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NOTIFICATION

THE MARAAUTONOMOUS DISTRICT COUNCIL (CONSTITUTION, CONDUCT OF BUSINESS etc.) (AMENDMENT) RULES, 2011

A BILL

further to amend the Mara Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2002 and the Mara Autonomous District Council (Constitution, Conduct of Business etc.) (Amendment) Rules 2003 (herein after called the "Principal Rules"), the Mara Autonomous District Council, in exercise of the Powers conferred by sub-paragraph (7) of paragraph 2 of the Sixth Schedule to the Constitution of India, read with Paragraph 20 B, with approval of the Governor of Mizoram, makes the following amendments rules :-

Be it enacted by the Mara Autonomous District council in the sixty-second year of the Republic of India as follows :-

1. *Short Title and Commencement*
 - (1) These Rules may be called the Mara Autonomous District Council (Constitution, Conduct of Business etc.) (Amendment) Rules, 2011.
 - (2) They shall come into force with effect from the date of their publication in the Official 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.

 - (Q) (i) **"Opposition Leader"** means a leader of the opposition members having one third of the elected members from a single 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.

Proviso of sub-rule (4) of Rule 2 of the Mara Autonomous District Council (Constitution, Conduct of Business etc.) (Amendment) Rules, 2003 shall be substituted as follows :-

Provided that the Chief Executive Member shall recommend the names of persons eligible to be nominated as members and furnish all documentary proofs in support of their qualifications for such appointment.

Provided further that "Not less than two (2) nominated Members shall be women".

3. *Amendment of Rule 5.*

Rule 5 of the Principal Rules shall stand omitted.

4. *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 as provided in Chapter XIII to Chapter XXII of the Mara Autonomous District Council (Constitution, Conduct of Business, etc.) Rules, 2002 as amended from time to time.

5. *Amendment of Rule 12.*

Proviso of clause (a) of sub-rule (5) of Rule 12 of the Principal Rules shall stand omitted and new clause (c) shall be inserted, namely :-

"(c) If he votes or abstains from voting in the District Council Session contrary to any direction issued by the political party to which he belongs or by any person or authority authorized by it in this behalf, without obtaining, in either case the prior permission of such political party, person or authority, and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention".

6. *Amendment of Rule 22.*

After sub-rule (6) of Rule 22 of the Principal rules, new sub-rule (7) shall be inserted, namely :-

(1) "(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.

(2) 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".

7. *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.
8. *Amendment of Rule 149.* In Rule 149 of the Principal Rules, for the word 'Governor' the words "State Election Commission," shall be substituted.
9. *Amendment of Rule 151.* In Rule 151 of the Principal Rules, for the word 'Governor' the words "State Election Commission," shall be substituted.
10. *Amendment of Rule 153.* In Rule 153 of the Principal Rules, for the word 'Governor' the words "State Election Commission," shall be substituted.
11. *Amendment of Rule 154.* In Rule 154 of the Principal Rules, for the word 'Governor' the words "State Election Commission," shall be substituted.
12. *Amendment of Rule 156.* For sub-rule (2) of Rule 156 of the Principal Rules, the following rules shall be substituted, namely :-
 - (1) "At Elections in every constituency where a poll is taken, votes shall be given by pressing on the button in the balloting unit of an EVM in the manner hereafter provided in these rules, and no votes shall be received by proxy".
 - (2) Sub-rule (3) of Rule 156 of the Principal Rules, for the words "ballot box" the words "Electronic Voting Machine" shall be substituted.
13. *Amendment of Rule 158.* In sub-rule (1) and (2) of Rules 158 of the Principal Rules, for the word 'Governor' the words "State Election Commission" shall be substituted.
14. *Amendment of Rule 161.* In sub-rule (4) of Rules 161 of the Principal Rules, for the word 'Governor' the words "State Election Commission" shall be substituted.
15. *Amendment of Rule 162.*
 - (1) In sub-rule (1) of Rules 162 of the Principal Rules, for the word 'ballot box or boxes' the words "Electronic Voting Machine" shall be substituted.
 - (2) Sub rule (2) of Rule 162 of the Principal Rules, for the word "Governor" the words "State Election Commission" shall be substituted.
16. *Amendment of Rule 163.* In sub-rule (1), (2) and (3) of Rules 163 of the Principal Rules, for the words 'ballot box & boxes' the words "Electronic Voting Machine" shall be substituted.
17. *Amendment of Rule 164.* Sub-rule (1) of Rule 164 of the Principal Rules shall be substituted by the following words, 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 as may be present at such station that the Electronic Voting Machine is empty, and shall then lock it up".
 - (2) sub-rule (2) of Rule 164 of the Principal Rules shall stand omitted.

18. *Amendment of Rule 166.* (1) In sub-rule (1) of Rule 166 of the Principal Rules, For the words "the voter has received the ballot paper to which he or she is entitled", the words "the voter has casted his or her vote" shall be substituted.
(2) sub-rule (3) of Rule 166 of the Principal Rules shall stand omitted.
19. *Amendment of Rule 168.* Rule 168 of the Principal Rules shall be substituted as follows, namely :-
"A voter shall go inside the polling compartment and press on button in the balloting unit of the EVM opposite to the election symbol of the candidate for whom he or she wishes to vote and come out of polling compartment".
20. *Amendment of Rule 169.* In Rule 169 of the Principal Rules, for the words "ballot paper" the words "Electronic Voting Machine" shall be substituted.
21. *Amendment of Rule 170.* Rule 170 of the Principal Rules shall stand omitted.
22. *Amendment of Rule 174.* Rule 174 of the Principal Rules shall stand omitted.
23. *Amendment of Rule 177.* Clause (1) of Rule 177 of the Principal Rules, for the words "ballot box" the words "Electronic Voting Machine" shall be substituted and clauses (ii), (vi) and (vi) shall stand omitted.
24. *Amendment of Rule 179.* (1) In sub-rules (1) and (2) of Rule 179 of the Principal Rules, for the word 'Governor' the words "State Election Commission" shall be substituted.
(2) In sub-rule (2) of Rule 179 of the Principal Rules, for the words "ballot boxes" the words "Electronic Voting Machines" shall be substituted.
25. *Amendment of Rule 208.* Sub-rule (4) of Rule 208 of the Principal Rules shall stand omitted.
26. *Amendment of Rule 220.* (1) In sub-rule (1) of Rule 220 of the Principal rules, for the words "ballot paper" the words "Electronic Voting Machine" shall be substituted.
(2) sub-rule (3) of Rule 220 of the Principal Rules shall stand omitted.

STATEMENT OF OBJECTS AND REASONS

For better and smooth functioning of the District Council, the Mara Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2002, and the Mara Autonomous District Council (Constitution, Conduct of Business etc.) (Amendment) Rules, 2003 is hereby amended by the Mara Autonomous District Council in the sixty second year of the Republic of India.

Hence the Bill.

S. Khipo,
Chief Executive Member,
Mara Autonomous District Council, Siaha.