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NOTIFICATION

No. C.11018/2/2011 - DCA, the 10th January, 2013. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules of the Chakma Autonomous District Council which received approval of His Excellency the Governor of Mizoram on 3.1.2013 is hereby published for general information, namely :

" THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (CONSTITUTION, CONDUCT OF BUSINESS ETC.) (AMENDMENT) RULES, 2012"

Short title and commencement

- (1) These rules may be called the Chakma Autonomous District Council (Constitution, Conduct of Business etc.) (Amendment) Rules, 2012.
- (2) They shall come into force from the date of their publication in the official Gazette.

Amendment of rule 2

- In rule 2 of the principal Rules, the following definition shall be added, namely :
 - (c) (i) "Controlling Unit" means an electronic device used for voting and recording of vote.
 - (j) (i) "Electronic Voting Machine" means electronically operated machine for use in voting.
 - (q) (i) "Opposition leader" means a leader of the opposition members having 1/3 of the elected members from a sitting recognized or registered political party.
 - (w) (i) " State election Commission" means the Mizoram State Election Commission constituted under clause (1) of Article 243K of the Constitution.

Amendment of Rule 7

- In Rule 7 after sub-rule (4) of the Principal Rules, sub-rule (5) shall be inserted namely :

"(5) The superintendence, direction and control of the preparation of Electoral rolls for, and the conduct of the Election to the District Council shall vest in the State Election Commission".

Provided that the District Council may, by law, make provision with respect to all matters relating to, or in connection with , elections to the District Council.

Provided further that in preparation of Electoral Rolls and conduct of Election to District Council, the State Election Commission shall exercise the rules provided in Chapter XIII to Chapter XXII of the Chakma Autonomous District Council (Constitution, Conduct of Business, etc.) Rules, 2002 as amended from time to time.

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| Amendment of Rule 22 | <p>4. After sub-rule (6) of Rule, 22 of the Principal rules, new sub-rule (7) shall be inserted, namely :-</p> <p>(I) “(7) There shall be an Opposition Leader, if a single recognized or registered political party has at least 1/3 of the elected members. The Opposition Leader shall be appointed by the Governor on the recommendation of the Chief Executive Member.</p> <p>(II) In sub-rule (6) of Rule 22 of the Principal Rules, the word “and” shall stand omitted and after the words Executive members “and the Opposition Leader” shall be added”.</p> |
| Amendment of Rule 147 | <p>5. In caluse (b) of sub-rule (1) of Rule 147 of the Principal Rules, for the word ‘Governor’ the words “State Election Commission”, Shall be substituted.</p> |
| Amendment of Rule 149 | <p>6. In Rule 149 of the Pricipal Rules, for the word “Governor”, the words “State Election Commission” shall be substituted.</p> |
| Amendment of Rule 151 | <p>7. In Rule 151 of the Principal Rules, for the word “Governor” the words “State Election Commission” shall be substituted.</p> |
| Amendment of Rule 153 | <p>8. In Rule 153 of the Principal Rules, for the word “Governor” the words “State Election Commission” shall be substituted.</p> |
| Amendment of Rule 154 | <p>9. In Rule 154 of the Principal Rules, for the word “Governor” the words “State Election Commission” shall be substituted.</p> |
| Amendment of Rule 156 | <p>10. (i) In sub-rule (2) of rule 156 of the principal Rules, the words, “by ballot” shall be substituted by the words “electronic voting machine”.</p> <p>(ii) Sub-rule (3) of rule 156 of the principal Rules shall be substituted by the following, namely:</p> <p>“An Electronic Voting Machine shall be common for all the candidates and there shall be only one EVM in use at a time and place in such manner to ensure secrecy of voting.”</p> |
| Amendment of Rule 158 | <p>11. In sub rule (1) of Rule 158 of the Principal Rules, for the word “Governor” the words “State Election Commission” shall be substituted.</p> |
| Amendment of Rule 161 | <p>12. In sub-rule 4 of rule 161 of the Principal Rules, the word “Governor” shall be substituted by the words “state election commissison”.</p> |
| Amendment of Rule 162 | <p>13. In sub-rule (1) of rule 162 of the Principal Rules, the words wherever contain- ing in this sub-rule, “ballot box a boxes”shall be substituted by the words “Electonic Voting Machine or Electronic Voting Machines”.</p> |
| Amendment of Rule 163 | <p>14 Sub-rule (1)(2)&(3) of rule 163 of the principal rules shall be substituted by the following, namely:</p> <p>“(1) Each polling station shall be provided with necessary Electronic Voting Machine by the Returning Officer.</p> <p>(2) Every electronic Voting Machine used at a polling station shall be packed with its over bearing labels out of the cover of the Electronic Voting Machine, marked with :</p> |

- (a) Serial number, if any and name of constituency
- (b) Serial number and name of the polling station ;
- (c) Date of the poll.

(3) The Returning Officer shall provide each polling station with necessary Electronic voting machines, copies of the relevant part of the electoral roll, Postal ballot papers, and instruments for stamping the official mark on postal Ballot papers by the electors”.

Amendment of Rule 164

15. After rule 163, rule 164 be inserted in place of rule 163 and Sub-rule (1) (2) of rule 164 of the principal rules shall be substituted by the following, namely:

“(1) The Presiding Officer in any polling station immediately before the commencement of the poll, shall show to all such polling agents and others may be present at such station that the Electronic Voting Machine is empty and in good order and place his seal upon it in such manner so as to prevent it being opened without breaking such seal and shall keep it so locked and sealed.

(2) Where it is necessary to use a paper seal for securing the Electronic Voting Machine, the Presiding Officer shall fix in each paper seal provided for the purpose. He shall also affix on such paper seal his own signature or seal, signatures or seals of such candidates or of such election or polling agents of the candidates, as may be present. He shall then secure and seal each Electronic Voting Machine in their presence.

Amendment of Rule 166

16. (i) In sub-rule (1) of the rule 166 of the principal Rules, the Words “received the ballot paper” shall be substituted by the words, “is permitted for voting”.

(ii) Sub rule (3) of rule 166 of the principal rules shall be substituted by the following, namely:

“On the voter’s name being called out, the polling officer shall Clearly Instruct the voter how to use the Electronic Voting Machine for voting and also mark on left index finger nail of the voter with indelible ink”.

(iii) In rule 166 of the principal rules, after sub-rule 3, sub-rule 4 shall be added namely:

“4 The Presiding Officer or any other Officer as may be authorized by him in every Polling Station, shall keep the “Controlling Unit” on; before casting of every vote to ensure the Electronic Voting Machine is ready to record of every casting vote”.

Amendment of Rule 168

17. Rule 168 of the principal rules shall be substituted by the following namely:

“A voter shall go inside the polling compartment and record his vote by pressing appropriate button of the Electronic Voting Machine against the symbol of the candidate he or she wishes to vote”.

Amendment of Rule 169

18. In rule 169 of the principal Rules, the words, “ballot paper” shall be substituted by the words “Electronic Voting Machine”.

Amendment of Rule 170

19. Rule 170 of the principal; Rules shall stand omitted.

Amendment of Rule 172

20. Rule 172 of the principal Rules shall be substituted by the following, namely:

“If a person representing himself/herself to be a particular voter named On the electoral roll comes to cast vote after another person has voted as such

voter, the applicant shall after satisfactorily answering such questions as the Presiding Officer may ask, be entitled to cast a vote. He/she shall then be supplied with tendered ballot paper as in the Appendix-VII.

The person tendering such ballot paper shall sign his name and address thereon or affix his or her thumb impression against relevant entry as in the list in Appendix VIII. Elector shall after casting vote in the voting compartment give the ballot paper to the Presiding Officer who shall place it in a cover envelope specially kept for the purpose”.

Amendment of Rule 173

21. In sub-rule (1) of rule 173 of the principal Rules, the words, “ballot paper” shall be substituted by the word, “vote”.

Amendment of Rule 177

22. Rule 177 of the Principal Rule shall be substituted by the following, namely: “The Presiding Officer of each polling station, as soon as practicable after the close of the poll, in the presence of the Candidates or their polling agents as may be present, close the control unit to ensure that no further vote can be recorded and shall dispatch the balloting unit from the control unit, and packed the Electronic Voting Machine and seal with his own seal and the seal of the candidates or their agents who may desire to affix their seals the following, namely:

- (a) Marked copy of the electoral roll.
- (b) the tendered votes’ list.
- (c) the envelopes referred to in rule 176 and shall deliver such packets or parcels or causes them to be delivered to the Returning Officer”.

Amendment of Rule 178

23. Rule 178 of the Principal Rules shall be substituted by the following, namely: “The packets or parcels as prepared under rule 177 shall be accompanied with the statement in the form given in the appendix-XII by the Presiding Officer showing the number of votes polled and other related documents as may be directed by the Returning Officer”.

Amendment of Rule 179

24. “(i) In sub-rule (1) of rule 179 of the Principal Rules, for the word “Governor” the words “State Election Commission” shall be substituted.

(ii) In sub-rule (2) of rule 179 of the Principal rules, for the words “ballot boxes” the words “electronic voting machines” shall be substituted”.

Amendment of Rule 192

25. In Rule 192 of the Principal Rules, the words & figures, “ Rs.25,000- (Rupees Twenty-Five Thousand) only”, shall be substituted by the words & figures, “Rs.1,00,000/- (Rupees One Lakh) only”.

Amendment of Rule 208

26. Sub-rule (4) of Rule 208 of the Principal Rules shall stand omitted.

Amendment of Rule 209

27. In sub-rule(2) of rule 209 of the Principal Rules, the words,” a ballot paper” wherever contained in this sub-rule, shall be substituted by the words, “a vote”.

Amendment of Appendix-V

28. Appendix-v of the Principal Rules shall be replaced by the following, namely:

29. APPENDIX - V See Rule - 156, LIST OF SYMBOLS

A. RECOGNIZED POLITICAL PARTY

| <u>Sl.No.</u> | <u>Name of Symbol</u> | <u>Name of Party</u> |
|---------------|-----------------------|-------------------------------|
| 1. | Ears of Corn & Sickle | Communist Party of India(CPI) |
| 2. | Elephant | Bahujan Samaj Party(BSP) |

| | | |
|----|-----------------------|------------------------------------|
| 3. | Haldhar within Wheel | Janata Party |
| 4. | Hammer, Sickle & Star | Communist Party of India (Marxist) |
| 5. | Hand | Indian National Congress(INC) |
| 6. | Lotus | Bharatiya Janata Party(BJP) |
| 7. | Bulb | Mizoram Peoples conference(MPC) |
| 8. | Sun | Zoram Nationalist Party(ZNP) |
| 9. | Star | Mizo National Front(MNF) |

B. OTHER THAN RECOGNIZED PARTY

Sl.No. Name of Symbol :

1. Arm Chair
2. Bicycle
3. Boat
4. Book
5. Cup
6. Ceiling Fan
7. Car
8. Daba (Chakma traditional smoking pipe)
9. Dao
10. Drum
11. Flower
12. Hat
13. Hut
14. Lantern
15. Pot
16. Pen
17. Pencil
18. Spectacle
19. Spade
20. Scooter
21. Scale
22. Tree
23. Two Leaves
24. Umbrella
25. Wall Clock”.

30. In all appendix(s) wherever containing in the Chakma Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2002 the word “Pi/Pu” shall be substituted by the words “Dangu/Dangubi”.

P. Singthanga,
Secretary to the Government of Mizoram,
District Council Affairs Department.