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## EXTRA ORDINARY

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#### NOTIFICATION

**No. C. 11018/3/2012-DCA/(L), the 19<sup>th</sup> May, 2014.** In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules passed by the Lai Autonomous District Council which received approval of the Governor of Mizoram on 16.5.2014 is hereby published for general information, namely :-

**"THE LAI AUTONOMOUS DISTRICT COUNCIL (CONSTITUTION, CONDUCT OF BUSINESS, etc.) (Second Amendment) Rules, 2014".**

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

**THE LAI AUTONOMOUS DISTRICT COUNCIL  
(CONSTITUTION, CONDUCT OF BUSINESS ETC.,)  
(SECOND AMENDMENT) RULES, 2014.**

In exercise of the powers conferred by sub-paragraph (7) of Paragraph 2 of the Sixth Schedule to the Constitution of India, read with paragraph 20BB of the said Schedule, the Lai Autonomous District Council makes the following rules further to amend the Lai Autonomous District Council (Constitution, Conduct of Business, etc) Rules, 2010 (hereinafter referred to as Principal Rules) namely:-

**1. Short title and Commencement.-**

- (1) These rules shall be called the Lai Autonomous District Council (Constitution, Conduct of Business etc.) (Second Amendment) Rules, 2014.
- (2) They shall come into force from the date of publication in the Mizoram Gazette.

**2. Amendment of Rule 2.-**

In Rule 2 of the principal Rules, the following definitions shall be added, namely:

**(j)(i)** "Electronic Voting Machine" means electronically operated machine for use in voting.

**(y)** "State Election Commission" means the State Election Commission of Mizoram as constituted for the state of Mizoram under the provision of Part-IX and Part-IX A of the Constitution.

**(y)(i)** "District Election Officer" means the District Election Officer under Rule 148B.

**(y)(ii)** "Returning Officer" means an officer appointed or designated as such under Rule 149A, who shall be responsible for proper conduct of election in one or more constituencies, and he may be assisted by Assistant Returning Officer.

**(y)(iii)** "Electoral Registration Officer" means an officer appointed or designated as such under Rule 148C in connection with preparation and revision of electoral rolls and he may be assisted by Assistant Electoral Registration Officer.

**3. Amendment of Rule – 142.-**

In Rule 142, after sub-rule (2) of the Principal Rules, sub-rule (3) shall be inserted namely:

**(3)** State Election Commission:

**(a)** The State Election Commission duly constituted by the State Government, consisting of a State Election Commissioner appointed by the Governor under the provisions of Part-IX and Part-IX A of the Constitution shall be vested with superintendence, direction and control of the preparation, revision and correction of electoral rolls and the conduct of elections under these rules.

**(b)** The State Election Commission shall co-ordinate and supervise the works of the District Election Officer in due discharge of his functions and duties under these rules.

**4. Amendment of Rule – 144.-**

In sub- rule (1) of Rule 144 of Principal rules, the words "the Governor shall" shall be substituted by the words "Governor shall in consultation with the State Election Commission".

**5. Amendment of Rule – 145.-**

In Rule 145 of the Principal Rules, the words "the Governor shall" shall be substituted by the words "Governor may in consultation with the State Election Commission".

**6. Amendment of Rule – 147.-**

In clause (b) of sub-rule (1) of Rule 147 of the Principal Rules, for the word 'Governor' the words "State Election Commission", shall be substituted.

7. **Amendment of Rule – 148.-**

Entries under Rule 148 of the Principal Rules shall be substituted as follows namely :-

**148 A - Election Observers:**

- 1) The State Election Commission may appoint adequate number of officials of the State or Central Government as Observers for observing the elections to the Lai Autonomous District Council.
- 2) The Observer appointed under sub-rule (1) shall assist the State Election Commission to ensure free and fair election and shall discharge such other functions as may be entrusted by the Commission.

**148 B – District Election Officer:**

- 1) The State Election Commission shall appoint the concerned Deputy Commissioner as District Election Officer for the preparation of Electoral Rolls and the conduct of elections under these rules.
- 2) The State Election Commission may also appoint officers in the office of Deputy Commissioner concerned or such other Officer of the State Government, as may be necessary, as Assistant District Election Officer to assist the District Election Officer and perform all such duties under his direction.
- 3) The District Election Officer shall also perform such other functions and duties as may be directed by the State Election Commission from time to time.
- 4) The District Election Officer, Electoral Registration Officers etc, referred to in this part, and any other officers or staff employed in connection with the preparation, revision and correction of electoral rolls for, and the conduct of, all elections shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.

**148 C – Electoral Registration Officer:**

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

8. **Amendment of Rule – 149.-**

Entries under Rule 149 of the Principal Rules shall be substituted as follows, namely:-

**149 A – Returning Officer:** For every election to fill a seat or seats in the Lai Autonomous District Council, the State Election Commission shall appoint or nominate a Returning Officer who shall be an Officer of the State Government or of a local authority. It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this rules or orders made there-under.

Provided that nothing in this Rule shall prevent the State Election Commission from appointing or nominating the same person to be the Returning Officer for more than one constituency.

**149 B — Assistant Returning Officer :**

- 1) The State Election Commission may appoint one or more persons to assist any Returning Officer in the performance of his functions.  
Provided that every such person shall be an officer of the State Government or of a local authority.
  - 2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer  
Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function.
9. **Amendment of Rule – 150.-**  
Entries under Rule 150 of the Principal Rules shall be substituted as follows, namely:-  
“If any difficulty or question arises to the preparation or revision of any electoral rolls, or dispute as to whether a person is ordinarily resident in that locality/constituency under these Rules, the same shall be decided by the District Election Officer who shall function as Appellate Authority and his decision there-upon shall be final.”
  10. **Amendment of Rule – 151.-**  
In Rule 151 of the Principal Rules, for the word “Governor” the words “State Election Commission” shall be substituted.
  11. **Amendment of Rule – 153.-**  
In Rule 153 of the Principal Rules, for the word “Governor” the words “State Election Commission” shall be substituted.
  12. **Amendment of Rule – 154.-**  
In Rule 154 of the Principal Rules, for the word “Governor” the words “State Election Commission” shall be substituted.
  13. **Amendment of Rule – 156.-**  
(i) In Rule 156 of the Principal Rules, sub-rule (3) shall be added as follows:-  
“An Electronic Voting Machine shall be common for all the candidates and there shall be only one Electronic Voting Machine in use at a time and place in such manner to ensure secrecy of voting”.
  14. **Amendment of Rule – 158.-**  
In sub-rule (1) & (2) of Rule 158 of the Principal Rules, for the word “Governor” the words “State Election Commission” shall be substituted.
  15. **Amendment of Rule – 161.-**  
In sub-rule 4 of rule 161 of the Principal Rules, the word “Governor” shall be substituted by the words “State Election Commission”.
  16. **Amendment of Rule – 162.-**  
In sub-rule (2), the word “the Governor” appearing in two places shall be substituted by the words “State Election Commission” respectively.
  17. **Amendment of Rule – 166.-**  
(iii) In Rule 166 of the Principal Rules, after sub-rule 3, sub-rule 4 shall be added namely:

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

**18. Amendment of Rule – 168.-**

Rule 168 of the Principal Rules shall be substituted by the following namely:

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

**19. Amendment of Rule – 176.-**

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

**20. Amendment of Rule – 178.-**

The word "Secretary" appearing under sub-rule (4) shall be substituted by the "State Election Commission".

**21. Amendment of Rule – 179.-**

The words "Secretary to the Government and to such other Officers as the Government may direct" shall be substituted by the words "State Election Commission, Secretary to the Govt. of Mizoram and to such other Officers as the State Election Commission may direct".

**22. Amendment of Rule – 182.-**

The words "Secretary to the Government at two places" shall be substituted by the words "State Election Commission with a copy to the Secretary to the Government of Mizoram" respectively.

**23. Amendment of Rule – 186.-**

The word "Governor" appearing under sub-rule (5) & (6) shall be substituted by the words "State Election Commission" respectively.

**24. Amendment of Rule – 188.-**

The word "Governor" appearing under Rule 188 shall be substituted by the words "State Election Commission".

**25. Amendment of Rule – 189.-**

In Rule 189 of the Principal Rules, the words & figure, "Rs.50,000/-(Rupees Fifty Thousand) only", shall be substituted by the words & figure, "Rs.1,00,000/-(Rupees One Lakh) only".

**26. Amendment of Rule – 192.-**

The word "Governor" appearing under Rule 192 shall be substituted by the words "State Election Commission" and the word "Governor" appearing under sub-rule (3) shall be substituted by the "State Election Commission" and the word "Secretary to the Government" shall be substituted by the words "Secretary, State Election Commission".

**27. Amendment of Rule – 195.-**

Rule 195 shall be substituted as follows:- If the provisions of Rules 191, 192, 193 and 194 are not complied with, the "State Election Commission shall dismiss the petition without further hearing".

**28. Amendment of Rule – 196.-**

The word "Governor" appearing under sub-rule (1), (2) & (3) shall be substituted by the words "State Election Commission" respectively.

**29. Amendment of Rule – 198.-**

The word "Governor" appearing under sub-rule (5) shall be substituted by the words "State Election Commission".

**30. Amendment of Rule – 199.-**

The word "Governor" appearing under sub-rule (1) shall be substituted by the words "State Election Commission".

**31. Amendment of Rule – 203.-**

The words "Governor" appearing under sub-rule (3) shall be substituted by the "State Election Commission". And after sub-rule (3), sub-rule (4) shall be inserted.

"(4) the inquiry into election petition shall be completed within 60 days from the date of appointment of Commissioner by the State Election Commission under sub-rule (1) of Rule 199.