses.

**7. Attestation :-**

- (1) The testator of a will must give his or her signature in the presence of the witnesses. If however, he or she is unable to write the left or the right thumb impression respectively must be given instead.
- (2) The witness to a will must give his or her signature in the presence of the testator. If however, a witness is unable to write, the left or the right thumb impression respectively must be given instead.
- (3) Each witness to a will must give his or her signature or thumb impression, as the case may be, in the presence of the other witness.

**8. Invalidity :-**

- (1) Any will not attested in accordance with the provisions of this Act shall be void.
- (2) Any will or any part of a will, the making of which has been caused by fraud or coercion, or by such importunity as takes away the free agency of the testator, is void.

**9. Probate only to appointed executor :-**

Probate shall be granted only to an executor appointed by the will.

**10. Effect of probate :-**

Probate of a will when granted establishes the will from the death of the testator, and renders valid all intermediate acts of executor as such.

**11. Jurisdiction of intermediate District Council Court :-**

The Intermediate District Council Court shall have jurisdiction in granting and revoking probate in all cases.

**12. Grant of Probate :-**

The Intermediate District Council Court shall have the like powers and authority in relation to the granting of Probate and all matters connected herewith, as are by law vested in it in relation to any civil suit or Proceeding Pending therein.

**13. Production of Testamentary Papers :-**

- (1) The Intermediate District Council Court may order any person to produce and bring into Court any paper or writing, being or purporting to be testamentary, which may be shown to be in the possession of under the control of such person.
- (2) If it is not shown that any such paper or writing is in the possession or under the control of such person, but there is reason to believe that he has the knowledge of any such paper or writing the Court may direct such person to attend for the purpose of being examined respecting the same.
- (3) Such person shall be bound to answer truly such questions as may be put to him by the Court, and if so ordered, to produce and bring in such paper or writing, and shall be subject to the like punishment under the Indian Penal Code, in case of default in not attending or in not answering such questions or not bring in such paper or writing, as he would have been subject to in case he had been a party to a suit and had made such default.
- (4) The costs of the proceedings shall be in the discretion of the Court.

**14. Interference of the Court for protection of property :-**

Until probate is granted of the will of a deceased person, the Intermediate District Council Court within whose jurisdiction any part of the property of the deceased person is situated, is authorised and required to interfere for the protection of such property at the instance of any person claiming to be interested therein and in all other cases where the Court considers that the property incurs any loss or damage, and for that purpose, if it thinks fit, to appoint an Officer to take and keep possession of the property.

**15. When probate may be granted :-**

Probate or the will to the estate of a deceased person may be granted by an Intermediate District Council Court under the seal of the Court, if it appears by a petition of the person applying for the same that the testator at the time of his decease had a fixed place of abode or any property movable or immovable, within the jurisdiction of the Court.

**16. Conclusiveness of Probate :-**

Probate shall have effect over all the property and estate, movable or immovable of the deceased throughout the District and shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property which belongs to him and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to the person to whom such probate has been granted.

**17. Petition for probate :-**

Application for probate with the will annexed shall be made by a petitioner distinctly written in the language generally used in

proceedings before the Court in which the application is made, and stating :-

- (a) The time of the testators death
- (b) that the writing annexed is his last will and testament.
- (c) that it was duly executed.
- (d) the amount of the assets which are likely to come to the petitioner's hand,
- (e) that the petitioner is the executor named in the will,
- (f) that the deceased at the time of his death had a fixed place of abode or had some property situated within the jurisdiction of the Court.

#### **18. Power of the Intermediate District Council Court :-**

- (1) In all cases, the Intermediate District Council Court may, if it thinks proper :-
  - (a) examine the petitioner in person upon oath or affirmation.
  - (b) Require further evidence of the due execution of the will.
  - (c) Issue citations calling upon all persons claiming to have any interest in the estate of the deceased to come and see the proceedings before the grant of probate.
- (2) The citation shall be fixed in some conspicuous part of the Court house and also in the office of the Executive Committee of the District Council and otherwise published or made known in such manner as the Court, issuing the same, may direct.

#### **19. Time for Grant of Probate :-**

No probate of a will shall be granted until after the expiration of seven clear days from the day of the testator's death.

**20. Filling of original wills of which probate with wills annexed granted :-**

- (1) The Intermediate District Council Court shall file and preserve all original wills of which probate with the wills annexed may be granted by it among the records of the Court until some public registry for wills is established.
- (2) The District Council shall make rules for the preservation and inspection of the wills so filed.

**21. Appeals from orders of Intermediate District Council Court :-**

Every order made by an Intermediate District Council Court by virtue of the powers hereby conferred upon it shall be subject to appeal to the District Council Court in accordance with the provisions of the Pawi Autonomous District Council (Administration of Justice) Rules, 1974, applicable to appeals.

**22. Surrender of revoked probate :-**

- (1) When a grant of a probate is revoked or annulled under this Act, the person to whom the grant was made shall forthwith deliver up probate to the Court which made the grant.
- (2) If such person wilfully and without reasonable cause omits so to deliver up the probate, he shall be punishable with fine which may extend to Rs. 300/- (Rupees three hundred) only or with imprisonment for a term which may extend to two months or with both.

**23. Payment to execute – Before probate revoked :-**

When a grant of probate is revoked, all payments bonafide made to any executor under such grant before the revocation there-of shall notwithstanding such revocation be a legal discharge to the person making the same, and the executor who has acted under such revoked grant may retain and reimburse himself in respect of any payments made by him which the person to whom the probate may afterwards be granted might have lawfully made.

**24. Power to make rules :-**

Subject to the previous approval of the administrator the Executive Committee may make rules for carrying out the purpose of the Act.

**25. Repeal and saving :-**

- (1) The Pawi-Lakher Autonomous Region (Inheritance of Property) Act, 1959 is hereby repealed.
- (2) Notwithstanding such repeal, all actions taken, orders made or directions given, under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to be taken, made or give under the corresponding provision of this Act and subsequent actions, if any with regard to any such action, order or direction shall be in accordance with the provisions of this Act.

Passed by the Pawi District Council on 2.12.1980. In authentication where of, I put my Signature this 3<sup>rd</sup> of December, 1980.

Hranghluna,  
Chairman,  
Pawi District Council, Lawngtlai

## NOTIFICATION

No. DCA/R-28/79/12, the 14<sup>th</sup> October, 1981. In pursuance of paragraph II of the Sixth Schedule to the Constitution of India, the following Act made by the Pawi District Council under paragraph 3 of the said Schedule and assented to by the Administrator of Mizoram is hereby published for general information.

J.W. Sundara Raj,  
Secretary to the Govt. of Mizoram,  
Law, Judicial & District Council Affairs.

### **Pawi District Council Act No. 2 of 1981.**

### **The Pawi Autonomous District Hnatlang Act, 1980.**

## **AN ACT**

To provide for the control and regulation of hnatlang.

**Preamble :-** Whereas it is expedient to provide for the control and regulation of hnatlang :-

Be it enacted in the Thirty First Year of the Republic of India as follows :-

#### **1. Short title, extent and commencement –**

- (1) This act may be called the Pawi Autonomous District Hnatlang Act, 1980.
- (2) It extends to the whole of the Pawi District.
- (3) It shall come into force at once.

## 2. Definitions :-

In this Act, unless the Context otherwise requires,-

- (a) “*District Council*” means the Pawi Autonomous District Council;
- (b) “*Executive Committee*” means the Executive Committee of the District Council;
- (c) “*Hnatlang*” means a customary service for the common good of the villagers which the residents of a village are to render;
- (d) “*Run*” means customary fine impose by a village Council for refusal to contribute in the village hnatlang;
- (e) “*Village Council*” means a Village Council constituted under the provisions of the Pawi Autonomous District Council (Village Councils) Act, 1974.

## 3. Power of Village Council to enforce hnatlang.-

- (1) The Village Council shall have power to enforce hnatlang within its jurisdiction whenever occasion so demands for the interest of the village community as a whole.

Provided that no discrimination shall be made on grounds only of religion, race, caste or class or any of them.

- (2) The President and the Secretary of a Village Council shall keep a list of persons performing hnatlang and see that each household is represented.
- (3) The President of a village council shall cause to be announced in the village, the proposal of holding hnatlang appointing the date and time.

- (4) Any person who does not comply with the order of hnatlang shall be liable to run either kind or in cash not exceeding Rs. 7/- (Rupees seven) only per hnatlang day unless he has been exempted from hnatlang or has obtained commutation under section 4.
- (5) If a Vilalge Council fails to carry out its order to realized run imposed on any person, the matter shall be referred to the Executive Committee for realization of run.

#### **4. Exemption from hnatlang and condition thereof.-**

- (1) The Village Council shall have power to exempt any person from hnatlang for any period may be considered necessary on the ground of illness and other reasonable grounds at its own discretion. The reason for exemption shall be recorded in writing.
- (2) No person who is of sixty years of age or above shall be compelled to do any hnatlang.
- (3) Any person below 15 years of age shall not be allowed to represent in the hnatlang.
- (4) Every person shall have the option of commuting his obligation to render service under hnatlang to payment of cash compensation in lieu of it at a rate to be fixed by the Village Council not exceeding Rs. 7/- (Rupees seven) only per hnatlang day.

#### **5. Utilisation of run and compensation.-**

- (1) The amount of run under section 3(4) and compensation under section 4(4) may be spent by the persons performing the hnatlang in any manner they like.

- (2) The Secretary of a Village Council shall keep the account of receipts and expenditure of the run and the compensation and any person of the village concerned shall be at liberty to inspect the accounts.

**6. Power of the Executive Committee to settle dispute :-**

Any dispute arising out of the performance of hnatlang shall be settled by the Executive Committee and such decision shall be final and binding on all concerned.

**7. Power of the District Council to regulate matters concerned with hnatlang.-**

All matters concerned with hnatlang and which are not provided for in this Act shall be regulated by the District Council and all such decisions shall be notified by the Executive Committee in a manner it considers appropriate.

**8. Repeal and saving.-**

- (1) The Pawi-Lakher Autonomous Region (Hnatlang) Act, 1962 (Pawi-Lakher Act No I of 1963) is hereby repealed.
- (2) Notwithstanding such repeal, all actions taken, order made or direction given under the provisions of the Pawi-Lakher Autonomous Region (Hnatlang) Act, 1962 shall be deemed to be taken, made or given order the respective provision of this Act and subsequent actions, if any, with regard to any action, order or direction shall be in accordance with the provisions of this Act.

**AN  
ACT**

to amend the Pawi Autonomous District Hnatlang Act, 1980.

**Preamble.-** Whereas it is expedient to amend the Pawi Autonomous District Hnatlang Act, 1980 (hereinafter referred to as the principal Act);

It is hereby enacted in the Thirty-fifth Year of the Republic of India as follows :-

**1. Short title, extent and commencement.-**

- (1) This Act may be called the Pawi Autonomous District Hnatlang (Amendment) Act, 1984.
- (2) It shall have the like extent as the principal act.
- (3) It shall come into force at once.

**2. Amendment of section 3.-**

In sub-section (4) of section 3 of the principal Act, for the letters, figure, brackets and words “Rs. 7/- (Rupees seven) only”, the words “twelve rupees” shall be substituted.

**3. Amendment of section 4.-**

In sub-section (4) of section 4 of the principal Act, for the letters, figures, brackets and words “Rs. 7/- (Rupees seven) only”, the words “twelve rupees” shall be substituted.

Certified that the above bill was passed by the Pawi District Council on 3.8.1984 and in authentication whereof I give my signature this 3<sup>rd</sup> day of October, 1984.

Sd/- M.C. Darvunga, 30/10/84  
Chairman,  
Pawi District Council, Lawngtlai.

I assent to this Bill.

Sd/- H.S. Dubey,  
Lt. Governor (Administrator) of Mizoram.

**THE PAWIAUTONOMOUS DISTRICT  
(MARRIAGE AND DIVORCE) ACT, 1980**

**Passed by the Pawi District Council on 2.4.1980  
Assented to by the Administrator of Mizoram on 27.5.1980**

**AN  
ACT**

to provided for the registrations of marriage and divorce and to regulate ancillary matters.

**Preamble :-** Whereas it is expedient to provide for the registration of marriage and divorce and to regulate ancillary matters including payment of marriage prices :

Be it enacted in the Thirty-first year of the Republic of India as follows :-

**1. Short title, extent and commencement :-**

- (1) This Act may be called the Pawi Autonomous District (Marriage and Divorce) Act, 1980.
- (2) It extends to the whole of the Pawi Autonomous District.
- (3) It shall come into force at once.

**2. Definitions :-**

In this Act unless the context otherwise requires;

- (a) “*District Council*” means the Pawi Autonomous District Council;
- (b) “*Divorce*” means an act of dissolution of a marriage according to the existing customary Laws;

- (c) “*Executive Committee*” means the Executive Committee of the Pawi Autonomous District Council;
- (d) “*Marriage*” means a contract by which a man and a woman becomes husband and wife according to the existing Customary Laws;
- (e) “*Village Council*” means a Village Council constituted under the provisions of the Pawi Autonomous District Council (Village Councils) Act, 1974.

**3. Village Council to maintain register of marriage and divorce :-**

Each Village Council shall maintain a register of marriage and divorce as may be prescribed by the Executive Committee and record in such register, all the details of each marriage and divorce performed within its jurisdiction. The Village Council shall also furnish all such details to the District Council.

**4. District Council to maintain General Register of Marriage and Divorce :-**

There shall be a General Register of Marriage and Divorce in the office of the District Council and all the details of marriage and divorce when received from the Village Councils shall be entered therein.

**5. Registration fee :-**

Every bridegroom shall have to pay a registration fee of Rs. 5/- to the District Council failing which suits and cases relating to marriage and divorce filed by any interested party shall not be entertained in any of the Courts of the District Council.

**6. Power to make rules :-**

The District Council, may with the previous approval of the Administrator of Mizoram, make rules to regulate any matter connected with marriage and divorce in accordance with the existing Customary Laws.

**7. Repeal and Saving :-**

- (1) The Pawi-Lakher Autonomous Region (Marriage and Divorce) Act, 1960 (Act No. V of 1961) (hereinafter referred to as the said Act) is hereby repealed.
- (2) Notwithstanding such repeal all actions taken, orders made or directions given under the provisions of the said Act shall no deemed to be taken, made or given under the respective provisions of this Act and subsequent actions if any, with regard to any action, order of direction, shall be in accordance with the provisions of this Act.

**THE PAWI AUTONOMOUS DISTRICT  
(TAXES) REGULATION, 1981**

**A  
REGULATION**

to provide for the levy and collection of certain taxes and tolls within Pawi Autonomous District.

**Preamble.-**Whereas it is expedient to provide for the levy and collection of certain taxes and tolls;

And whereas under sub-paragraph(4) of paragraph 8 of the sixth Schedule to the constitution of India (hereinafter referred to as the “Constitution”) the District Council for an Autonomous District is empowered to make regulation for the levy and collection of the taxes on professions, trades, callings and employments, taxes on Animals, vehicles and boats, taxes on entry of goods into a market for sale therein, and tolls on passengers and goods carried in ferries and taxes for the maintenance of schools, dispensaries of roads;

Now, therefore, in exercise of the said powers and of all other powers enabling it in that behalf, the Pawi Autonomous District Council is pleased to make the following Regulation in the Thirty-second Year of the Republic of India, namely :-

**1. Short title, extent and commencement**

- (1) This Regulation may be called the Pawi Autonomous District (Taxes) Regulation, 1981.
- (2) It extends to the whole of the Pawi Autonomous District.
- (3) It shall come into force at once.

## 2. Definitions

In this Regulation unless the context otherwise requires,-

- (1) “*District*” means the Pawi Autonomous District;
- (2) “*District Council*” means the Pawi Autonomous District Council;
- (3) “*Executive Committee*” means the Executive Committee of the Pawi District Council;
- (4) “*Pawi*” means a member of any pawi tribe;
- (5) “*Prescribed*” means prescribed by rules made under this Regulation;
- (6) “*Tribal*” means any person who is a member of a Sixth Scheduled Tribe specified as such by order made by the President of India under Article 324(1) of the Constitution as modified by law made by Parliament from time to time in so far as the specification pertains to the Union territory of Mizoram.

## 3. Ferries

The District Council may introduce ferries at any point of important communication, on such conditions, as may be prescribed from time to time.

## 4. Market taxes

The District Council may, from time to time, prescribe rules for the collection of market taxes, and may further prescribe rules for the smooth and equitable conduct of business in the market.

## 5. Boat

The following classes of boats plying on the rivers for the purpose of trade in the District shall be liable to a boat tax of Rs. 5/- per trip made from outside the District to any place inside the District :-

- (i) Boat owned by non-tribals irrespective of who use or runs the boat for trade;
- (ii) Boats owned by tribals when used or run by non-tribals.

## **6. Animals**

Any person having in the aggregate five or more of the following animals irrespective of kind or gender not below the age of three years on the last of April will be liable to a tax of Re 1/- per such animals per year :-

Buffalo, Gayal, Bull, Bullock, Cow, Pony, Horse, Donkey, Mule and Ass :

Provided that person having less than five such animals shall be exempted from payment of the tax.

## **7. Professions, etc.**

Taxes on professions, trades, callings and employments shall be assessed and collected by the District Council in accordance with the Provisions laid down in the Pawi Autonomous District (Professions, Trades, Callings and Employment Taxation) Regulation, 1979.

## **8. Trade tax**

- (1) Every Pawi and other Tribal trade who has a permanent place of business in the Lawngtlai Town shall be liable to a trade tax of Rs. 30/- per year.
- (2) Every such trader who has a permanent place of business other than in the Lawngtlai Town shall be liable to a trade tax of Rs. 20/- per year.
- (3) Persons who carry on business in registered stalls not covered by sub-section (1) or sub-section (3) shall be liable to a trade tax of Rs. 15/- per year.

- (4) Every Pawi and other tribal trader who carries on his business without having a permanent place of business as aforesaid shall be liable to a trade tax of Rs. 10/- per year.

## **9. Penalty**

Any person failing to fulfil any of the provisions of this Regulation shall be liable to pay double the amount due from him in cash or in kind or by confiscation of his properties of equal value.

## **10. Powers to make rules**

The District Council may, with previous approval of the Administrator of Mizoram, make rules for carrying out the provisions of this Regulation.

**PAWI AUTONOMOUS DISTRICT COUNCIL  
EXECUTIVE DEPARTMENT LAW JUDICIAL BRANCH.**

**NOTIFICATION**

The 26<sup>th</sup> August, 1981

No. PDC/LJ-3/81/88-96 :- In exercise of the powers conferred by section 28, read with sub-section (3) of section 3, of the Pawi Autonomous District Council, (Village Councils) Act, 1974, the Executive Committee of the Pawi District Council, with the previous approval of the Lieutenant Governor (Administrator) of the Union territory of Mizoram, is pleased to make the following rules, namely :-

**THE PAWI AUTONOMOUS DISTRICT COUNCIL  
(ELECTION TO VILLAGE COUNCILS) RULES, 1981**

**CHAPTER-I**

**Preliminary**

**1. Short title, extent and commencement :-**

- (1) These rules may be called the Pawi Autonomous District (Election to Village Councils) Rules, 1981.
- (2) They shall extend to the whole of the Pawi Autonomous District;
- (3) They shall come into force at once.

**2. Definitions :-**

In these rules unless the context otherwise requires :-

- (1) “*Constituency*” means so much of the area as is included within the jurisdiction of a Village Council;

- (2) “*Court*” means the Courts, except the Village Court constituted under the provisions of the Pawi Autonomous District (Administration of Justice) Rules, 1974;
- (3) “*District*” means the Pawi Autonomous District;
- (4) “*District Council*” means the District Council of the Pawi Autonomous District;
- (5) “*Election*” means an election to fill a seat or seats in the Village Councils;
- (6) “*Elector*” means a person whose name is for the time being entered in the electoral roll;
- (7) “*Electoral roll*” means the electoral roll as prepared by the Executive Committee under sub-rule(3) of rule 3;
- (8) “*Executive Committee*” means the Executive Committee of the Pawi District Council;
- (9) “*Gazette*” means the Mizoram Gazette;
- (10) “*Presiding Officer*” means the Officer appointed for conducting the election in a polling station;
- (11) “*Returning Officer*” means any Officer appointed for conducting the election to a constituency;
- (12) “*Village*” means a Village or Villages declared to form a Village Council.

## **CHAPTER II**

### **General Provisions**

#### **3. Holding of general election :-**

- (1) All elections to the Village Councils shall be held under the provisions of these rules.
- (2) There shall be an electoral roll for every constituency.

- (3) The latest electoral roll for election to the District Council as may be amended by the Executive Committee to omit those who have ceased to be residents of the Village shall be the electoral roll for election to a Village Council;
- (4) The Executive Committee shall, by notification in the Gazette, fix the number of seats for each constituency to form a Village Council.

#### **4. Appointment of Officers :-**

- (1) The Executive Committee shall appoint a Returning Officer, who will also function as Presiding Officer, and also Polling Officers, to perform the functions for election to each Village Council :

Provided that if a Polling Officer, owing to illness or other unavoidable cause, is unable to perform the functions of the Polling Officer, the Returning Officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election to be the Polling Officer, and inform the Executive Committee accordingly.

- (2) If the Returning Officer, who is also the Presiding Officer, owing to illness or other unavoidable cause, is unable to perform the said functions, his functions shall be performed by such Polling Officer as has been previously authorized by the Executive Committee to perform such functions.

## **5. Date of election :-**

The Executive Committee shall, by notification, call upon the constituency concerned to elect the number of Members to be returned and shall also appoint the date or dates for such election in each constituency simultaneously or consecutively, according to convenience. The Returning Officer may, however, cause an election to be held on such date after the appointed by the Executive Committee in respect of any constituency as a special case when the appointed date cannot be observed due to some unforeseen inconvenience;

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

## **6. Publication of the names of Members of Village Council :-**

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

## **7. Filling of vacancies :-**

- (1) A seat or seats and a casual vacancies in the Village Council or Councils in respect of a nominated seat or seats shall be filled by the Executive Committee by nomination.
- (2) A seat or seats and a casual or vacancies in the Village Council or Councils in respect of elected seat or seats shall be filled by bye-election.

## **8. Disqualified Members :-**

The seat of any Member found to be disqualified after his election, may be declared vacant by the Executive Committee and filled under the provisions of these rules.

**9. Duties of Returning Officer :-**

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

**10. Power of the Executive Committee :-**

The Executive Committee may prescribe, such forms as may be necessary for the conduct of the elections.

### **CHAPTER-III**

#### **Candidates for Election**

**11. Qualification of candidates for election :-**

Any person whose name is included in the electoral roll of the constituency and who is not otherwise disqualified under section 4 of the Pawi Autonomous District Council (Village Councils) Act, 1974, may offer himself as a candidate for election to a Village Council and shall inform the Returning Officer, in writing, of his intention to do so by a particular date to be notified in this behalf by the Returning Officer.

**12. Scrutiny of candidature :-**

The scrutiny of candidature shall be taken up by the Returning Officer in the respective constituency on a date and time to be notified by him.

**13. Withdrawal of candidature :-**

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

**14. Security deposit, its refund or forfeiture :-**

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

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

**15. Election by symbol :-**

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

**16. Preparation and Publication of the list of valid Candidates :-**

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

**17. (1) When number of valid candidates is equal to number of seats :-**

If the number of candidates in constituency equal to the number of elected seats to be filled, the Returning Officer shall forthwith declare all such candidates to be elected to fill those seats in the Village Council.

**(2) When the number of valid candidates is less than number of seats :-**

If the number of valid candidates is less than the number of seats to be filled the Returning Officer shall declare all such candidates to be elected to fill as many of those seats and the Executive Committee shall, by notification, call upon the constituency to elect a person or persons to fill the remaining seat or seats, as the case may be, within such time as may be specified in the notification.

## **CHAPTER – IV**

### **Voting**

**18. Arrangement of voting :-**

There shall be only one polling station for each constituency. The Returning Officer or any officer appointed by him shall make all arrangements for the conduct of the election.

**19. Election agent :-**

One election agent of a candidate, appointed in writing and submitted to the Returning Officer, shall be admissible into the polling booth in the case of the candidate absenting himself from the polling station.

**20. No vote by proxy :-**

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

**21. Hours of Poll :-**

The Returning Officer shall fix the hours for polling.

**22. Ballot boxes :-**

Just before polling is started the empty ballot boxes with their respective symbols and names of the candidates fixed of them, shall be shown to the persons present at the polling station. The ballot boxes will then be closed pasting with an adhesive and wax sealing device.

**23. Ballot Paper :-**

Each votes shall be given as many ballot papers as there are elected seats. The Executive Committee may direct that before the ballot papers are delivered to a voter at a polling station, such official marks as may be specified in this behalf, shall be given on the ballot papers and the official mark so specified kept secret.

**24. Record of Vote :-**

- (1) Each Voter shall record his vote/votes by dropping only one ballot paper in each box containing the symbol assigned to the candidate/candidates of his choice;
- (2) Provided that if for any reason, a voter does not want to use his ballot paper/papers, the voter concerned must

return the same which shall be cancelled and marked “refused” on the counterfoil/ counterfoils;

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

## **25. Helping a voter :-**

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

## **26. Spoilt ballot paper :-**

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

## **27. Suspension of voting :-**

If due to any reason beyond control, the polling of votes has to be stopped resulting in the dispersion of the voters and the

candidates and the election Officers within the hours prescribed and before all the voters have polled, the polling shall be suspended and ballot boxes closed by pasting with adhesive and wax sealing device till they are re-opened when polling is continued as decided by the senior most election Officer present.

**28. Closing ballot boxes after poll :-**

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

## **CHAPTER – V**

### **Counting of Votes**

**29. Counting of Votes :-**

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

**30. Authorised persons at the counting of votes :-**

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

**31. Suspension of counting of votes :-**

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

**32. Equality of votes :-**

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

**33. Publication of election result :-**

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

## **CHAPTER – VI**

### **Election Petitions**

**34. Submission of Election Petitions :-**

A petition challenging the validity of any election may be submitted by a candidate and no one also to the Executive Committee or any Officer appointed by it for the purpose, within thirty days of the declaration of the election results by the Returning Officer of the constituency concerned, attaching to the petition, an official receipt of the District Council showing that a deposit of Rs. 50/- as security for the cost of hearing of the petition has been made. Such deposit shall be forfeited to the District Council in case the petition fails. If, however, the petition succeeds, the deposit shall be refunded.

**35. Withdrawal of election petition :-**

If an election petition is withdrawn within 14 (fourteen) days for the date of filling the security deposit shall be refunded. If an election petition is withdrawn after 14 (fourteen) days from the date of filling, the security deposit shall be forfeited to the District Council.

**36. Disposal of election petition :-**

The Executive Committee shall constitute an election tribunal to hear and dispose of all election petitions. The tribunal shall report its findings and decision to the Executive Committee, whereupon the Executive Committee shall notify the decision of the tribunal.

## **CHAPTER – VII**

### **Corrupt Practices**

**37. Corrupt practices :-**

- (1) The following shall be deemed to be corrupt for the purposes of election to the Village Council :-
  - (i) Bribery;
  - (ii) Undue influence;
  - (iii) Personation;
  - (iv) Removal of ballot paper;
  - (v) Publications of false statement;
  - (vi) Use of or appeal to religious and national symbols as defined in Chapter IX of Part IV of the Mizoram Autonomous District Councils (Constitution and Conduct of Business of District Councils) Rules, 1974.

- (2) The corrupt practices enumerated in sub-rule (1) will entail disqualification for a voter or candidate or his agent, as the case may be.

## **CHAPTER – VIII**

### **Electoral Offences**

#### **38. Public Meeting :-**

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

#### **39. Maintenance of secrecy :-**

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

#### **40. Prohibition of interference while polling :-**

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

#### **41. Contravention of any provisions :-**

Any person who contravenes any of the provisions of rules 38 to 40 shall be punishable with fine which may extend to five hundred rupees.

## **CHAPTER – IX**

### **Power of Returning Officer**

- 42.** No civil Court shall have jurisdiction to question the legality of any action taken or of any decision given by the Returning Officer or any other persons appointed under these rules in connection with an election.

## **CHAPTER – X**

### **Repeal**

**43. Repeal and Savings :-**

- (1) The Pawi-Lakher Regional Council (Election to Village Councils) Rules, 1955 are hereby repealed.
- (2) Notwithstanding such repeal, any action taken or proceedings made under those rules shall, in so far as it is not inconsistent with the provisions of these rules, be deemed to have been taken or made under these rules.

## APPENDIX

### List of Symbols (Under rule – 15)

- |              |               |
|--------------|---------------|
| 1.   Axe     | 9.   Maize    |
| 2.   Cat     | 10.  Mug      |
| 3.   Cock    | 11.  Necklace |
| 4.   Dao     | 12.  Pot      |
| 5.   Dog     | 13.  Pumpkin  |
| 6.   Hat     | 14.  Spoon    |
| 7.   Leaf    | 15.  Umbrella |
| 8.   Lantern |               |

( HRANGHLUTA )  
 Chief Executive Member,  
 Pawi District Council, Lawngtlai.

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**PAWIAUTONOMOUS DISTRICT  
MARKET REGULATION, 1981**

**A  
Regulation**

to provide for the management and control of markets within the Pawi Autonomous District.

Whereas it is necessary to make provision for the establishment, management and control of markets and to levy and collect tolls therein in the Pawi Autonomous District; Be it enacted in the Thirty Second Year of the Republic of India as follows :-

**1. Short title, extent and commencement.-**

- (1) This Regulation may be called the Pawi Autonomous District (Market) Regulation, 1981
- (2) It extends to the whole of the Pawi Autonomous District.
- (3) It shall come into force at once.

**2. Definitions.-**

In Regulation, unless the context otherwise requires,-

- (a) “*District*” means the Pawi Autonomous District;
- (b) “*District Council*” means the District Council of the Pawi Autonomous District and the term, “Executive Committee” and “Chief Executive Member” shall be construed accordingly;
- (c) “*Lessee*” means settlement-holder of a market for a specified period;

- (d) “*Market*” means an appointed place where people come together to buy and sell food stuffs and other commodities;
- (e) “*Prescribed*” means prescribed by rules made under this Regulation.

**3. District Council to control markets.-**

All Markets within the District shall be under the control of the District Council.

**4. No person to start new market within approval.-**

No person shall, without previous approval of the District Council, start any new market.

**5. Power of District Council to levy tolls, tax, etc.-**

The District Council shall have power to levy tolls, Taxes and other revenues which it is competent to levy in any market within the District according to the rates as prescribed in consideration of the locality of the market.

**6. Settlement of markets in public auction.-**

Any market, wherein tolls, taxes and revenues are assessed under section 5, shall be settled in public auction for a lease of six months at a time.

**7. Successful bidder to pay the bid.-**

The successful bidder will have to pay one fourth of the amount of his bid on the spot and the balance within the first four months of his lease in two by-monthly instalments.

**8. Power of the Executive Committee.-**

The Executive Committee shall have power.

- (a) to sanction the establishment of any market.
- (b) to fix the market day or days in a week for all or any of the markets.
- (c) to close any market in the public interest, if it is found necessary.

**9. Power to make rules.-**

- (1) Subject to the previous approval of the Administrator of Mizoram, the Executive Committee may make rules for carrying out the purposes of this Regulation.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for –
  - (a) the management of the markets,
  - (b) the fixation of tolls, taxes or revenues leviable in a market,
  - (c) the collection and credit of all tolls, taxes and revenues due to the District Council,
  - (d) settlement of markets; and
  - (e) the terms and conditions of the lease or agreement between the Executive Committee and the lessee.

Passed by the Pawi District Council & Assented to by the Administrator of Mizoram and published in the Mizoram Gazette under No. DCA/R-27/79/11 Dt. 6.1.1982.

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**NOTIFICATION**  
**ELECTION COMMISSION OF INDIA**

NEW DELHI

Dated the 14<sup>th</sup> March, 1983

Phalgun, 1904 (S)

In pursuance of the powers conferred on it by Article 324 of the Constitution read with rules, 5 and 10 of the Conduct of Elections Rules, 1961 and clause (d) of Sub-paragraph (1) and sub-paragraph (2) of paragraph 17 and paragraph 18 of the Election Symbols (Reservation and Allotment) Order, 1968 and all other powers enabling it in this behalf the Election Commission hereby makes the following further amendments in its notification No. 56/82, dated the 7<sup>th</sup> April, 1982, as amended from time to time, namely –

In TABLE 4 of the said Notification,-

The symbol '*Flowers*' specified in column 2 as free symbol for the States of 1. Haryana 2. Karnataka 3 Kerala 4. Manipur 5. Sikkim 6. Tamil Nadu and Union Territories of 7 Chandigarh and 8 Goa, Daman and Diu, shall be deleted and further entries against the said States and Union Territories shall be renumbered accordingly.

(No. 56/82-IX)

By Order,

K. Ganesan,  
Secretary.

**FORM - 210**

(For use in Election to fill a casual vacancy when seat is contested)  
(See rule 64)

Declaration of the result of Election under section 66 of Representation of the People Act, 1951.

\*Election to the Legislative Assembly of Mizoram State/Union Territory from 22-Phuldungsei Assembly Constituency.

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Election Rules, 1961, I declare that –

Liansuama  
Chawnpui Veng, Aizawl

(Name)  
(Address)

has been duly elected to fill the vacancy caused in that House by the

\*\* resignation of .....

\*\* death of R. Zadinga

\*\* election of ..... having been declared

\*\* Seat of ..... \*\*\* having become vacant

\*\*\* having been declared

Place : Aizawl

Date : 11.4.83

Signature Sd/-  
Returning Officer,  
22-Phuldungsei A/C

In exercise of the powers conferred by clause (b) of sub-paragraph (7) of paragraph 2 of the Sixth Schedule to the Constitution of India, the District Council of the Pawi Autonomous District, with approval of the Lt. Governor (Administrator) of the Union Territory of Mizoram, is pleased to make the following Rules, Namely :-

## 1. Short title and commencement :-

- (1) These rules may be called the Pawi District Council (Salaries and Allowances of Members) Rules, 1982.
- (2) They shall come into force at once.

## 2. Definitions :-

In these rules, 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 District Council of the Pawi Autonomous District established under the Sixth Schedule to the Constitution of India;
- (d) “*Drawing and Disbursing Officer*” means the Secretary to the Executive Committee of the District Council;
- (e) “*Family*” in relation to a member means :-
  - (i) the wife or husband residing with him or her, as the case may be; and
  - (ii) the children (including the legally adopted children and step children), residing with and wholly dependent on such member;
- (f) “*Form*” means a Form appended to the Second Schedule;
- (g) “*Member*” means a member of the Pawi District Council, but does not include the Chairman, the Deputy Chairman, the Chief Executive Member and other members of the Executive Committee of the District Council;

- (h) “*Period of residence on duty*” means the period during which 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, for the purpose of attending such a session or sitting or for the purpose of attending such other business and includes, except in the case of a member who ordinarily resides at the place where a session of the District Council or a 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 the session and a period of such residence, not exceeding two days immediately succeeding the date on which the District Council is adjourned sine die or for a period exceeding seven days; and
  - (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 or other business and a period 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 these rules;
- (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 with in the Pawi Autonomous District.

### **3. Salaries and daily allowances :-**

A member shall be entitled to receive a salary at the rate of four hundred and fifty rupees per mensem and a conveyance allowance of one hundred and fifty rupees per mensem during the whole of his term of Office and shall also be entitled to receive daily allowance at the rate of twenty-five rupees for each day during any period of residence on duty.

EXPLANATION : Daily allowance shall be admissible to a member for each day during and period of residence on duty irrespective of the time of this arrival or departure.

### **4. Travelling Allowances :-**

- (1) There shall be paid as travelling allowance 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 of 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 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 such amount as would be admissible in respect of journey, on tour to a Group A Officer of the Mizoram Administration drawing pay of Rs. 1000/- and above but less than Rs. 1100.

- (2) Notwithstanding anything contained in sub-rule (i), a member who performs journey by road between places connected by rail either wholly or in part, may draw the road mileage on the scale mentioned in sub-rule (1) instead of the travelling allowance which would have been admissible to him if he had travelled by rail :

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

**5. Special Provisions :-**

In the special circumstances specified in the first Schedule, the provisions of these rules shall apply subject to the provisions of that Schedule.

**6. Procedure :**

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

## **FIRST SCHEDULE**

**(See rule – 5)**

**1. Admissibility of travelling allowance where a member is provided with free transit for the whole or any part of the journey :-**

No travelling allowance under rule 4 shall be claimed by the member in respect of any journey or part thereof performed by him in a conveyance provided at the expenses of any Government or the District Council Fund or a local fund, but he shall be entitled to draw an allowance at the rate of five rupees only per diem where the duration of such journey lasts for not less than six hours on any day :

Provided that provisions of this paragraph shall not apply to the journey performed on any railway.

NOTE : The amount of five rupees is granted to the Member to cover his incidental expenses during such journey or part thereof and is in lieu of the extra road mileage when he performs the journey by a conveyance supplied without charge. This allowance is not an alternative to the daily allowance admissible under rule 3 which is allowed to him where admissible for each day during any period of residence on duty.

**2. Admissibility of travelling allowance where the place from which member performs his journey-or to which he returns is not his usual place of residence :-**

- (1) Where a member performs a journey for the purpose of attending a session of the District Council or a sitting of a Committee or for the purpose of attending to any other

business connected with his duties as a member from a place other than his usual place of residence or returns to such a place he may draw travelling allowance for the actual journey performed, or the journey from or to his usual place of residence, whichever is less;

- (2) Where during a session of the District Council or a sitting of a committee a member performs a journey from the place where such session or sitting is held to any other place for the purpose of attending to any business connected with his duties as a member, he shall be entitled to receive –
  - (a) Travelling allowance, in respect of such journey to such other place and return journey at the rate specified in rule 4; and
  - (b) daily allowance for each day during any period of residence on duty at the other place at the rate specified in rule 3.

### **3. 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 journey performed by him for the purpose of taking his seat in the Council.
- (2) All cases 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 knowledge of the postponement of the session or sitting including cases of such members who

arrive after the session or a sitting is adjourned suddenly shall be determined by the Chairman of the District Council having regard to the circumstances of each case.

- (3) Where a member is provided with free board and lodging at the expense of any Government or the District Council Fund or a Local Fund he shall be entitled to receive only one – half of the daily allowance admissible to him under rule 3. If only boarding or lodging is allowed free to the member, he shall be entitled to receive three fourths of the daily allowance admissible to him under that rule.

## **SECOND SCHEDULE**

(See rule 6)

### **Procedural Provision :**

- (1) Every member shall, as soon as possible after he is elected or nominated, declare in Form ‘A’ appended to this Schedule his usual place or residence to the Drawing and Disbursing Officer and any subsequent change in the usual place of residence so declared shall be notified in the said Form to the Drawing and Disbursing Officer.
- (2) A member who claims any travelling or other allowance under these rules shall support his claims by a certificate in the following Form, namely :-

*“Certified that no travelling allowance in respect of the journey or 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 Government or the District Council Fund or a Local Fund the following Certificate shall be furnished, namely :-

*“Certified that I have not performed any part of the journey by a conveyance provided at the expense of the Government or the District Council Fund or a Local Fund”.*

- (4) After completing each final return journey on termination of a session of the District Council or a sitting of a committee or any other business connected with his duties as a member, a member shall furnish a certificate in Form B appended to this Schedule.

**FORM ‘A’**

My usual place of Residence is .....  
I have changed my usual place of residence from ..... to ..... with effect ..... from ..... due to ..... (here state the reasons)

I may henceforward be allowed travelling allowances from .....

Signature .....  
Name .....  
Constituency .....  
Date .....

Departure and Return Journey Certificate. (The Certificate may kindly be filled in, signed and returned to the Secretary to the Executive Committee of the District Council, as soon as possible, after the completion of the Return Journey)

- (1) Certified that I performed the return journey under rule 4 of the Pawi Autonomous District (Salaries and Allowances of Members Rules, 1982 leaving –  
 ..... Place) on the .....  
 ..... Date) I arrived 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 the Government or the District Council fund or a Local Fund.
- (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).

Member of District Council  
 Constituency .....

Passed by the Pawi District Council on 3.4.1982. In Authentication whereof, I put my signature on this day of Tuesday the 8<sup>th</sup> June 1982.

Hranghluna,  
 Chairman,  
 Pawi District Council, Lawngtlai.

## NOTIFICATION

No. LJD 126/82/15, the 1<sup>st</sup> September, 1982. The following Act of the Mizoram Legislative Assembly, which received the assent of the President, is hereby published for general information.

Mizoram Act No. 4 of 1982.

The Mizoram Salaries and Allowances of Members of the Legislative Assembly (Amendment) Act, 1982.

(Received the assent of the President on the 10<sup>th</sup> August, 1982).

J.W. Sundara Raj,  
Secretary to the Govt. of Mizoram,  
Law etc. Deptt.

## AN ACT

Further to amend the Mizoram Salaries and Allowances of Members of the Legislative Assembly Act, 1973.

Be it enacted by the Legislative Assembly of Mizoram in the Thirty-third years of the Republic of India as follows :-

- |                                       |   |
|---------------------------------------|---|
| <b>Short title and commencement :</b> | <b>1.</b> (1) This Act may be called the Mizoram Salaries and Allowances of Members of the Legislative Assembly (Amendment) Act, 1982.<br>(2) It shall be deemed to have come into force on the 1 <sup>st</sup> day of January, 1982. |
| <b>Amendment of</b>                   | <b>2.</b> In the Mizoram Salaries and Allowances  |

**long title :** of Members of the Legislative Assembly Act 1973 (hereinafter referred to as the principal Act) in the long title, 32 of 1974 for the words “salaries and allowances,” the words “salaries, allowances and pension” shall be substituted

**Amendment of section 1 :** 3. In section 1 of the principal Act, in subsection (1), for the words “Salaries and Allowances,” the words “Salaries, Allowances and Pension” shall be substituted.

**Amendment of section 3 :** 4. In section 3 of the principal Act.-  
 (a) for the words “three hundred and fifty,” the words “four hundred and fifty,” shall be substituted;  
 (b) for the word “thirty,” the word “forty” shall be substituted.

**Insertion of new section 8 B** 5. After section 8 A of the principal Act, the following section shall be inserted, namely :-

Pension “8 B(1) With effect from the 1<sup>st</sup> day of January, 1982 there shall be paid a pension of two hundred rupees per mensem to every person who has served for a period of five years, whether continuous or not, as a member:

Provided that where any person has served as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of fifty rupees per mensem

for every year in excess of five, so, however, that in no case the pension payable to such person shall exceed four hundred rupees per mensem.

(2) Where any person entitled to pension under sub-section (1).-

(i) is elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or the Administrator of any Union territory : or

Central Act 19  
of 1966

(ii) becomes a member of the Council of states or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966 : or

(iii) 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 or becomes otherwise entitled to any remuneration from such Government, Corporation 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 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 in clause (iii) payable to such person, is in either case, less than the pension payable to him under sub-section (1), such person shall be entitled only to receive the balance as pension under that sub-section.

- (3) Where any person entitled to pension under sub-section (1) is also entitled to 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, under any law or otherwise, then –
  - (a) where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section : 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 under sub-section (1) such person

shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section.

1 of 1974

- (4) In computing the number of years, for the purposes of sub-section (1), the period during which a person has served as a Minister as defined in the Mizoram Salaries and Allowances of Ministers Act, 1973 or as Speaker or Deputy Speaker as defined in the Mizoram Salaries and Allowances of the Speaker and Deputy Speaker Act, 1973, or both, by virtue of his membership in the Assembly shall also be taken into account.

2 of 1974

**Insertion of new section 9 A :**

6. After section 9 of the principal Act, the following section shall be inserted namely :-

Power to make rules.

“9 A. (1) The Government may, by notification in the Mizoram Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Mizoram, while it is in session, for a total period of seven days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately

following the session or the successive sessions aforesaid, the Legislative Assembly of Mizoram agrees in making any modification in the rule or the Legislative Assembly of Mizoram agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule”.

Sd/- J.W. Sundara Raj,  
Secretary to the Govt. of Mizoram,  
Law etc. Deptt.

## A Regulation

to amend the Pawi Autonomous District (Trading by Non-Tribals) Regulation, 1974.

**Preamble.-** Whereas it is expedient to amend the Pawi Autonomous District (Trading by non-Tribal) Regulation, 1974, hereinafter referred to as the Principal Regulation;

It is hereby enacted in the Thirty – Fifth Year of the Republic of India as follows :-

**1. Short title, extent and commencement :-**

- (1) This Regulation may be called the Pawi Autonomous District (Trading by Non-Tribals) (Amendment) Regulation, 1984.
- (2) It shall have the like extent as the principal Regulation.
- (3) It shall be deemed to have come into force on the 23<sup>rd</sup> February, 1980.

**2. Amendment of sections 3 and 5 :-**

In sections 3 and 5 of the principal Regulation for the words “District Council” wherever they occur, the words “Executive Committee” shall be substituted.

In authentication whereof, I give my signature this 4<sup>th</sup> day of April, 1984.

Sd/- M.C. Darvunga, 21/1/94  
Chairman,  
Pawi District Council, Lawngtlai.

I assent to this Regulation.

Aizawl,  
the 21<sup>st</sup> April, 1984

Sd/- H.S. Dubey  
Lt. Governor (Administrator)  
of Mizoram.

**THE PAWI AUTONOMOUS DISTRICT  
(JHUM REGULATION) ACT, 1983**

**AN  
ACT**

to provide for the regulation and control of the practice of Jhum or other forms of shifting cultivation.

**Preamble :-** Whereas it is expedient to provide for the regulation and control of the practice of Jhum or other forms of shifting cultivation within the Pawi Autonomous District;

It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :-

**1. Short title, extent and commencement :-**

- (1) This Act may be called the Pawi Autonomous District (Jhum Regulation) Act, 1983.
- (2) It extends to the whole of the Pawi Autonomous District.
- (3) It shall come into force at once.

**2. Definitions :-**

- (1) In this Act, unless the context otherwise requires,
  - (a) “*Executive Committee*” means the Executive Committee of the Pawi Autonomous District Council;
  - (b) “*Jhum*” means shifting paddy cultivation;
  - (c) “*Jhumer*” means any person who practices Jhum;
  - (d) “*Other shifting cultivation*” includes all sorts of temporary and seasonal cultivations for any kind of crops;

- (e) “*Village Council*” means a Village Council constituted under the provisions of the Pawi Autonomous District Council (Village Councils) Act, 1974.

- (2) The provisions of this Act, in relation to Jhums shall be construed as applicable equally to other shifting cultivation.

### **3. Time for distribution of Jhum :-**

Distribution of Jhums and other shifting cultivation shall be done by the Village Council after 15<sup>th</sup> of October every Year.

### **4. Distribution of Jhum lands :-**

- (1) Subject to the provisions of section 15 of the Pawi Autonomous District Council (Forest) Act, 1979. The Village Council shall have the Power to distribute land for Jhum.
- (2) No Village Council is allowed to distribute dense forest within the Council forests for jhum except with the previous permission of the Executive Committee.
- (3) In the event of a dispute arising out of the distribution of jhum lands, the matter shall be referred to the Executive Committee and the decision of the Executive Committee thereon shall be final and binding.

### **5. Special privileged to select jhums :-**

Privilege to have the special choice of jhums shall not henceforth be enjoyed by anyone, unless the District Council so declares in its full sitting.

## **6. Mode of distribution of jhums :-**

- (1) After the commencement of this Act, distribution of jhums shall be done by the Village Council within their respective jurisdiction on the principles and in the manner hereinafter provided :-
  - (a) The area allotted shall, as far as practicable, be compact.
  - (b) No one shall select the jhum site for another along with his share.
  - (c) The Village Council shall have the power over any person in the selection of jhum site for common share with another family or families.
  - (d) The Village Council may impose penalty not exceeding one hundred and fifty rupees on any person who after drawing of the lots in pursuance of clause (a) or clause (b) of sub-section (2) refuses to accept the allotted site without sufficient reason.
- (2) The manner of distribution shall be as under :-
  - (a) by draw of lots to distribution jhum lands already demarcated;
  - (b) by draw of lots to decide the order of preference by which selection of jhums shall be done;
  - (c) by allotment of old jhum areas to the respective holders in the last cycle of jhuming in case the majority of the jhumers in a village so desire.

## **7. Precaution against fire.-**

- (1) It shall be the duty of the Village Council to take every precaution and enforce necessary measures against the spread of fire caused by burning of jhum.

- (2) When any damage has been caused by fire to the forest of jhum lands due to the negligence of a Village Council, the Executive Committee may impose on such Village Council penalty to the extent of five hundred rupees.
- (3) When the fire spreads from the jurisdiction of one Village Council to that of another Village Council, and is likely to cause damage to some properties, public or private, it shall be the duty of the latter Village Council to put out the fire by all available means and it shall equally be the duty of the Villagers of the former Village Council assist the Villagers of the other Village Council in the work of extinguishing the fire.

#### **8. Power of the Executive Committee to issue orders.-**

The Executive Committee may, where the provisions of section 6 cannot be followed due to any reason whatsoever, formulate a method other than the method provided in section 6 and order that the same should be followed.

#### **9. Prevention of reason.-**

- (1) The Executive Committee may at any time make such general or special order for the re-forestation of jhum land as it thinks fit, and also for ensuring that a reasonable area within any jhum may not be cultivated.
- (2) Where it appears that undue erosion or diminution of the supply of water required or likely to be required for irrigation is resulting or likely to result from the excessive outing of trees in any jhum land, the Executive Committee may direct that a part, or the whole

of such jhum land shall be protected forest reserve as provided in section 17 of the Pawi Autonomous District Council (Forest) Act, 1979 and no person shall thereafter cut any tree in such protected forest reserve without the permission of the Executive Committee or any Forest Officer empowered in that behalf under the said section 17.

- (3) Where it appears that undue erosion or diminution of the supply of water required or likely to be required for irrigation is resulting or is likely to result from the cultivation of any jhum land, the Executive Committee may direct that the jhum land shall not be cultivated by any person for a period not exceeding ten years.
- (4) No order shall be made under sub-section (2) or sub-section (3) unless a reasonable opportunity has been given to those having customary rights to the land to prefer objections against such order and unless all objections so preferred have been considered and rejected as unreasonable or untenable.
- (5) The Executive Committee may direct that for the purpose of preserving water supply, any particular area under jungle and previously in jhum land shall remain uncultivated, provided that the existing rights of the community or the individual to collect forest produce shall not be interfered with.

#### **10. Final decision of Executive Committee to settle disputes .-**

Any dispute arising out of the distribution of jhum or allocation of other shifting cultivation shall be decided by the Executive Committee or Officer appointed in that behalf by the Executive Committee and such decision shall be final.

**11. Penalty .-**

- (1) Wilful disobedience of any direction issued by the Executive Committee or by a duly authorised Officer shall be punishable with a fine not exceeding one hundred and fifty rupees.
- (2) Any person who after selection of jhum as provided for under this Act and without sufficient reason subsequently fails to cultivate that land shall be liable to fine which may extend to one hundred and fifty rupees.

**12. Executive Committee's power to distribute jhums.-**

In the absence of a Village Council due to its having been dissolved or not in existence, the distribution of jhums shall be done under instructions issued by the Executive Committee.

**13. Repeal and Saving.-**

- (1) The Pawi-Lakher Region (Jhum) Regulation, 1956 (Regulation No. II of 1956) is hereby repealed.
- (2) Notwithstanding such repeal, all actions taken, orders made or directions given under the provisions of the Pawi Lakher Autonomous Region (Jhum) Regulation, 1956 shall be deemed to be taken, made or given under the respective provision of this Act and subsequent action, if any, with regard to any action, order or direction shall be in accordance with the provisions of this Act.

In authentication whereof, I give my signature this 7<sup>th</sup> day of December, 1983.

I assent to this Bill.

Sd/- H.S. Dubey  
Lt. Governor (Administrator)  
of Mizoram.

Sd/-M.C. Darvunga 7/12/83  
Chairman,  
Pawi District Council,  
Lawngtlai.

Aizawl,  
the 17<sup>th</sup> May, 1983.

## AN ACT

to amend the Pawi Autonomous District Hnatlang Act, 1980.

**Preamble.-** Whereas it is expedient to amend the Pawi Autonomous District Hnatlang Act, 1980 (hereinafter referred to as the principal Act);

It is hereby enacted in the Thirty-fifth year of the Republic of India as follows :-

### 1. Short title extent and commencement.-

- (1) This Act may be called the Pawi Autonomous Hnatlang (Amendment) Act, 1984
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

### 2. Amendment of section 3.-

In sub-section (4) of section 3 of the principal Act, for the letters, figure, brackets and words “Rs. 7/- (Rupees seven) only”, the words “twelve rupees” shall be substituted.

**3. Amendment of section 4.-**

In sub-section (4) of section 4 of the principal Act, for the letters, figures, brakers and words “Rs. 7/- (Rupees seven) only”, the words “twelve rupees” shall be substituted.

Certified that the above bill was passed by the Pawi District Council on 3.8.1984 and in authentication whereof I give my signature this 3rd day of October, 1984.

Sd/- M.C. Darvunga, 30/10/84  
Chairman,  
Pawi District Council, Lawngtlai.

I assent to this bill.

Sd/- H.S. Dubey,  
Lt. Governor (Administrator) of Mizoram.

**THE PAWIAUTONOMOUS DISTRICT ANIMAL  
(CONTROL AND TAXATION) ACT, 1984**

**AN  
ACT**

to provide for the control and taxation of animals in the Pawi Autonomous District and for matters connected therewith.

Be it enacted in the Thirty fifth Year of the Republic of India as follows :-

**CHAPTER – I  
PRELIMINARY**

**1. Short title, extent and commencement.-**

- (1) This Act may be called the Pawi Autonomous District Animal (Control and Taxation) Act, 1984.
- (2) It extends to the whole of the Pawi Autonomous District.

Provided that the Executive Committee may, by from the operation of the whole or any portion of this Act but not so as to effect anything done or any offence committed or any fine imposed or penalty incurred or any proceedings commenced in such area before such exemption, and may, in like manner, vary or cancel such notification.

- (3) It shall come into force on such date as the Executive Committee may, by notification in Mizoram Gazette appoint, and different dates may be appointed for different provisions of this Act or for different areas.

## 2. Definitions.-

In this Act, unless the context otherwise requires :-

- (a) “*Administrator*” means the Administrator of the Union Territory of Mizoram appointed by the President under article 239 of the Constitution;
- (b) “*Animal*” includes pigs, mithuns, buffaloes, horses, mares, geldings, elephants, asses, mules, ponies, colts, fillies, rams, ewes, sheep, lambs, goats and kids;
- (c) “*Cattle*” means cows, oxen, bulls and calves;
- (d) “*Court*” means the Intermediate District Council Court Constituted under the Pawi Autonomous District Council (Administration of Justice) Rules, 1974.
- (e) “*District*” means the Pawi Autonomous District as provided in Part III of the Table appended to paragraph 20 of the Sixth Schedule to the Constitution of India;
- (f) “*District Council*” means the Pawi Autonomous District Council.
- (g) “*Executive Committee*” means the Executive Committee of the Pawi District Council;
- (h) “*Local Fund*” means any fund under the Control or management of a village council or a Town Committee as the case may be;
- (i) “*Owner*” means :-
  - (a) When used with reference to land or property (whether private or public) the cultivator or occupier or owner of land or property, jhum, garden, land used for work, rice cultivation of any person who has advanced cash for the cultivation of the crop or produce on any land or the vendee or mortgagee of such crop or produce, or any portion thereof;

- (b) When used with reference to any animals, includes the person for the time being in charge of the animal;
- (j) “*Town*” means any area declared as a town by the Executive Committee by notification in the Mizoram Gazette.
- (k) “*Town Committee*” means the Town Committee established under section 3 of the Pawi Autonomous District Council (Town Committees) Act, 1974;
- (l) “*Village Council*” means a Village Council constituted under the Pawi Autonomous District Council (Village Councils) Act, 1974.

## CHAPTER – II

### CONTROL OF ANIMALS

#### 3. **Animals to be kept under control.**

- (1) No animal shall be let alone anywhere except under the watch of a keeper.
- (2) No owner of an animal shall allow his animal to trespass upon any land or property whether private or public.

#### 4. **Procedure of animal control :**

Animal shall be controlled as follows :-

- (a) Pigs. - Pigs shall be kept in confinement.
- (b) Goats.-
  - (i) Every owner of goats may allow his goats to graze subject to keeping them under the watch of a keeper or by being tied with ropes to graze about.

- (ii) Every owner of goats shall keep his goats in confinement or detention in a shed meant for the animals at night time.
- (c) Cattle, mithuns, horses and buffaloes. - Cattle, mithuns, horses and buffaloes shall be controlled in the like manner as under clause (b).
- (d) Other animals .- Any other animals shall be kept in confinement or detention.

**Explanation.-** For the purpose of this section – (i) “to keep in confinement” shall mean to keep the animals effectively confined within any fencing wall or compound; and

(ii) “to keep in detention” shall mean to keep the animals effectively detained by any rope or other sufficiently strong tie.

#### **5. Animal to be kept in hygienic way.-**

Animals shall be kept in such a clean and sanitary condition as may be prescribed by rules so that they may not cause a public nuisance.

### **CHAPTER – III**

#### **PROCEDURE FOR SEIZURE OF ANIMALS IN AREAS OTHER THAN TOWNS**

#### **6. Application of Chapter III.-**

The provisions of this chapter shall apply only to areas other than towns.

#### **7. Seizure of animals.-**

- (1) It shall be lawful for any person who is the owner of any land or property whether private or public to seize or

cause to be seized any animal trespassing upon such land or property or causing damage thereto and to take it to the President any member or Secretary of the Village Council concerned, who shall cause such animal to be tied at such place or enclosure as may be set a part for the purpose by the Village Council.

- (2) If any animal trespassing upon land or property or causing damage thereto under sub-section (1), in the course of being chased by the owner of the land or property with a view to seizing it or causing it to be seized, meets with an accident or gets hurt by falling on the ground or into a ditch or precipice even to the extent of death as a result therefrom, the owner of the land or property shall not be liable to pay damages to owner of such animal.
- (3) Every village council shall keep registers for the animals seized and brought under sub-section (1).
- (4) When any animal is brought under sub-section (1) the village council shall cause to be entered in a register –
  - (a) the number and description of the animal;
  - (b) the day and hour on and at which they were brought;
  - (c) the name and residence of the seizer;
  - (d) the name and residence of the owner, if known;

and shall cause to be given to the seizer or his agent a copy of the entry.

- (5) When seizure of animals takes place under this section the village council shall, within twenty-four hours of the time when the animals were brought under sub-section (1) through a village crier, announce such seizure to the people of the village or locality.

**8. Village Council to feed and water the animal seized.-**

- (1) No seized animals shall be allowed to starve. The Village Council shall feed and water them properly.
- (2) The feeding charges at such rates as may be prescribed by the Executive Committee may be collected by the Village Council from the owner.

**9. Delivery of animals.-**

- (1) If the owner of the seized animals or his agent appears and claims the animals, the village council shall deliver them to him on payment of feeding charges under sub-section of section 8, and such fines at such a rate as the Executive Committee may, from time to time, by rules, prescribe for each kind of animals.
- (2) The owner or his agent on taking back the animals, shall sign a receipt for them in the register kept by the Village Council.

**10. Procedure of animals be not claimed within seven days.-**

- (1) If the animals be not claimed within seven days from the date of the announcement under sub-section (5) of section (7), the village council shall cause them to be sold by public auction.
- (2) If within the period specified in sub-section (1) the owner or his agent claims the animals but refuses or fails to pay the feeding charges and the fines chargeable under section 9, the village council shall cause the animals or as many of them as may be necessary to be sold by public auction.

Provided that if any such animals are, in the opinion of the village councils, not likely to fetch a fair price if sold in auction under sub-section (1) or sub-section (2) they may be disposed of in such manner as the village council thinks fit.

- (3) The village council or any member or secretary thereof or any other person in the employment of the village council shall not directly or indirectly purchase any animal sold under this section.
- (4) The sale proceeds thereof shall be deposited into the local fund :

Provided that the sale proceeds shall be refunded to the owner if he claims within fifteen days of sale.

## **CHAPTER – IV**

### **PROCEDURE FOR SEIZURE OF ANIMALS IN TOWNS**

#### **11. Application of chapter IV.-**

The provisions of this Chapter shall apply only to the towns.

#### **12. Power to establish animals pounds and appointment of pound keepers.-**

- (1) Pounds shall be established in towns by the Town Committee at such places as the Executive Committee may direct. The Town Committee shall appoint suitable persons to be keepers of such pounds.
- (2) There shall be specified by Executive Committee, areas for which the pounds are established.

**13. Duties of pound keepers.-**

- (1) Every pound keepers shall maintain such registers and furnish such returns as the Executive Committee may, from time to time, by rules prescribed.
- (2) When animals are brought to a pound, the pound keeper shall enter in his register-
  - (a) the number and description of the animal;
  - (b) the day and hour, on and at which they were so brought;
  - (c) the name and residence of the seizure;
  - (d) the name and residence of the owner, if known; and shall give the seizure or his agent a copy of the entry.
- (3) The pound keeper shall take charge of feed and water the animals until they are disposed of as hereinafter provided.

**14. Impounding animals.-**

- (1) It shall be lawful for any person who is the owner of any land or property private or public to seize and take to any pound established in the town in which his land or property is situated for confinement therein, any animals trespassing upon such land or property or causing damage thereto.
- (2) If any animal trespassing upon land or property or causing damage thereto under sub-section (1), in the course of being chased by the owner of the land or property with a view to seizing it or causing it to be seized, meets with an accident or gets hurt by falling on the ground or into a ditch or precipice even to the extent of death as a result

there from the owner of the land or property shall not be liable to pay damages to the owner of such animal.

- (3) It shall be the duty of any police Office and it shall be lawful for any person to seize and take to any pound for confinement therein any animal found straying in any place or trespassing upon any private or public property.

#### **15. Delivery of animals.-**

- (1) If the owner of animals which are impounded under section 14 or his agent appears and claims such animals, the pound keeper shall deliver them to him on payment of the pound fees and expenses chargeable in respect of such animals under section 18.
- (2) Receipt of the animals should be signed.

#### **16. Security in respect of impounded animals.-**

- (1) Every pound-keeper shall, before releasing any impounded animal, require the owner of the impounded animal or his agent to make in the form prescribed by rules, a declaration regarding the ownership of such animals and to deposit by way of security such sum as the Executive Committee may, by rules, prescribe. Different scales may be prescribed for different towns or different classes of animals.
- (2) If any animals belonging to such owner are impounded within a period of three months from the date on which the security is deposited, and if the seizure is not adjudged illegal the amount of deposit or a part thereof, as may be

directed by the Executive Committee by rules made in this behalf, shall stand forfeited to the Town Committee. If animals are not impounded as aforesaid, the amount of security deposit shall, on an application made by or on behalf of the depositor, be refunded to him on the expiry of that period.

- (3) On every occasion on which the release of the animals impounded under this Act is claimed, the owner of the animals shall deposit a fresh security.

#### **17. Sale of animals not claimed.-**

- (1) If within ten days after any animal has been impounded no person appearing to be the owner of such animal, claims the animal under section 15, such animal shall be forthwith sold by auction.
- (2) If within the period specified in sub-section (1) the owner or his agent claims the animals but refuses or fails to pay the pound fee and the expenses chargeable under section 18, the animals or as many of them as may be necessary, shall be sold by auction :

Provided that, if the animals are not sold at auction under sub-section (1) or sub-section (2), it shall be disposed of in such other manner as the Executive Committee may, by rules, prescribe.

- (3) The surplus remaining after deducting the pound-fee and expenses aforesaid from the proceeds of the sale, shall be paid to any person, who within fifteen days after the shall in any other case, form part of the local fund.

- (4) The Town Committee or any member thereof or any person in the employment of the Town Committee including the pound-keeper or any police officer or other officer shall not directly or indirectly purchase any animal at a sale under this Act.

**18. Pound-fees chargeable to be fixed.-**

- (1) The pound-fee chargeable shall be such as the Executive Committee may, from time to time, by rules, prescribe for each kind of animals.
- (2) The expenses chargeable shall be at such rates for each day during any part of which any animal is impounded, as the Executive Committee may, by rules, prescribe for each kind of animals.

**CHAPTER – 5**  
**ANIMAL TAXATION**

**19. Levy of taxes.-**

- (1) There shall be levied and collected at such rates and in such manner as may be prescribed from time to time under the rules, not exceeding the rates set forth in the Schedule appended to this Act, a tax on animals from the owner of such animals.

Provided that nothing in this Chapter shall apply to any animals owned by .-

- (a) the Central Government;
- (b) the Government of the Union Territory of Mizoram.

- (c) The North Eastern Council Constitution under section 3 of the North-Eastern Council Act, 1971 (Central Act 84 of 1971);
  - (d) A corporation owned or controlled by the Central Government or the Government of the Union Territory of Mizoram.
  - (e) A Town Committee; or
  - (f) A village council.
  - (g) The Pawi District Council;
- (2) The animal tax levied under sub-section (1) shall, at the option of the owner of the animals, be paid annually in one instalment or half yearly in two instalments within such time as may be prescribed.

## **20. Collection of animal taxes.**

- (1) Animal tax shall be collected by the Town Committee in towns and by the village council in other areas in accordance with the provisions of this chapter.
- (2) The Executive Committee may make rules prescribing the manner in which animal tax may be collected under this chapter.
- (3) Fifty percent of the animal tax collected under this Chapter shall be credited to the local fund and the balance of fifty percent shall be credited to the District Council Fund.

## **21. Registration of Animals.-**

- (1) Every owner of animals shall report to the Town Committee in towns and to the village council in other areas, the number of animals (adult and young) and kinds of animals owned by him and register such animals by

paying registration fee of 50 paise for an adult animal and 25 paise for the young one.

- (2) The Town Committee and the village council shall maintain registers for registration of animals and keep accounts of registration fee.
- (3) The account books and other registers maintained by the Town Committee and the village council under this section shall be subject to checking by an Officer appointed by the Executive Committee in this behalf.

## **22. Appeal.-**

Any person aggrieved by any order of the Town Committee, the village council or other authority or officer under this Chapter may appeal to such authority and within such time as may be prescribed.

## **CHAPTER – VI**

### **PENALTIES**

## **23. Penalty for allowing animals stray in street or trespass upon private or public property.-**

- (1) Whoever allows any animal which are his property or in his charge to stray in any street or place or to trespass upon any private or public property shall, on conviction by a court be punished with fine which may extend to fifty rupees.
- (2) If damage is caused by animals under sub-section (1), the accused shall pay a reasonable compensation to any person for the damage proved to have been caused to his property or to the produce of land, by the animals under the control of the accused, trespassing on his land.

**24. Penalty for forcibly opposing the seizure of animals or rescuing the same.-**

Whoever forcibly opposes the seizure of animals liable to be seized under this Act, and whoever rescues the same after seizure either from the place or enclosure specified in sub-section (1) of section 7 or from a pound or from any person taking or about to take them to the President, any member or Secretary of the village council under sub-section (1) of section 7, or to a pound, shall, on conviction, by a court be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

**25. Penalty on pound keeper etc. failing to perform duties.-**

Any person in charge of the animals kept under sub-section (1) of section 7 or any pound keeper releasing or delivering animals contrary to the provisions of Chapter III or Chapter IV or omitting to provide any impounded animal with sufficient food and water; or failing to perform any of the other duties imposed upon him by this Act; and any person purchasing any animal in contravention of section 10 or section 17, shall, over and above any other penalty to which he may be liable, be punished on conviction, by a court with fine which may extend to fifty rupees.

**26. Provisions of punishment as taxation, etc.-**

Any person who –

- (1) contravenes the provisions of animal taxation under Chapter V, or
- (2) Keeps animals in any premises or places different from that mentioned in the licence, or keeps animals in contravention of the provisions of this Act, shall, on conviction, by a court be punished with fine which may extend to fifty rupees.

## **CHAPTER – VII**

### **MISCELLANEOUS**

#### **27. Complaints of illegal seizure or detention.-**

- (1) Any person whose animals have been seized or have been detained in contravention of this Act, may, at any time, within ten days from the date of the seizure, make a complaint to a Court.
- (2) The complaint shall be made by the complainant in person or by an agent personally acquainted with the circumstances
- (3) If the seizure or detention be adjudged illegal, the court shall award to the complainant for the loss caused by the seizure or detention reasonable compensation not exceeding one hundred rupees to be paid by the person who made the seizure and expenses incurred by the complainant in procuring the release of the animals, and if the animals have not been released the court shall, besides awarding such compensation, order their release and direct the fees and expenses leviable under this Act, be paid by the person who made the seizure or detained the animals.
- (4) The compensation, fees and expenses mentioned in this section may be recovered as if they were fines imposed by a court.

#### **28. Saving of rights to sue for compensation.-**

Nothing herein contained shall be deemed to prohibit any person whose crops or other produce of land have been damaged by trespass of animals from suing for compensation in any competent court.

**29. Prohibited areas.-**

Notwithstanding anything contained in this Act, the Executive Committee may, by notification in the Mizoram Gazette, declare any area as a prohibited area for the keeping of the animals.

Provided that the Executive Committee may allow any person to keep animals in such area or part thereof under a licence.

**30. Power to enter or inspect premises or places.-**

The Executive Committee may appoint or cause to be appointed by the Town Committee or the Village Council as the case may be such officers as may be necessary who shall –

- (1) Inspect any animals or the arrangements for keeping animals, in respect of which application for a licence has been made or licence has been issued, or
- (2) ascertain if any animals are being kept in contravention of the provisions of this Act, or the rules made thereunder, or
- (3) take such other action as may be prescribed by the Executive Committee by rules, in this behalf.

**31. Power to make rules.-**

- (1) The Executive Committee may, with the previous approval of the Administrator, by notification in the Mizoram Gazette, make rules for carrying into effect the Provisions of this Act.

**THE SCHEDULE**  
**(See Section 10)**

Maximum rate of tax per animal per annum for the following animals under this Act;

- |     |  |             |
|-----|--|-------------|
| (1) | Pigs kept in confinement   | Rupees five |
| (2) | Goats kept separately under the management of a farm with a keeper without causing inconvenience to public                 | Rupees five |
| (3) | Cattle reared under stall reeding on under the management of a farm with a keeper without causing inconvenience to public. | Rupees five |
| (4) | Bullocks engaged for carrying purpose, wet rice cultivation, sugarcane crushing with a keeper.                             | Rupees five |
| (5) | Animal kept in any manner other than those specified in clauses (1) to (4) above.  | Rupees ten  |

Certified that the above bill was passed by the Pawi District Council on 5.12.84 and in authentication whereof I give my signature this 7<sup>th</sup> day of December, 1984.

Sd/- M.C. Darvunga, 7/12/84  
Chairman,  
Pawi District Council, Lawngtlai

I assent to this Bill

Sd/- H.S. Dubey,  
Lt. Governor.

## AN ACT

to amend the Pawi Autonomous District Council (Village Councils) Act, 1974

**Preamble.-** Whereas it is expedient to amend the Pawi Autonomous District Council (Village Councils) Act, 1974 (hereinafter referred to as the principal Act);

It is hereby enacted in the Thirty-fifth Year of the Republic of India as follows :-

### 1. **Short title, extent and commencement.-**

- (1) This Act be called the Pawi Autonomous District Council (Village Councils) (Amendment) Act, 1984.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

### 2. **Amendment of section 9.-**

In section 9 of the principal Act, for clause (19), the following clause shall be substituted, namely :-

“(19) Control and regulation of Hnatlang in accordance with the provisions of the Pawi Autonomous District Hnatlang Act, 1980”.

### 3. **Ommission of section 10.-**

Section 10 of the Principal Act shall be omitted.

Certified that the above bill was passed by the Pawi District Council on 3.8.1984 and in authentication whereof I give my signature this 30<sup>th</sup> day of October, 1984.

Sd/- M.C. Darvunga, 30/10/84  
Chairman,  
Pawi District Council, Lawngtlai.

I assent to this Bill.

Sd/- H.S. Dubey,  
Lt. Governor (Administrator) of Mizoram.

Regd. No.NE 907



# The Mizoram Gazette

## EXTRA ORDINARY

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### NOTIFICATION

**No.LAD/R-3/76, the 3rd August, 1992.** 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 relating to the recruitment to the posts specified in the Annexure I under the LAI, MARA, and CHAKMA District Councils, Mizoram, namely:-

- |  |  |
|--|--|
| 1. Short title & commencement                        | 1. These Rules may be called the LAI, MARA and CHAKMA District Councils (Group A,B,C & D posts) Recruitment Rules, 1992.   |
| 2. Application.                                      | 2. They shall come into force on the date of their publication in the Official Gazette.  |
| 3. Numbers of posts classification and scale of pay. | 3. The number of the said post, their classification and the scale of pay attached thereto shall be as specified in Couolumn 2 to 4 to the Annexure I aforesaid. |

- |   |  |
|---|--|
| 4. Method of rectt. age limit & other qualifications. | 4. The age limit qualifications and other matters relating to the said posts shall be as specified in columns 5 to 14 of the said Annexure I.<br><br>Provided that the upper age limit prescribed for direct rectt. may be relaxed in the case of candidates belonging to the Schedule Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Govt. or Govt. of Mizoram from time to time. |
| 5. Disqualification                                   | 5. No person,<br>a) Who has entered into or contracted a marriage with a person having a spouse living, or<br>b) Who having a spouse living has entered into or contracted marriage with any person shall be eligible for appointment to the said post.  |
| 6. Training and Departmental Examination.             | 6. Every Dist. Council Employees shall undergo such training or pass such Departmental Examination as may be prescribed from time to time.   |
| 7. Power to relax.                                    | 7. Where the Governor is of the opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing in consultation with the concerned Executive Committee relax any of the provisions of these rules with respect to any class of category of persons.   |

8. Reservation      8. Nothing in these rules shall effect reservation  
Other  
Concessions.      and other concessions required to be provided  
for the Scheduled castes, the scheduled tribes  
and other categories of persons in accordance  
with the orders issued by the Central Govt. or  
Govt. of Mizoram from time to time in this  
regard.
9. Repeal &      9. All Rules pertaining to these posts framed by  
Saving.      the Governor of Assam and were in force in  
the erstwhile Mizo District and continued to  
be in existence in pursuance of Govt. of India,  
Ministry of Home affairs Notification No.14/  
21/71-HMT (ii) dt.21.1.1972 are hereby re-  
pealed.

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.

By orders etc.  
Chief Secretary to the Govt. of Mizoram.

ANNEXURE - I  
RECRUITMENT RULES FOR GROUP POST IN THE DEPARTMENT OF GENERAL ADMINISTRATION &  
CONTROL DEPTT.

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
1. Executive Secretary	1 (one) in each Dist. Council	General Dist. Council Group 'A'	Rs.3700-125-4700-150-5000/-	Selection post	No.	Not Applicable.	Not Applicable
LEGISLATIVE 2. Legislative Secretary	1(one) in each D/C	-do-	Rs.3000-100-3500-125-4500/-	-do-	No.	Not Applicable	-do-

Whether age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	10	11	12	13	14
Period of probation, if any.	10	11	12	13	14	15
Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	11	12	13	14	15	16
In case of rectt. by promotion/transfer/deputation made.	12	13	14	15	16	17
If a DPC exists what is its composition	13	14	15	16	17	18
Circumstances in which UPSC is to be consulted in making recruitment.	14	15	16	17	18	19
1. Not applicable	N/A	By promotion or by transfer or deputation.	1) Selection: From 10yrs. experience in Senior Grade D/C, G.S Group 'A' whose educational qualification is a graduate of a recognised university. 2) Failing which by Transfer on deputation from holding analogous post in Central/State Govt.	By CEM in consultation with executive Committee of D/C	Not applicable	
2. Not applicable	N/A	By promotion or by transfer or deputation	Selection from D/C G.S. Junior Grade atleast 5yrs. Service in the Grade failing which transfer on deputation from holding analogous post in Central/State Govt.	-do-	Does not arise	

**ANNEXURE - I**  
**RECRUITMENT RULES FOR GROUP POST IN THE DEPARTMENT OF GENERAL ADMINISTRATION & CONTROL DEPTT.**

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post.	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
3. Office Superintendent	1 (one) in each D/Cs	General Dist. Council Service Group 'A' (Ministerial)	Rs.2000-60-2300-EB-75-3200-100-3500/-	Selection posts.	No.	Not applicable	Not applicable
4. Assistant/ Accountant Statistician	As may be sanctioned from time to time	General Dist. Council Services Group 'C' (Ministerial)	Rs.1640-50-2600-EB-60-2900/-	Selection posts	No.	Between 18 & 20 yrs. (relaxable for Govt. servant up to 5 yrs in accordance with the instruction of order issued by Central Govt.	Graduate of a recognised University. Working knowledge of a local language is desirable.

Whether age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	Period of probation, if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	11	In case of rectt. by promotion/transfer deputation/transfer to be made.	12	If a DPC exists what is its composition	13	Circumstances in which UPSC is to be consulted in making recruitment.	14
3. Not applicable		Not applicable	Promotion failing which by transfer or deputation		1) Promotion : From Asstt./Accountant/Statistician having not less than 7 yrs. service in the grade. 2) Transfer on deputation : Official from Central/State Govt. holding analogous post (Period of deputation ordinarily not exceeding 3 yrs.		1) Executive Secretary Chariman-Member 2) Head of concerned Deptt. in the D/C 3) 2 Sr. Officers-Member in the D/C (to be nominated) by the concerned CEM.) 4) One non-Official Member (to be nominated by the concerned CEM).-Member		Does not arise.	
4. Not applicable		N/A	100% by Promotion.		1) Promotion : From UDC having not less than 5 yrs. service in the grade. 2) Deptt. Examination : From amongst the UDC with not less than 2yrs service in the grade for graduate & 5 yrs. service for non graduate.		1) Executive-Chairman Secretary. 2) Supdt.-Member. 3) F.A.O.-Member. 4) One non official to be nominated by the CEM) Member 5) One Senior Officer in the D/C.-Member		Does not arise	

**ANNEXURE - I**  
**RECRUITMENT RULES FOR GROUP POST IN THE DEPARTMENT OF**

Name of posts	No. of post	Classification	Scale of Pay	Whether Selection post.	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits.	Educational & other qualification required direct recruits
1	2	3	4	5	6	7	8
5. Upper Division Clerk.	As may be sanctioned from time to time.	General District Council Service Group 'C' (ministerial) -do-	Rs. 1400-40 1600-50 2300-EB-50 2600/- pm	Selection post. (in case of promotion)	No	Between 18 to 25 yrs (relaxable for Govt. servant upto 5 yrs. in accordance with instruction or order issued by Central Govt.) See foot note	P.U.C. passed from a recognised university. Working knowledge of a local language is desirable.
6. Lower Division Clerk/Store Keeper	-do-	-do-	Rs. 1200-30- 1560-EB-40 2040-	not applicable	No.		1) HSLC passed or its equivalent from a recognised Board/Inst. 2) Typing speed 30 WPM working knowledge of a local language is desirable.

**FOOT NOTE :** The crucial date for determining age limit mentioned under Col. 7. will in each case be the closing date for receipt of application from candidates in India.

In respect of posts, appointment to which are made through the Employment Exchange, the crucial date for determining age limit will, in each case be the last date upto which to Employment Exchanges are asked to submit the names.

Whether age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage to be filled by various methods	In case of rectt. by promotion/ transfer deputa- tion/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruit- ment.
9	10	11	12	13	14
5. Not applicable	2(two) yrs. for direct recruitment	50% by promotion 50% by direct recruit- ment.	PROMOTION : From LDC/Typist having not less than 5 yrs. service in the grade.	1) Executive Secretary -Chairman 2) Supdt-Member 3) F.A.O-Member 4) One non-official member (to be nominated by CEM -Member. 5) One Senior Officer of D/C.- Member. -do-	Does not arise.
6. Does not arise	2(two) yrs for direct recruit.	10% by promotion 90% by direct recruitment.	Promotion : From Group 'D' Employees who possess required quali- fication for direct recruit- ment to be post subject to the condition that they will have to possess a typing speed 30 w.p.m. within 6 months of their promotion.		-do-

**ANNEXURE - I**  
**RECRUITMENT RULES FOR GROUP POST IN THE DEPARTMENT OF GENERAL ADMINISTRATION & CONTROL ACCOUNT Br.**

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post.	Whether benefit of sdded years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
7. Finance & Accounts Officer	As may be sanctioned from time to time	General Dist. Council Service Group 'A'	Rs.2200-75-2800-EB-100-4000/-	Selection post.	No.	Not applicable	Not applicable
8. Suptd. of Accounts	-do-	-do- Group 'B' (G)	Rs.2000-60-2300-EB-75-3500/-p.m.	-do-	No.	-do-	-do-

FOOT NOTE : The crucial date for determining age limit mentioned under Col. 7. will, in each case, be the closing date for receipt of application from candidates in India.

In respect of posts, appointment to which are made through the Employment Exchanges, the crucial date for determining age limit will, in each case, be the last date upto which to Employment Exchanges are asked to submit the names.

Whether age and Educational qualification prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods	In case of rectt. by promotion/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment.
9	10	11	12	13	14
7. No.	N/A	By promotion/transfer or deputation	1) Promotion : By promotion from Supdt. of Account or equivalent post of District Council General Service Group 'B' officer having 5 yrs. service in account matter. 2) Transfer on deputation Officers of the General/State Finance holding the same grade. (Period of deputation ordinarily not exceeding 3 years.)	1) Executive Secy. -Chairman. 2) Head of concerned department in D/C. -Member 3) 2 Sr. Officers in the D/C (to be nominated by the CEM-Member. 4) One non-official member (to be nominated by the C.E.M.) -Member.	Does not arise.
8.			1) Promotion : By promotion from Accountant/ Assistant having 5 yrs. experience in Account matter.	-do-	-do-

ANNEXURE - I  
RECRUITMENT RULES FOR GROUP POST IN THE DEPARTMENT OF JUDICIALS DEPTT.

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
9. Court President & Recorder	1(one) in each D/C	General Dist. Council Service Group 'A'	Rs. 3000-100-3500-EB-125-4500.	Selection post	No.	Not applicable	Not applicable
10. Judicial Officer	As may be sanctioned from time to time.	-do-	Rs. 2200-75-2800-EB-100-4000/- p.m.	Not applicable	No.	Not exceeding 35 yrs. (relaxable for Govt. servant upto 5yrs. in accordance with the instruction or orders issued by the Central Govt.	1) Graduate of a recognised university. 2) Preference should be given to a Law Graduate. 3) Working knowledge of Local language.

FOOT NOTE : The crucial date for determining the age limit mentioned under Col. 7. will, in each case, be the closing date for receipt of application from candidates in India.

In respect of posts, appointment to which are made through the Employment Exchanges, the crucial date for determining age limit will, in each case, be the last date up to which to Employment Exchanges are asked to submit the names.



ANNEXURE - I  
RECRUITMENT RULES FOR GROUP POST IN THE DEPARTMENT OF LAND REVENUE & SETTLEMENT

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
11. Senior Revenue Officer.	1(one) in each D/C	General Dist. Council Service Group 'A'	Rs. 3000-100-3500-EB-125-4500.	Selection post	No.	Not applicable	Not applicable
12. Revenue Officer.	As may be sanctioned from time to time.	-do- (Group 'A')	Rs. 2200-75-2800-EB-100-4000/- p.m.	-do-	-do-	Not exceeding 35 yrs. (relaxable for Govt. servant upto 5yrs.(see foot note).	1) Graduate of a recognised university. 2) Working knowledge of Local language.
13. Asst. Revenue Officer.	-do-	-do- (Group 'B'(G)	Rs. 2000-60-2300-EB-75-3500/- p.m.	-do- Not applicable.	-do-	-do-	-do-
14. Head Circle Supervisor	1(one) each. In D/C	-do- (Group 'C')	Rs. 1400-40-1600-50-2300-EB-2600/-	Selection post	No	Not applicable	Not applicable
15. Record Asst. (Rev)	-do-	-do-	Rs. 1400-40-1600-50-2300-EB-2600/- p.m.	-do-	-No-	-do-	-do-

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	Period of probation if any.	10	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	11	In case of rectt. by promotion/transfer to be made.	12	If a DPC exists what is its composition	13	Circumstances in which UPSC is to be in consulted in making recruitment	14
11. Not applicable		2(two) yrs.		Promotion failing which by transfer on deputation.		1. PROMOTION : From Revenue Officer the D/C concerned having not less than 5yrs. service in the grade. TRANSFER ON DEPUTATION : Official from Central/ State Govt. holding analogous post.		1) Executive Secy.-Chairman. 2) Head of concerned Deptt. in the D/C-Member. 3) 2 Senior Officers in the D/C (to be nominated by CEM-Member. 4) One non-official member (to be nominated by the concerned CEM-Member		Does not arise.	
12. Not applicable		2(two) yrs.		Promotion failing which direct rectt. failing both by transfer on deputation.		PROMOTION : From Asst. Revenue Officer having not less than 5yrs. service in the grade. TRANSFER ON DEPUTATION : Official from Central/ State Govt. holding analogous post.		-do-			
13. -do-		2(two) yrs.		25% Promotion 75% Direct recruitment		PROMOTION : From Surveyor I with 5yrs. service in the grade.		-do-			

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment
9	10	11	12	13	14
14. Not applicable	2(two) yrs.	Promotion 100%	Promotion : From Circle Supervisor I with not less than 10yrs. Service in the grade.	1) Executive Secy.-Chairman. 2) Supdt.-Member 3) FAO-Member. 4) One non-official (to be nominated by CEM-Member	Does not arise.
15. -do-	-do-	Direct rectt.	PROMOTION : From Circle Supervisor I with 10yrs. Service in the grade.	-do-	-do-

## ANNEXURE - I

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post.	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
16. Circle Supervisor I	As may be sanctioned from time to time.	General Dist. Council Service Group 'C'	Rs.1200-30-1560-EB-40-2040/-p.m.	Non Selection post	No.	Between 18 & 25yrs (relaxable for Govt. servant upto 5yrs in accordance with the instruction or orders issued by Central Govt. See foot note.	1. HSLC or its equivalent at passed from a recognised Board. 2. Working knowledge of local language. Note : Qualification is relaxable at the discretion of the Selection Committee in the case of candidates otherwise well qualified.
17. Circle Supervisor II	-do-	-do-	Rs.950-20-1150-EB-30-1500/-p.m.	-do-	-do-	-do-	1. Class VIII passed. 2. Working knowledge of local language.  NOTE : Qualification is relaxable at the description of the Selection Committee in the case of candidates otherwise well qualified.

FOOT NOTE : The crucial date for determining age limit mentioned under Col. 7. will, in each case, be the closing date for receipt of application from candidates in India.

In respect of posts, appointment to which are made through the Employment Exchanges, the crucial date for determining age limit will, in each case, be the last date upto which the Employment Exchanges are asked to submit the names.

Whether age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	11	In case of rectt. by promotion/transfer to be made.	12	If a DPC exists what is its composition	13	Circumstances in which UPSC is to be consulted in making recruitment.	14
16. No		2(two) years.	50% Direc Rectt. 50% Promotion		PROMOTION : From Circle Supervisor II with 5 yrs. service in the grade.		1) Executive Secy.-Chairman. 2) Suptd.-Member. 3) F.A.O.-Member. 4. One non-official (to be nominated by CEM)-Member.		Does not arise.	
17. No.		2(two) yrs.	90% Direct Rectt. 10% Promotion from Group 'D'		PROMOTION : From Group 'D' at least 5 years service in the grade		-do-		-do-	

ANNEXURE - I  
RECRUITMENT RULES FOR GROUP POST IN THE DEPARTMENT OF PLANNING DEVELOPMENT & WORKS DEPTT.

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
18. Planning & Development Officer	As may be sanctioned from time to time.	General Dist. Council Service Group 'A'	Rs. 3000-100-3500-EB-125-4500.	Selection post	Not applicable	Not applicable	Not applicable
19. Asst. Dev. Officer	-do-	General Dist. Council Group 'B' (G)	Rs. 2000-60-2300-EB-75-3200-100-3500 - p.m.	Not applicable	-do-	Not exceeding 30 yrs. (relaxable for Govt. servant upto 5yrs. in accordance with the instruction or orders issued by the Central Govt. See foot note.	1) Graduate of a recognised university. 2) Working knowledge of local language. NOTE : Qualification is relaxable at the discretion of the Committee in the case of candidates other wise well qualified.

Whether age and Educational qualifications prescribed for direct recruitment.	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & per- in the case of	In case of rectt. by promotion/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in
promotion	10	various methods.	12	13	14
18. No	Not applicable	Promotion or by Transfer or deputation	1) PROMOTION : From D/C.G.S. Jr. Grade Group 'A' at least 5yrs. service in the grade. 2) TRANSFER ON DEPUTATION : Officers of the Central/State Civil Service holding the same grade. (Period of deputation ordinarily not exceeding 3yrs).	1) Executive Secy.- Chairman. 2) Head of Concerned deppt. in D/C -Member. 3) Senior officers in the D/C -Member (to be nominated by the CEM) 4) One non-Official member to be nominated by C.M-Member.	Does not arise.
19. Does not arise	2(two) yrs.	Direct rectt. failing which by transfer on deputation.	TRANSFER ON DEPUTATION : Official from Central/State Govt. holding analogous post.(Period of deputation ordinarily not exceeding 5yrs.)	-do-	-do-

FOOT NOTE : The crucial date for determining age limit mentioned col. 7 of Annexure-I will in each case, be the closing date for receipt of application from candidates in India.

In respect of posts, appointment to which are made through the Employment Exchanges, the crucial date for determining age limit will, in each case be the last date upto which the Employment Exchanges are asked to submit the names.

ANNEXURE - I  
RECRUITMENT RULES FOR GROUP POST IN THE DEPARTMENT OF PLANNING DEVELOPMENT & WORKS

Name of posts	No. of post	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
20. Executive Engineer	As may be sanctioned from time to time.	Technical Dist. Council. Service Group 'A'	Rs. 3000-100-3500-125-4500/-	Selection post	No	Not applicable	Not applicable
21. Asst. Engineer	-do-	-do-	Rs. 2200-75-2800-EB-100-4000/-p.m.	Selection post (in case of promotion.)	-do-	Not exceeding 30 yrs. (relaxable for Govt. servant upto 5yrs. in accordance with the instruction or orders issued by the Central Govt. See foot note.	Degree in appropriate branch of Engineering from recognised university.

FOOT NOTE : The crucial date for determining age limit mentioned under Col. 7. of Annexure-I will in each case, be the closing date for receipt of application from candidates in India.

In respect of posts, appointment to which are made through the Employment Exchanges, the crucial date for determining age limit will, in each case, be the last date upto which, the Employment Exchanges are asked to submit the names.

Whether age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	10	11	12	13	14
Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer /deputation/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment.		
20. No	Not applicable	Promotion failing which by transfer or deputation	1) PROMOTION : From Asstt. Engineer having not less than 7yrs. service for Graduate Engineers and 10yrs. service for Diploma holders. 2) TRANSFER ON DEPUTATION : Officials from Central/State Govt. i) Holding analogous post. ii) Holding the post of A.E. having not less than 5yrs. service in the Grade (period of deputation ordinarily not exceeding 3yrs.) PROMOTION : From Junior Engineer/Surveyor with 8yrs. service in the grade. TRANSFER ON DEPUTATION: Official from Central/State Govt. i) Holding analogous post. ii) J.E. having not less than 8yrs. service in the Grade. (Period of deputation ordinarily not exceeding 3yrs).	CEM in consultation with executive Committee of D/C.	Does not arise.	
21. No.	2(two) yrs.	Promotion 50% Direct rectt. 50% failing which by transfer on deputation.	1) Executive Secy.- Chairman. 2) Head of Concerned deptt. in D/C - Member. 3) Senior officers in the D/C -Member (to be nominated by the CEM) 4) One non-Official member (to be nominated by C.M-Member.)	-Chairman -Member -Member -Member		

## ANNEXURE - I

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
22. Junior Engineer-I Surveyor-I	As may be sanctioned from time to time	General Dist. Council service Group 'C'	Rs.1640-50-2600-EB-600-2900/- p.m.	Selection post (in case of Promotion.)	No.	Between 18 & 25yrs. (relaxable for Govt. servant upto 5yrs. in accordance with the instruction of order issued Central Govt.) See foot Note. -do-	Diploma in appropriate branch of Engineering from a recognised Institute. Working knowledge of local language is desirable. NOTE : Qualification is relaxables at teh discretion of the S.C. in the case of candidates otherwise well qualified. H.S.L.C. or its equivalent passed from a recognised Board (Working knowledge of local language is desirable.
23. Section Asst.	-do-	-do-	Rs.950-20-1150-EB-25-1500/-p.m.	Not applicable	No.		

NOTE : Qualification is relaxable at the discretion of the Selection Committee in the case candidates otherwise well qualified.

FOOT NOTE : The crucial date for determining age limit mentioned under Col. 7. wil, in each case, be candidate for receipt of application from candidates of India.

In respect of posts, appointment to which are made through the Employment Exchanges, the crucial date for determining age limit will, in each case, be the last date upto which to Employment Exchange are asked to submit the names.

Whether age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	11	In case of rectt. by promotion/ transfer /deputation/transfer to be made.	12	If a DPC exists what is its composition	13	Circumstances in which UPSC is to be consulted in making recruitment.	14
22. No		2(two) years.	Promotion 25% Direct rectt. 75% failing which by transfer on deputation.		PROMOTION : From Selection Asstt. with 5yrs. service in the grade. TRANSFER ON DEPUTATION : Official from Central/ State Govt. holding analogous post (Period of deputation ordinarily not exceeding 3years).		1) Executive Secy.- Chairman. 2) Supdt.-Member. 3) F.A.O.-Member. 4. One non-official member (to be nominated by CEM)- Member.		Does not arise.	
23. Does not arise		2(two) yrs.	100% Direct Recruitment.		Does not arise		-do-		-do-	

## ANNEXURE - I

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualifications required for direct recruit-
1	2	3	4	5	6	7	8
LAD 24. Sanitation Sanitary Inspector	As may be sanctioned from time to time	General Dist. Council service Group 'C'	Rs.1400-40-1800-EB-50-2300/-p.m.	Selection post (in case of Promotion.)	No.	Between 18 & 30yrs. relaxable for Govt. servant upto 5yrs. in accordance with the instruction of order issued by Central Govt. See foot note.	1) HSLC or its equivalent passed from a recognised Board. 2) Trained in sanitary & Rural Health Course from a recognised Institute. Working knowledge of local language is desirable. NOTE : Qualification & Training are relaxable at the discretion of the SC in the case of candidates otherwise well qualification. -do-
25. Asstt. Sanitary Inspector	-do-	-do-	Rs.1200-30-1560-EB-40-2040/-p.m.	Not applicable	No.	-do-	-do-

FOOT NOTE : The crucial date for determining age limit mentioned under Col. 7. will, in each case, be the closing date for receipt of application from candidates in India.

In respect of posts, appointment to which are made through the Employment Exchange, the crucial date for determining age limit will, in each case, be the last date upto which the Employment Exchange are asked to submit the names.

Whether age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	10	11	12	13	14
Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/ transfer /deputation/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment.		
24. No	2(two) years.	Promotion/ Direct rectt. /failing which by transfer on deputation.	PROMOTION : From Asstt. Sanitary inspector with not less than with 5yrs. service in the grade. TRANSFER ON DEPUTATION : Official from Central/ State Govt. holding analogous post (Period of deputation ordinarily not exceeding 3years).	1) Executive Secy.- Chairman. 2) Supdt.-Member. 3) F.A.O.-Member. 4. One non-official-Member (to be nominated by CEM)-Member.	Does not arise.	
25. Does not arise	2(two) yrs.	Direct Recruitment.	Does not arise	-do-	-do-	

ANNEXURE - I  
RECRUITMENT RULES FOR GROUP 'A' POST IN THE DEPARTMENT OF FOREST & SOIL DEPTT.  
(ENVIRONMENT & FOREST)

Name of post	No. of post	Classification	Scale of Pay	Whether Selection post.	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
26. District Council Conservator of Forest (DCCF)	As may be sanctioned from time to time	Technical Dist. Council Service Group 'A'	Rs.3000-100-3500-EB-4500/- p.m.	Selection post	No.	Not applicable	Not applicable

Whether age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	Period of probation if any.	10	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	11	In case of rectt. by promotion/transfer /deputation/transfer to be made.	12	If a DPC exists what is its composition	13	Circumstances in which UPSC is to be consulted in making recruitment.	14
26. No		Not applicable		Promotion failing which by transfer on deputation		PROMOTION : From Asstt. conservation of Forest of the concerned Dist. Council not less than 5yrs in the grade. TRANSFER ON DEPUTATION : Official from Central-State Govt. holding analogous post (period of deputation ordinarily not exceeding 3 yrs.)		1) Executive Secy:- Chairman. 2) Head of concerned Deptt. in DC-Member. 3) 2 Sr. Officer in the DC (to be nominated by CEM)-Member.		Does not arise.	



Whether age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment.
9	10	11	12	13	14
27. No	2yrs.	Promotion /direct rectt. failing which by transfer on deputation	PROMOTION : From Ranger who have passed Ranger course and with not less than 5yrs. service in the grade. TRANSFER ON DEPUTATION : Official from Central/State Govt. holding analogous post (Period of deputation ordinarily not exceeding 3years).	1) Executive Secy. Chairman 2) Head of concerned in the DC- Member. 3) 2 Sr. Officer in the D/C (to be nominated by CEM)-Member. 4) one non Official Member to be nominated by CEM-Member 1) Executive-Secy. Chairman 2) Supdt. - Member 3) FAO - Member 4) One non-Official member (to be nominated by CEM)-Member	Does not arise.
28. No	2yrs.	Promotion /direct rectt. failing which by transfer on deputation	PROMOTION : From Dy. Ranger who has passed Forester course with not less than 5yrs service in the grade TRANSFER ON DEPUTATION : Official from Central/State Govt. holding analogous post. Period of deputation ordinarily not exceeding 3yrs.		

## ANNEXURE - I

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
29. Deputy Ranger	As may be sanctioned from time to time	Technical Dist. Council Service Group	Rs.1400-40-1800-EB-50-2300/-p.m.	Selection post (in case of promotion)	No.	Not applicable	Not applicable
30. Forester-I	-do-			Non-selection post.	No.	-do-	-do-
31. Forester-II	-do-	-do-	Rs.950-20-1150-EB-25-1400/-p.m.	Not applicable	No.	Between 18&25 yrs. (Relaxable for Govt. servant upto 5yrs. in accordance with the instructions or orders issued by Central Govt.) See Foot notes.	i) HSLC Equivalent from a recognised Board. Working knowledge of local language is desirable.

FOOT NOTE : The crucial date for determining age limit mentioned under Col. 7. will in each case be the closing date for receipt of application from candidates in India. In respect of posts, appointment to which are made through the Employment Exchange, the crucial date for determining age limit will, in each case be the last date upto which to Employment Exchanges are asked to submit the names.

Whether age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment.
9	10	11	12	13	14
29. No	2yrs.	Promotion failing which by transfer on deputation	PROMOTION : From Forester I with not less than 5yrs. service in the grade. TRANSFER ON DEPUTATION : Official from Central/State Govt. holding analogous post (Period of deputation ordinarily not exceeding 3yrs).	1) Executive Secy. Chairman. 2) Supdt. - Member 3) FAO - Member 4) One non-official member (to be nominated by CEM) Member	Does not arise.
30. No	2yrs.	-do-	PROMOTION : Forester II with not less than 3yrs. service in the grade. TRANSFER ON DEPUTATION : Official from Central/State Govt. holding analogous post. (Period of deputation ordinarily not exceeding 3yrs).	-do-	

Whether age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment.
9	10	11	12	13	14
31. No	2yrs.	Promotion 25% Direct recruitment-75% failing which by transfer on deputation.	<p>PROMOTION : From Forest Guard who passed Class VIII with not less than 8yrs. service in the grade.</p> <p>TRANSFER ON DEPUTATION : Official from Central/State Govt. holding analogous post (Period of deputation ordinarily not exceeding 3years).</p>	<p>1) Executive Secy. Chairman</p> <p>2) Supdt. - Member</p> <p>3) FAO - Member</p> <p>4) One non-official member (to be nominated by CEM)- Member</p>	Does not arise.

ANNEXURE - I  
RECRUITMENT RULES FOR GROUP POST IN THE DEPARTMENT OF FOREST

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post.	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
32. Forest Guard	As may be sanctioned from time to time	Technical Dist. Council Service Group 'D'	Rs.800-15-1010-EB-201150/-p.m.	Not applicable	No.	Between 18&25 yrs. (relaxable for Govt. servant upto 5yrs. in accordance with the instructions or orders issued by Central Govt.) See Foot Notes.	Class VIII passed working knowledge of local language is desirable.

FOOT NOTE : The crucial date for determining age limit mentioned under Col. 7. will, in each case, be the closing date for receipt of application from candidates in India.

In respect of posts, appointment to which are made through the Employment Exchanges, the crucial date for determining age limit will, in each case, be the last date upto which the Employment Exchanges are asked to submit the names.

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	Period of probation if any.	10	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	11	In case of rectt. by promotion/transfer to be made.	12	If a DPC exists what is its composition	13	Circumstances in which UPSC is to be consulted in making recruits ment.	14
32. Not applicable		2yrs.		Direct recruitment 100%		Does not arise.		1) Executive Secy. Chairman 2) Supdt. - Member 3) FAO - Member 4) One non-Official member (to be nominated by CEM)		Does not arise.	

ANNEXURE - I  
RECRUITMENT RULES FOR GROUP POST IN THE DEPARTMENT OF EDUCATION & HUMAN RESOURCES DEPTT.

Name of post	No. of posts	Classification	Scale of Pay	Whether Selection post.	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualifications required for direct recruits
1	2	3	4	5	6	7	8
33.Secy. Primary Education Board.	As may be sanctioned from time to time	General Dist. Council Service Group ;A;	Rs.2200-75-2800-EB-100-4000/- p.m	Selection post (in case of promotion).	No.	Not exceeding 35yrs (relaxable for Govt. servant upto 5yrs. in accordance with the instructions or orders issued by Central Govt.)	1) Graduate of a recognised university. 2) At least 10yrs. experience in Education line under Govt.

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	Period of probation if any.	10	Method of Rectt. whether by direct recdt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	11	In case of rectt. by promotion/transfer to be made.	12	If a DPC exists what is its composition	13	Circumstances in which MPSC is to be consulted in making recruits ment.	14
33. Does not arise		2yrs.		Direct recruitment failing which by transfer on deputation.		PROMOTION : From D/C, GS. Group 'B' having 5yrs. experience. Transfer on Deputation Official from Central/ State Govt. holding analogous post Period of deputation ordinarily not exceeding 3yrs.		1) Executive Secy.-Chairman . 2) Head of concerned Deptt. in the DC-Member 3) 2 Sr. Officer in the D/C (to be nominated by CEM)-Member. 4) One non-Official member (to be nominated by CEM)-Member		Does not arise.	

ANNEXURE - I

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
34. Education Officer	As may be sanctioned from time to time	General Dist. Council Service Group ;A;	Rs.3000-100-3500-EB-125-4500/-p.m.	Selection post	-do-	Not applicable	Not applicable
35. Asstt. Education Officer	-do-	Group 'A'	Rs.2200-75-2800-EB-100-4000/-p.m	-do-	-do-	-do-	-do-

ANNEXURE - I  
RECRUITMENT RULES FOR GROUP POST IN THE DEPARTMENT OF EDN & HUMAN RESOURCES

Name of post	Name of post	Classification	Scale of Pay	Whether Selection post.	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
36. Circle Education Officer	As may be sanctioned from time to time	General Dist. Council Service Group 'B'(NG);	Rs.2000-60-2300-EB-75-3300/-p.m.	Not applicable	No.	Between 18 & 25yrs. relaxable for Govt. Servant upto 5yrs. in accordance with the instruction or order issued by Central Govt.) See foot note.	Graduate of a recognised university.  Desirable : BT/B.Ed from a recognised Institute.  ii) Working knowledge of local language.

FOOT NOTE : The crucial date for determining age limit mentioned under Col. 7. will in each case, be the closing date for receipt of application from candidates in India.  
In respect of posts, appointment to which are made through the Employment Exchanges, the crucial date for determining age limit will, in each case, be the last date upto which the Employment Exchanges are asked to submit the names.

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be in making recruitment
9	10	11	12	13	14
34. No.	Not applicable	Promotion failing which by transfer on deputation.	POMOTION : From D/C, General Service Junior Grade having 5yrs. service in the grade. TRANSFER ON DEPUTATION : Official from Central/State: Govt. holding analogous post. (period of deputation ordinarily not exceeding 3yrs.) PROMOTION : From Circle Education Officer having not less than 5yrs. service in the grade. TRANSFER ON DEPUTATION : Official from Central/State Govt. holding analogous post.(Period of deputation ordinarily not exceeding 3yrs.)	1) Executive Secy.-Chairman . 2) Head of concerned Deptt. in the D/C-Member 3) Two Sr. Officers in the D/C (is to be nominated by CEM-Member 4) One non-Official member (to be nominated by CEM)-Member -do-	Does not arise.
35. No.	Not applicable	Promotion : Failing which by transfer on deputation.		1) Executive Secy.-Chairman . 2) Supdt.-Member 3) FAO-Member 4) One non-official member to be nominated by CEM)-Member	-do-
36. Does not arise	3 yrs.	Direct Rectt. 100% failing which by transfer on deputation	State Govt. holding analogous post (period of deputation ordinarily not exceeding 3yrs.)		

ANNEXURE - I  
FOREST & SOIL DEPARTMENT (SOIL & WATER CONSERVATION DEPTT.)

Name of post	Name of post	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruitment.
1	2	3	4	5	6	7	8
37. D.C. Soil Conservation Officer (DCSO)	As may be sanctioned from time to time	Technical District Council Service Group 'A'	Rs.2200-75-2800-EB-100-4000/-p.m.	Selection (in case of promotion).	No.	Not exceeding 30yrs. (relaxable for Govt. servant upto 5yrs. in accordance with the instructions or orders issued by Central Govt.) See foot notes. Between 18&25yrs. (relaxable for Govt. servants upto 5yrs. in accordance with the instructions or orders issued by Central Govt.) See foot notes.	B.Sc(Agri)/B.Sc (Forestry (subject to successful completion of Soil Conservation Training in a recognised Institute within a period of probation) Working knowledge of local language is desirable. Note : Qualification is relaxable at the discretion of selection Committee in the case of candidates otherwise well qualified.
MISCELLANEOUS 38. Demonstrator, (Industry, AH & Vety, Social Welfare, Community Project, Soil, Agri)	-do-	Technical District Council Service Group 'C'	1)Rs.1200-30-1560-EB-2040/-p.m for untrained 2)Rs.1350-30-1440-40-1800-EB-50-2200/-p.m. (for trained	-do-	No.		.Matriculation/HSLC from a recognised Board. Working knowledge of local language. Notes : Qualification is relaxable at the discretion of the Selection Committee in the case of the candidates otherwise well qualified.

FOOT NOTE : The crucial date for determining age limit mentioned under Col. 7. will in each case be the closing date for receipt of application from candidates in India.

In respect of posts, appointment to which are made through the Employment Exchange, the crucial date for determining age limit will, in each case be the last date upto which to Employment Exchanges are asked to submit the names.

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer/deputation/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be in making recruitment
9	10	11	12	13	14
37. Does not arise	2yrs.	50% by Promotion 50% by Direct recruitment.	POMOTION : From AEO Ranger (Forest/Soil) with 5yrs. service in post. TRANSFER ON DEPUTATION : Official holding analogous post in Central/ State Govt. (Period of deputation ordinarily not exceeding 3yrs.)	1) Executive Secy.-Chairman . 2) Head of the Deptt concerned in the D/C-Member 3) 2Sr. Officers in D/C (to be nominated by CEM)-member. 4) One non-official member to be nominated by CEM)-Member	Does not arise.
38. Does not arise	2yrs.	10% Promotion 90% by direct recruitment.	PROMOTION : From Group 'D' employees.	1) Executive Secy.-Chairman. 2) Supt.-Member 3) FAO.-Member 4) One non-official member (to be nominated by CEM)-Member.	-do-

ANNEXURE - I  
AGRICULTURE & VETRY DEPARTMENT (AGRICULTURE)

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
39. District Council Agriculture Officer (DCAO)	As may be sanctioned from time to time.	Technical District Council Group 'C'	Rs. 3000-100-3500-EB-125-4500/-p.m	Selection post.	No.	Not applicable	Not applicable
40. Sub-Divisional Agriculture Officer (SDAO)	-do-	-do-	Rs. 2000-75-2800-EB-100-4000/-p.m.	Selection post (in case of promotion)	No.	Not exceeding 30yrs. (relaxable for Govt. servant upto 5yrs. in accordance with the instruction or orders issued by the Central Govt.) See foot note.	1) B.Sc (Agri) from a recognised University. 2) Working knowledge of local language.

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer/deputation/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment
9	10	11	12	13	14
39. No.	Not applicable	Promotion failing which by transfer on deputation.	POMOTION : From Sub-Divisional Agri. Officer having not less than 5yrs. service in the grade. TRANSFER ON DEPUTATION : Official from Central/State Govt. holding analogous post (period of deputation ordinarily not exceeding 3 yrs.)	1) Executive Secy-Chairman . 2) Head of concerned department in the D/C-Member 3) Two Sr. Officer D/C (to be nominated by CEM). 4) One non-official member to be nominated by CEM)-Member	Does not arise.
40. No.	2yrs.	50% by Promotion 50% by direct recruitment.	PROMOTION : From Agri. Extension Officer having 5yrs. service in the Grade.	-do-	

## ANNEXURE - I

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
41. Agriculture Extension Officer.	As may be sanctioned from time to time.	Technical District Council Service Group 'B'(NG)'	Rs..2000-60-2300-EB-75-3200/-p.m	Selection post. (in case of promotion)	No.	Not exceeding 30yrs. (relaxable for Govt. servant upto 5yrs) See foot not	B.Sc (Agr) from a recognised University. Working knowledge is desirable.  NOTA : Qualification is relaxable at the dicretion of the Selection Committee in the case of candidates otherwise well qualified.

FOOT NOTE : The crucial date for determining age limit mentioned in Col. 7. will in each case be the closing date for receipt of application from candidates of India.

In respect of posts, appointment to which are made through the Employment Exchange, the crucial date for determining age limit will, in each case be the last date upto which to Employment Exchanges are asked to submit the names.

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer/ deputation/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment
9	10	11	12	13	14
41. No.	2 yrs.	Promotion 25% Direct recruitment 75% failing which by transfer on deputation.	POMOTION : From Agri Demonstrator V.L.W having not less than 8 yrs service in the grade. Transfer on deputation official holding analogous post in Central/State Govt. (Period of deputation ordinarily not exceeding 3 years)	1) Executive Secy-Chairman . 2) Head of Deptt. concerned in the D/C-Member 3) 2 Sr. Officer in the DC (to be nominated by CEM)-Member.	Does not arise.

ANNEXURE - I  
EDUCATION & HUMAN RESOURCES DEPARTMENT (SOCIAL WELFARE)

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
42. District Council Social Welfare Officer.	As may be sanctioned from time to time.	General District Council Service Group 'A'	Rs..2000-75-2800-EB-100-4000/-p.m	Selection (in case of promotion)	No.	Not exceeding 30yrs. (relaxable for Govt. servant upto 5yrs) in accordance with the instructions or orders issued by Central Govt.) See foot note. ii)	i) Graduate with post Graduate degree or equivalent diploma in Social Welfare Administration from a recognised University/Institution. Experience in the field of Social Welfare for not less than 3yrs. Working knowledge of local language desirable. NOTE : Qualification & experience are relaxable at the discretion of the selection Committee in the case of the candidates otherwise well qualified.
43. Supervisor	-do-	General District Council Service Group 'C'	i)Rs..1640-50-2600-EB-60-2900/p.m ii) 1400-40-1800-EB-60-2600/-pm (for under Graduate	-do-	No.	-do-	i) Graduate from a recognised University. ii) PUC passed from a recognised University working knowledge of local language is desirable.

FOOT NOTE : The crucial date for determining age limit mentioned under Col. 7. will in each case, be the closing date for receipt of application from candidates in India.  
In respect of posts, appointment to which are made through the Employment Exchange, the crucial date for determining age limit will, in each case, be the last date upto which the Employment Exchanges asked to submit the names.

Whether age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/ transfer deputa- tion/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be in making ruitment.
9	10	11	12	13	14
42. No.	2 (two) years.	Direct recruitment failing which by transfer on deputa- tion.	PROMOTION : From D/C General Service Group 'B' officers having 5 yrs. service in the grade. Transfer on deputation : Of- ficial from Central/State Govt. holding analogous posts (Period of deputation ordinarily not exceeding 3 yrs.) 1) Promotion: From under graduate supervisor having 5yrs. service in the pay scale of Rs.1400-2600/- 2) Promotion: From LDC or equivalent having 5yrs. ser- vices may be promoted to the Lower scale of supervisor.	1) Executive Secy.- Chairman . 2) Head of Deptt. concerned in the D/C-Member 3) 2 Sr. Officer in the D/C (to be nominated by CEM)-Member. 4) One non-official member (to be nominated by CEM)-Member.	Does not arise.
43. No.	-do-	50% by direct recruit 50% by promotion.		-do-.	-do-



Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer deputation/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment
9	10	11	12	13	14
44. No.	2 years.	Promotion failing which by direct recruitment. Failing both by transfer or deputations	POMOTION : From D/C General service Group 'B' having 5 yrs. service in the grade. Transfer on deputation : Official from Central/State Govt. holding analogous post. (Period of deputation ordinarily not exceeding 3 yrs.)	1) Executive Secy.-Chairman . 2) Head of Deptt. concerned in the D/C-Member 3) 2 Sr. Officers in the D/C (to be nominated by CEM)-Member. 4) One non-official member (to be nominated by CEM)-Member.	Does not arise.
45. Not applicable	2 years	Direct recruitment failing which by transfer or deputation	Transfer on deputation Official from Central/State Govt. holding analogous post. (Period of deputation ordinarily not exceeding 3 years).	1) Executive Secy.-Member 2) Supdt.-Member 3) F.A.O.-Member 4) One non-Official member (to be nominated by CEM)-Member.	



Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer to be deputation/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment
9	10	11	12	13	14
46. No.	2 years.	Promotion failing which by direct recruitment. Failing both by transfer of deputations	POMOTION : From Sericulture Demonstrator having not less than 5years service in the grade. TRANSFER ON DEPUTATION : Official from central state Govt. holding analogous post. (Period of deputation ordinarily not exceeding 3 years)	1) Executive Secy.-Chairman . 2) Supdt. -Member 3) F.A.O.-Member 4) One non-official member (to be nominated by CEM)-Member.	Does not arise.
47. No.	Not applicable	Promotion failing which by transfer or deputation.	PROMOTION : from SDVO having notless than 5 years service in the grade. TRANSFER OR DEPUTATION : Official from central state Govt. holding analogous post. (Period of deputation ordinarily not exceeding 3 yrs.	As the same manner in the case of DCSAO.	



ANNEXURE - I  
AGRICULTURE & VETRY DEPARTMENT (A.H. & VETY)

Name of post	Name of post	Classification	Scale of Pay	Whether Selection post	Whether benefit of sdded years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
48. Sub-Divisional Vety Officer (SDVO)	As may be sanctioned from time to time.	Technical District Council Service Group 'A'	Rs..2200-75-2800-EB-100-4000/-p.m	Not applicable	No.	Not exceeding 30yrs. (relaxable for Govt. servant upto 5yrs. in accordance with the instructions or orders issued by Central Govt.) See foot note.	BV.Sc. & AH From a recognised University. Working knowledge of local language is desirable.
49. District Council Vety Officer.	-do-	Technical District Council Group 'A'	Rs. 2000-60-2300/EB-75-3200/-p.m.	Selection post.	No.	Between 18&25yrs (relaxable for Govt. servant upto 5yrs. in accordance with the instructions or orders issued by Central Govt.) See foot note.	HSLC or its equivalent and V.F.A. training course passed from a recognised institute. Working knowledge of local language is desirable.

FOOT NOTE : The crucial date for determining age limit mentioned under Col. 7. will in each case be the closing date for receipt of application from candidates in India.

In respect of posts, appointment to which are made through the Employment Exchange, the crucial date for determining age limit will, in each case be the last date upto which to Employment Exchanges are asked to submit the names.

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	Period of probation if any.	10	Method of Rectt. whether by direct rectt. or by promotion/transfer /percentage of the vacancies to be filled by various methods.	11	In case of rectt. by promotion/transfer/ deputation/transfer to be made.	12	If a DPC exists what is its composition	13	Circumstances in which UPSC is to be consulted in making recruitment	14
48. Does not arise.		2 years.		Direct recruitment failing which by transfer on deputation.		Transfer on deputation : Official from Central/State Govt. holding analogous post. (Period of deputation ordinarily not exceeding 3 yrs.)		1) Executive Secy.-Chairman . 2) Head of the Deptt. concerned in the D/C-Member. 3) 2 Sr. Officers in the D/C (to be nominated by CEM)-Member 4) One non-official member (to be nominated by CEM)-Member. 1) Executive Secretary-Chairman. 2) Supdt.-Member. 3) F.A.O-Member. 4) One non-official member (to be nominated by CEM)-Member.		Does not arise.	
49. -do-		-do-		-do-		-do-				-do-	

**ANNEXURE - I**  
**EDUCATION & HUMAN RESOURCES**

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
50. Art & Culture Officer	As may be sanctioned from time to time.	General District Council Service Group 'A'	Rs..3000-100-3500-EB-125-4500/-p.m	Selection post.	No.	Not applicable.	Not applicable.
51. Jr. Research Officer	-do-	-do- Group 'B' (NG)	Rs. 2000-60-2300/EB-75-3200/-p.m.	Selection post. (in case of promotion)	No.	Not exceeding 30yrs. (relaxable for Govt. servant upto 5yrs. in accordance with the instructions or orders issued by Central Govt.) See footnote.	1) Graduate of recognised University with honour in History subject. 2) Working knowledge of local language. NOTE : Qualification is relaxable at the discretion of B.C. in the case of candidate otherwise well qualified. -do-
52. Sr. Research Officer.	-do-	-do- Group 'A'	Rs. 2200-75-2800/EB-100-4000/-p.m.	-do-	No.	-do-	-do-

FOOT NOTE : The crucial date for determining age limit mentioned under Col. 7. will in each case be the closing date for receipt of application from candidates in India.

In respect of posts, appointment to which are made through the Employment Exchanges, the crucial date for determining age limit will, in each case be the last date upto which to Employment Exchanges are asked to submit the cases.

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer/ deputation/transfer to be made.	If a DPC exists what is its composition	Circumstances in which MPSC is to be consulted in making recruitment
9	10	11	12	13	14
50. No.	2 years.	Promotion failing which by transfer on deputation	Promotion : From District Council General Service Junior grade having not less than 5yrs. Service in the grade. TRANSFER ON DEPUTATION : Official from Central/ State Govt. holding analagous post. (Period of deputation ordinarily not exceeding 3years.) TRANSFER ON DEPUTATION : Official from Central/ State Govt. holding analagous post. (Period of deputation ordinarily not exceeding 3years.)	1) Executive Secy.-Chairman . 2) Head of the Deptt. concerned in the D/C-Member. 3) 2 Sr. Officers in the D/C (to be nominated by CEM)-Member 4) One non-official member (to be nominated by CEM)-Member.	Does not arise.
51.No.	2 years.	50% promotion 50% by Direct rectt. failing which by transfer on deputation.	50% promotion 50% by Direct rectt. failing which by transfer on deputation	-do-	-do-
52.No.	2 years.	Promotion failing which direct recruitment.	Promotion: From D/C General service Group 'B' (NG) Officer having 5years service in the grade.	-do-	-do-

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
53. Culture instructor	As may be sanctioned from time to time.	General District Council Service Group 'C'	Rs..1200-30-1500-EB-40-2040/-p.m	Not applicable	No.	Between 18&25yrs. (relaxable for Govt. servant upto 5yrs. in accordance with the instructions or orders issued by Central Govt.) See foot note.	1) HSLC or its equivalent from a recognised Board. 2) Experience in the Culture of the local people/tribe. Working knowledge of local language is desirable. NOTE : Qualification relaxable at the discretion of the selection Committee in the case of candidates otherwise well qualified.
54. Photographer/ Camera-man	-do-	-do-	-do-	-do-	-do-	-do-	1) HSLC or its equivalent from recognised Board. 2) Diploma in Photography from a recognised institute. Notes : As above.

FOOT NOTE : The crucial date for determining age limit mentioned in Col. 7. will in each case be the closing date for receipt of application from candidates in India.

In respect of posts, appointment to which are made through the Employment Exchange, the crucial date for determining age limit will, in each case be the last date upto which to Employment Exchanges are asked to submit the names.

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	Period of probation if any.	10	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	11	In case of rectt. by promotion/transfer/ deputation/transfer to be made.	12	If a DPC exists what is its composition	13	Circumstances in which MPSC is to be consulted in making recruitment	14
53. Not applicable		2 years.		By direct recruitment.		Does not arise		1) Executive Secy.-Chairman . 2) Superintendent-Member. 3) F.A.O.-Member 4) One non-official member (to be nominated by CEM)-Member.		Does not arise.	
54. -do-		2 years.		-do-		-do-		-do-		-do-	

ANNEXURE - I  
MISCELLANEOUS.

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
55. Sr. Driver	As may be sanctioned from time to time.	General District Council Service Group 'C'	Rs. 1200-30-1560-EB-40-2040/-p.m	selection post.	No.	Not applicable	Not applicable
56. Driver/ Speed Boat operator	-do-	-do-	Rs.950-20-1150-EB-25-1500/-	Not applicable	No.	Between 18&25yrs. (relaxable for Govt. servant upto 5yrs. in accordance with the instructions or orders issued by Central Govt.) See foot note.	1) Class VII passed 2) Licence for light/Heavy Motor vehicles/Speed Board with 2yrs. unblemished experience in the line. 3) Conversant with working knowledge of various components of vehicles and their maintenance and be able to carry out minor roadside repair to law a broken down vehicle safety. Working knowledge of local language is desirable. NOTE : Qualification etc. are relaxable at the discretion of the S.C. in the case of candidates otherwise qualified

FOOT NOTE : The crucial date for determining age limit mentioned in Col. 7. will in each case be the closing date for receipt of application from candidates in India.  
In respect of posts, appointment to which are made through the Employment Exchange, the crucial date for determining age limit will, in each case be the last date upto which to Employment Exchanges are asked to submit the names.

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	Period of probation if any.	10	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	11	In case of rectt. by promotion/transfer/ deputation/transfer to be made.	12	If a DPC exists what is its composition	13	Circumstances in which UPSC is to be consulted in making recruitment	14
55. Does not arise.		Not applicable		100% promotion		Promotion : From Driver having 15 years experience.		1) Executive Secy:- Chairman . 2) Supdt-Member. 3) F.A.O-Member 4) One non-official member (to be nominated by CEM)-Member.			
56. -do-		2 (two) years.		100%Direct recruitment		N.A.		-do-			

ANNEXURE - I  
LEGISLATURE

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
57. Marshal	1(one in each D/C	General District Council Service Group 'C'	Rs..1200-30-1560-EB-40-2040/-p.m	Not applicable	No.	Not exceeding 30yrs. relaxable for Govt. servant upto 5yrs. in accordance with the instruction or order issued by Central Govt. See foot note.	Ex-Police/Ex-service personnel not below the rank of Havilder. Working knowledge of local language is desirable.
MISCELLANEOUS	As may be sanctioned from time to time	-do-	Rs.1640-60-2300-EB-75-2900/-pm	-do-	-do-	-do-	Graduate of recognised University. Working knowledge of local language.
58. Translator	-do-	-do-	Rs.1400-40-1800-EB-60-2300/-pm	-do-	-do-	-do-	1) HSLC or its equivalent from a recognised Board 2) Trained in ITI or any recognised Technical Inst.
59. Technician/Mechanic	-do-	-do-	-do-	-do-	-do-	-do-	1) HSLC or its equivalent. 2) Working knowledge of local and Mizo with Hindi or English language.
GENERAL ADMINISTRATIVE & CONTROL DEPARTMENT							
60. Receptionist	-do-	-do-	-do-	-do-	-do-	-do-	

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer/deputation/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment
9	10	11	12	13	14
57. Does not arise.	2 years.	Direct Rectt.	Transfer on deputation : official from Central/State Govt. holding analogous posts. Period of deputation ordinarily not exceeding 3yrs.	1) Executive Secretary-Chairman 2) Supdt-Member. 3) F.A.O-Member 4) One non-official member (to be nominated by CEM)-Member.	Does not arise.
58. -do-	-do-	-do-	-do-	-do-	-do-
59. -do-	-do-	-do-	-do-	-do-	-do-
60. -do-	-do-	-do-	-do-	-do-	-do-

# ANNEXURE - I

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
51. Duffry Process server/ Gardent Mali Peon/Personal Peon/Dak Runner/ Postmen/Chowk- ider/Pounds Keeper/Mali Cook/Sweeper/ Handiman/ Porter/Market/ Checker/Watcher/ Plumber/ Chain- man/Labour Watcher	As may be sanctioned from time to time.	General District Council Service Group 'D'	Rs. 800-15-1010-RB-20-1150/-	Not applicable	No.	Between 18 & 25 yrs. (relaxable for Govt. servant upto 5 yrs.	Passed Class VII. Working knowledge of local language.

FOOT NOTE : The crucial date for determining age limit mentioned in Col. 7. will in each case be the closing date for receipt of application from candidates in India.

In respect of posts, appointment to which are made through the Employment Exchange, the crucial date for determining age limit will, in each case be the last date upto which to Employment Exchanges are asked to submit the names.

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer/ deputation/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment
9	10	11	12	13	14
61. Does not arise.	2 years.	By Direct Rectt. 100%	Does not arise.	1) Executive Secretary-Chairman 2) Supdt-Member. 3) F.A.O-Member 4) One non-official member (to be nominated by CEM)-Member.	Does not arise.

ANNEXURE - I  
GENERAL ADMINISTRATION & CONTROL (INFORMATION)

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
62. Information & Publicity Officer.	As may be sanctioned from time to time.	General District Council Service Group 'B (G)'	Rs. 2000-60-2600-RB-75-3500/- p.m.	Selection post (in case of promotion).	No.	Not exceeding 35yrs. (Relaxable for Govt. servant upto 5 years.	Graduate of a recognised University.
63. Asstt. Information & Publicity Officer.	-do-	-do- Group 'B'	Rs. 1640-50-2600-EB-60-2900/- p.m.	Not applicable	No.	Not exceeding 35yrs. (Relaxable for Govt. servant upto 5 years.	-do-

Whether the age and Educational qualifications prescribed for direct-recruits will apply in the case of promotion	9	10	11	12	13	14
Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer/ deputation/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment		
62. No.		Promotion failing which by direct recruitment.	Promotion : From Asstt. Publicity Officer having not less than 5yrs. service in the grade.	1) Executive-Chairman Secretary 2) Head of concerned Deptt. D/C-Member 3) 2 Sr. Officers of the District Council concerned (to be nominated by CEM)-Member 4) One non-official member (to be nominated by CEM)-Member.	Does not arise.	
63. No.	2 years	Direct Recruitment	Does not arise	1) Executive Secy-Chairman. 2) Supdt.-Member. 3) F.A.O. -Member 4) One non-official member (to be nominated by CEM)-Member.	-do-	

ANNEXURE - I  
PLANNING DEV. WORKS DEPTT (INDUSTRY)

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
64. District Council Industries Officer.	As may be sanctioned from time to time.	General District Council Service Group 'A'	Rs..2200-75-2800-EB-100-4000/-p.m	Selection post (in case of promotion.	No.	Not exceeding 30yrs. (relaxable for Govt. servant) upto 5years.	Graduate of a recognised University. Having experience in Industrial matter is desirable.
65. Vehicle Inspector	-do-	-do- Group 'C'	Rs. 1400-40-1800-EB-50-2300/-p.,	Selection post (in case of promotion)	-do-	-do-	HSLC with Diploma in Motor Mechanic/ Automobile 3 years course from recognised Engineer Inst.

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	10	11	12	13	14
		Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer/ deputation/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment
64. No.	2 years	Promotion failing which by direct recruitment.		1) Promotion : From D/C General service Group 'B' Officer with 5yrs. service in the grade. 2) Transfer on deputation : Official from Central/State Govt. holding analogous post. (Period of deputation ordinarily not exceeding 3yrs.)	1) Executive Secy.Chairman 2) Head of concerned Deptt. D/C-Member 3) 2 Sr. Officers of the District Council concerned (to be nominated by CEM)-Member 4) One non-official member (to be nominated by CEM)-Member.	Does not arise.
65. No.	2 years	-do-		1) Promotion : From Sr. Driver having 5yrs service in the grade.	1) Executive Secy-Chairman. 2) Supdt.-Member. 3) F.A.O. -Member 4) One non-official member (to be nominated by CEM)-Member.	-do-

ANNEXURE - I  
MISCELLANEOUS :

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
66. Town & Market- ing Inspector.	As may be sanctioned from time to time.	General District Council Service Group 'C'	Rs..1200-30-1560-EB-40-2040/-p.m	Not applicable	-do-	Between 18&25yrs (relaxable for Govt. servant) upto 5 years	HSLC passed, working knowledge of local language.
67. Stenographer Grade-I	-do-	-do- Group 'B' (NG)	Rs. 2000-60-2300-EB-75-3200/-pm	Selection post.)	-do-		1) Having speed of 80 wpm in English stenography. 2) Promotion through Departmental examination. -do-
68. Stenographer Grade-II	-do-	-do- Group 'C'	Rs. 1640-50-2600-EB-2900/-pm	-do-	-do-	-do-	
69. Stenographer Grade-III	-do-	-do-	Rs. 1400-40-1800-EB-50-2300/-pm	-do-	-do-	-do-	1) HSLC or equivalent having 60/80speed pm in shorthand. 2) Working knowledge of Local language.

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	10	11	12	13	14
66. Does not arise.	2 years	Direct recruitment.	Does not arise	Does not arise	1) Executive Secy.- Chairman  2) Supdt.-Member. 3) F.A.O. -Member 4) One non-official member (to be nominated by CEM)- Member. -do-	Does not arise.
67. -do-	2 years	Promotion failing which by direct recruitment.	Promotion : from Steno-II through Dept. examination.			-do-
68. -do-	2 years	-do-.	Promotion : From Steno-III through Departmental Examination		-do-	-do-
69. -do-	-do-	100% Direct recruitment.	Not applicable		-do-	-do-

## ANNEXURE - I

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
70. Carpenter.	As may be sanctioned from time to time.	General District Council Service Group 'C'	Rs. 950-20-1150-EB-25-1500/-	Not applicable	No.	Between 18&25yrs (relaxable for Govt. servant) upto 5 years	1) Class VIII passed certificate holder Carpenter. 2) Training in ITI or equivalent Institution or 5yrs. experience in the line.
71. Library Asst.	-do-	-do-	Rs. 1200-30-1500-EB-40-2040/-	-do-	-do-	-do-	1) HSLC/equivalent 2) Local language.
GENERAL ADMINISTRATION							
72. Senior Accountant	-do-	Group 'B' (NG)	Rs. 2000-60-2300-EB-75-3200/-	Selection post.	-do-	N/A	Not applicable

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	Period of probation if any.	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/transfer/ deputation/transfer to be made.	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment
9	10	11	12	13	14
70. Does not arise.	2 years	Direct recruitment.	Does not arise	1) Executive Secy.- Chairman 2) Supdt.-Member. 3) F.A.O. -Member 4) One non-official member (to be nominated by CEM)-Member. -do-	Does not arise.
71. -do-	-do-	-do-	-do-n.		-do-
72. Does not arise.	Not applicable	Promotion from Accountant having 5 yrs. service in the grade with having Account training.	Promotion :From Accountant having 5 yrs. service in the Grade with having Account training	1) Executive Secy.- Chairman 2) FAO - Member. 3) Two senior Officer of D/C (to be nominated by CEM) Member	-do-  -do-

ANNEXURE - I  
LOCAL ADMINISTRATION DEPARTMENT

Name of posts	No. of posts	Classification	Scale of Pay	Whether Selection post	Whether benefit of added years of service admissible under rule 30 of the C. C. S. (Pension) Rules, 1972.	Age limit for direct recruits	Educational & other qualification required for direct recruits
1	2	3	4	5	6	7	8
73. Local Administrative officer	As may be sanctioned from time to time.	DCGS Group 'A'	Rs. 3000-100-3500-EB-125-4500/-	selection post.	No.	Not applicable	Does not arise.
74. Asst. Local Administrative Officer	-do-	-do- Group 'B' (NG)	Rs. 2000-60-2300-75-3200/-	N/A	-do-	Not exceeding years. 35 relaxable for Govt. servant.	1) Degree holder from a recognised University preferable with Public administrative. 2) Working knowledge of local language.

Whether the age and Educational qualifications prescribed for direct recruits will apply in the case of promotion	9	Period of probation if any.	10	Method of Rectt. whether by direct rectt. or by promotion/transfer & percentage of the vacancies to be filled by various methods.	11	In case of rectt. by promotion/transfer/ deputation/transfer to be made.	12	If a DPC exists what is its composition	13	Circumstances in which UPSC is to be consulted in making recruitment	14
73. Does not arise.		Not applicable		Promotion failing which by transfer		Promotion from D.C. General service Group 'A' Junior Grade having 5yrs. service in the Grade.		1) Executive Secy:- Chairman 2) 2 Sr. officers of D/Cs (to be nominated by CEM) 4) One non-official member (to be nominated by CEM)- Member.		Does not arise.	
74. -do-		-do-		100% Direct recruitment				-do-		-do-	