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NOTIFICATION

No. B.13017/9/2008-UD&PA/Loose, the 21st July, 2014. In exercise of the powers conferred by section 27 and 369 of the Mizoram Municipalities Act, 2007, the Governor of Mizoram hereby makes the following rules to further amend the Mizoram Municipalities (Election of Councillors) Rules, 2007 (hereinafter referred to as the Principal Rules, as follow, namely :-

1. Short title and Commencement :-
 - (1) These Rules shall be called The Mizoram Municipalities [Election of Councillors (Second Amendment)] Rules, 2014.
 - (2) It shall come into force from the date of its publication in the official Gazette.
2. Amendment of rule 9 : In Rule 9 of the Principal Rules, clause (b) of sub-rule (2) shall be substituted by the following, namely :-
"the electoral **roll** of the relevant part of the ward".
3. Amendment of rule 55 : Clause (e) rule 55 of the Principal Rules shall be substituted by the following, namely :-
"a child in arms **accompanying a voter**".
4. Amendment of rule 56 : Sub rule (2) of rule 56 of the Principal Rules shall be substituted by the following, namely :- ,
"where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and **obtain** thereon the signatures of such of the polling agents present as are desirous of affixing the same".
5. Amendment of rule 57 : Rule 57 of the Principal Rules shall be substituted by the following, namely :-
"immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain any entry other than that made **as per the provisions** of Rule 52".
6. Amendment of rule 58 : Sub rule (3) of rule 58 of the Principal Rules shall be substituted of the following, namely :-
"in deciding the right of a person to obtain a ballot paper the Presiding Officer or the polling **officer**, as the case may be, shall overlook **mere** clerical or printing errors in an entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates".

7. Amendment of rule 62 : Clause (f) of rule 62 of the Principal Rules there be substituted by the following, namely :-
"exit the polling station".
8. Amendment of rule 64 : Sub rule (1) of rule 64 of the Principal Rules shall be substituted by the following, namely :-
"an elector who has inadvertently **handled** his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying **himself** of the inadvertence, be given another ballot paper, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked 'spoilt : **cancelled**' by the Presiding Officer".
9. In Chapter VIII of the Principal Rules, after rule 90 a new Rule, namely Rule 90A shall be added as follows, namely :-

Rule 90A : No person, if elected at the same time in the Local Council or Municipal Council or Lok Sabha/Rajya Sabha/State Legislative Assembly, shall be a member of the Local Council or Municipal Council or Lok Sabha/Rajya Sabha/State Legislative Assembly by holding dual or more office simultaneously. In such eventuality, he shall, within 7 (seven) days from the declaration of the election result of the Local Council or Municipal Council or Lok Sabha/Rajya Sabha/State Legislative Assembly or within 7 (seven) days from publication of these rules in the Official Gazette inform in writing under his hand, the Commissioner or the Chief Electoral Officer, as the case may be, his seat of choice in the Local Council or Municipal Council or Lok Sabha/Rajya Sabha/State Legislative Assembly. Once he has made his choice, he shall inform whichever is appropriate to such person, in writing under his hand, his resignation as a member of the Local Council or Municipal Council or Lok Sabha/Rajya Sabha/State Legislative Assembly the concerned authority. The Commissioner or the Chief Electoral Officer, as the case may be, shall then declare the seat vacant as the case may be so vacated by notification in the Official Gazette.

If, within 7 days from the declaration of the election result or publication of these Rules as aforesaid, the elected person fails to vacate either of the seats of Local Council or Municipal Council or Lok Sabha/Rajya Sabha/State Legislative Assembly, the following rules shall apply:

(1) "Sitting Local Council member elected to the Municipal Council shall be deemed to prefer the Municipal Council. His election to the Local Council shall become null and void and the Commissioner shall declare his seat vacant at the Local Council".

(2) "Sitting Municipal Council member elected to the Lok Sabha/Rajya Sabha/State Legislative Assembly shall be deemed to prefer the latter. His election to the Municipal Council shall become null and void and the Commissioner shall declare his seat vacant at the Municipal Council".

L. Tochohng,
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