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**THE
ASSAM AUTONOMOUS DISTRICTS
(Constitution of District Councils)
Rules, 1951, (As Amended)**

FOREWORD TO THIRD REPRINT

Since the second reprint of the Assam Autonomous districts (Constitution of District Councils) Rules, 1951 in 2001 the copies of the Rules have been exhausted. In the meantime several amendments have been made by the Council to this Rules. Several notifications have also been issued by the Govt. by means of correction/addition to the provisions of this Rules. This Rules is in great demand by the Members of the Autonomous Council, other Officers of the Council, the State Govt. and the Court. Therefore, Council felt the necessity for third reprint incorporating all the amendments/correction/addition. In bringing out this third reprint hard work has been put in by the members of the staff of the Legislative Department including Shri Debanon Daulagupu, Secretary, NCHAC. Shri Rajit Karigapsa, Secretary, NCHAC. Shri Ramngeing Jeme, Supdt., Smti Demota Kemprai, Steno-I, and Shri Ningsuambul Khelma, L.D.A. of Legislative Department, N.C. Hills Autonomous Council, Haflong. I congratulate them.

Dated : Haflong
The 21.01.2022.

Shri Debolal Gorlosa
Chief Executive Member
N.C. Hills Autonomous Council,
Haflong.

FOREWORD TO SECOND REPRINT

Since the first reprint of the Assam Autonomous districts (Constitution of District Councils) Rules, 1951 in 1982 the copies of the Rules have been exhausted. In the meantime several amendments have been made by the Council to this Rules. Several notifications have also been issued by the Govt. by means of correction/addition to the provisions of this Rules. This Rules is in great demand by the Members of the Autonomous Council, other Officers of the Council, the State Govt. and the Court. Therefore, Council felt the necessity for second reprint incorporating all the amendments/correction/addition. In bringing out this second reprint hard work has been put in by the members of the staff of the Legislative Department including Shri J.B. Kemprai, Secretary, Shri D. Daulagupu, Joint Secretary, Shri R.K. Buongpui, Supdt., Shri I. Chongloi, U.D.A., Smti Demota Kemprai, Steno and Smti Leelamma Baby, Typist. I congratulate them.

Dated : Haflong
The 22nd Nov/2001

Shri P. Johari
Principal Secretary (N),
N.C. Hills District Council,
Haflong.

FOREWORD

Since the inception of the N.C. Hills Autonomous District Council in 1952, the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951 has been amended several times by this District Council. It has been felt that these amendments should be incorporated to the original rule. This Constitution is also in great demand by the Members and the administrators, but it has been out of market for a long time. Hence it has been felt urgently necessary to reprint this book incorporating upto date amendments to the various enactments of the N.C. Hills Autonomous District Council. In bringing out this reprint a lot a hard work has been put in by the Members of the staff of the Legislative Department including Shri P. Johari, Secretary, District Council, Shri D.C. Naiding, U.D.A. and Shri N.L. Thapa, Stenographer, I congratulate them.

Dated : Haflong
The 1st Nov/1982

Shri K.K. Hojai
Chief Executive Member
N.C. Hills District Council,
Haflong.

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The 15th October, 1951

No. TAD/R/23/51,- In exercise of the power conferred by sub-paragraph (6) of paragraph 2 of the sixth schedule to the Constitution of India, the Governor of Assam is pleased to make the following rules for the first Constitution of the District Councils for the Autonomous Districts comprising of the tribal areas specified in Part- A of the table appended to paragraph 20 of the said schedule.

PART I Preliminary

- | | |
|---|------------------------|
| 1. (1) These rules shall be called the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951. | Title and commencement |
| (2) They shall come into force at once. | |
| 2. In these rules, except where it is otherwise expressly provided or the context otherwise requires- | Definitions |
| (1) "Autonomous District" means an area deemed as such under paragraph 1 (1) of the Sixth Schedule to the Constitution of India; | |
| (2) "Constitution" means 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) "Constituency" means the constituency for the purpose of elections to the District Council of an Autonomous District; | |
| (5) "Corrupt Practice" means any of the practices specified in rule 193 or rule 194 of these rules; | |
| (6) ¹ ["District Council" means the District Council of an Autonomous District of the North Cachar | |

Hills as defined in sub-paragraph (1) of paragraph 20 of the Sixth Schedule constituted in accordance with the rules made under the Sixth Schedule]¹

- (7) "Deputy Commissioner" includes the Superintendent, Lushai Hills and Sub-divisional Officer North Cachar Hills.
- (8) "District Fund" means the District Fund of an Autonomous District constituted under paragraph 7 of the Schedule;
- (9) ²["Executive Committee" means the Executive Committee of the District Council of the North Cachar Hills Autonomous District]²
- (10) "Election" means an election to fill a seat or seats in the District Council of an autonomous district;
- (11) "Elector" in relation to a constituency means a person whose name is for the time being entered in the electoral roll of that constituency;
- (12) "Gazette" means the Assam Gazette;
- (13) "Governor" means the Governor of Assam;
- (14) "Illegal practice" means any of the practices specified in rule 195 of these rules;
- (15) "Member" means a member of the District Council;
- (16) "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;
- (17) "Resolution" means a motion for the purpose of discussing a matter of general public interest;
- (18) "Schedule" means the Sixth Schedule to the Constitution;
- (19) "Schedule tribes" means such tribe as are specified by order made by the President under Article 342 (1) of the Constitution as modified by law made by Parliament from time to time, in so far as the specification pertains to the autonomous district of Assam;

1. *Amended by the Constitution of the North Cachar Hills District Council (1st Amendment) Act, 1955.*

2. *- do -*

(20)“Session” means the whole period from the time the District Council is duly assembled 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 constitution.

3. (1) 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 Legislature of the state of Assam, as the case may be.

Interpretation
of case of
doubt

(2) Subject to the provisions of sub-rule (1), if any question arises as to the interpretation of these rules it shall be referred for the decision of the Governor and the decision of the Governor shall be final.

4. If any difficulty arises as to the functioning of any District Council or the holding of any election to the District Council under these rules, or any other matter connected therewith, the Governor may, by order, do anything not inconsistent with these rules or any provisions of the Constitution or any order made there under or an Act of Parliament or of the Legislature of the State of Assam which appears to him to be necessary for the proper functioning of, or holding of elections to be District Council, as the case may be.

Provisions for
removal of
difficulties.

PART II
District Council-Composition-Officers
Executive Committee
CHAPTER I
GENERAL

5. There shall be a District Council for each autonomous district specified in Part A of the table appended to paragraph 20 of the Schedule, viz, the United Khasi-Jaintia Hills, the Garo Hills, the Lusai Hills, the Naga Hills, the North Cachar Hills and the Mikir Hills. Each District Council shall be body corporate by name of the “the District Council of (name of district:’ the District Council of (name of district)’ shall have perpetual succession and a common seal and shall by the said name sue and be sued.

Constitution
of District
Council

6. (1) The District Council for each autonomous district shall consist of a specified number of members both elected and nominated. The composition of the District Council for each autonomous district and the allocation of seats therein as between elected and nominated members shall be as specified in Appendix I to these rules.

Composition
of District
Council

(2) The constituency for election of the District Council for each autonomous district shall be territorial. The constituencies, the extent thereof and the number of seats to be filled in each of them shall be as specified in Appendix II to these rules.

¹[(3) The nominated members shall be appointed by the Governor and a member so appointed shall hold office during the pleasure of the Governor”]¹

1. *Inserted vide Govt. Notification No. TAD/R/ 23/51 dated 7.3.1952 and Substituted by the constitution of the North Cachar Hills District Council (Sixth Amendment) Act, 1967*

7 (1) Every District Council unless sooner dissolved shall continue for five years from the date appointed for its first meeting.

Provided that the said period may be extended by the Governor by notification in the Gazette for a period not exceeding one year at a time.

Composition
of District
Council

¹[(2) Subject to the provisions of sub-rule (3) of Rule 6 all members both elected and nominated shall hold office during the life of the District Council]¹

Provided that the member elected or nominated to fill casual vacancy shall hold office for the remainder of the term of office of the member whom he replaced.

(3) Notwithstanding anything contained in this rule, 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.

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

Qualification
for
membership

(a) is a citizen of India;

(b) is not less than twenty-five years of age; and

(c) is entitled to vote at the election of members of the District Council of that Autonomous District.

9. The District Council of an autonomous district shall be summoned to meet once in every three months provided that it may be summoned oftener, in the event of an emergency, in the manner prescribed in rule 36.

Session of
District
Council

1. Substituted by the Constitution of the North Cachar Hills District Council (Fourth Amendment) Act, 1958.

CHAPTER II OFFICERS OF THE DISTRICT COUNCIL

10. (1) ¹[“ There shall be a Chairman and a Deputy Chairman of the District Council, who shall be elected by the District Council in manner provided in rules 32 and 33”]¹

(2) The Deputy Commissioner or the Sub-divisional Officer, as the case may be of the Mikir Hills and the North Cachar Hills shall be the Chairman ex- officio of the respective District Council as provided in the second provision to sub-paragraph (7) of paragraph 2 of the Sixth Schedule to the Constitution.

(3) The District Councils of the Mikir Hills and the North Cachar Hills may elect, in the manner provided for in rule 33, a member of the respective Council to be the Deputy Chairman thereof.

11. A member holding office as Chairman of the District Council ²[.....]² or as Deputy Chairman of the District Council-

Vacation of
office of
Chairman and
Deputy
Chairman

(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 rule 107.

1. Substituted by the Constitution of the North Cachar Hills District Council (Fifth Amendment) Act, 1958.

2. Deleted by the Constitution of the North Cachar Hills District Council (Fifth Amendment) Act, 1958.

12. (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 the Deputy Chairman is also vacant by such member of the District Council as the Governor may appoint for the purpose.

Performance
of duties of
Chairman
when his
office is
vacant

(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 34 shall act as Chairman.

13. (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 12 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Chairman or, as the case may be, the Deputy Chairman is absent.

Chairman and
Deputy
Chairman not
to preside in
certain
cases

(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 25, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

14. 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.

Secretary to
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.

15. Subject to the previous approval of the Governor, 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:

Condition of
service of
officers and
staff

Provided that until rules are made by the District Council under this rule, the conditions of service of such officers and staff of the Council shall be regulated by orders to be issued by the Governor and in the absence of such orders by the relevant rules applicable to officers and staff under the rule making control of the Government of Assam, subject to such restrictions or modifications as the Governor may direct in the case of a particular appointment or class or classes of appointments.

CHAPTER III DISQUALIFICATIONS OF MEMBERS

16. (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 Districts Councils, then at the expiration of twenty one 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 Councils of all such autonomous districts shall become vacant, unless he has previously resigned his seats in the Districts Councils of all but one of the autonomous districts. Such vacancy or vacancies shall be notified by the Governor in the Gazette.

Vacation
of seats

(2) If a person is elected to more than one seat in the District Council of an autonomous district, then unless within twenty-one days from the date of publication in the Gazette of the name of that person as having been so elected or, where such publication has been made on different dates, unless within twenty-one 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 a vacancy or vacancies shall be notified by the Governor in the Gazette.

¹[(3) In the event of any vacancy arising in a constituency under sub-rule (1) or (2), the Governor shall, by a notification in the Gazette, call upon the Constituency to elect a new 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.]¹

Council
By-election

(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 thirty days a member of a District Council is without permission of the Council absent from all meeting thereof, the Council may declare his seat vacant:

Provided that in computing the said period of thirty days no account shall be taken of any period during which the Council is prorogued or is adjourned for more than three consecutive days.

1. Substituted by the Constitution of the North Cachar Hills Autonomous Council (Forty-first Amendment) Act, 2012.

(6) Where a seat becomes vacant under the provisions of sub-rule (4) or (5), the Governor shall, by notification in the Gazette, declare it to be so vacant.

17. (1) A person shall be disqualified for being elected as, and for being, a member of the District Council of an autonomous district-

(a) if he is salaried servant of the Government of India or the Government of any state specified in the First Schedule to the Constitution or is an employee of District Council or of a Regional Council;

Disqualifications
for
membership

(b) if he is of unsound mind and stand so declared by a competent Court, or such other authority as may be recognised by the Governor;

(c) if he is an undischarged insolvent;

(d) if he is not a citizen of India or has voluntarily acquired the citizenship of a foreign state, or if under any acknowledgement of allegiance or adherence to a foreign state.

(e) if, whether before 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 entailing disqualification for membership of the District Council of an autonomous district, unless such period has elapsed and has been provided in that behalf in the said rule 208 or rule 209, as the case may be;

(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 or to imprisonment for not less than two years, unless a period of five years, or such less period as the Governor 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, he has failed to lodge a return of election expenses within the time and in the manner prescribed in rule 173, unless five years have elapsed from the date on which the return ought to have been lodged or the Governor has removed the disqualification;

(h) if, having held any office under the Government of India or the Government of any state or the District Council of any autonomous district or the regional council of any autonomous region, he has whether before or after the commencement of these rules, been dismissed for corruption or disloyalty to the state, unless a period of five years has elapsed since his dismissal;

Provided that-

(i) a disqualification under the clause (e) clause (f) of this sub-rule shall not, in the case of a person who becomes so disqualified by virtue of a conviction or a conviction and a sentence and is at the date of the disqualification a member of the District Council of an autonomous district take effect until three months have elapsed from the date of such disqualification, or if within these three months an appeal or petition for revision is brought in respect of the conviction of the sentence, until the 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 Governor may in any particular case allow;

(iii) a disqualification under clause (h) of this sub-rule may, in the case of any of the candidates for the first elections under these rules, being moved by the Governor for reasons to be recorded by him in writing.

(2) For the purposes of this rule a person shall not be deemed to be an employee of a District Council or a Regional Council by reason only of his being a member of the Executive Committee of that District Council or Regional Council.

(3) Nothing in this rule shall restrict the power of the Governor to nominate a person who is a salaried servant to be a member of the District Council but a member so nominated, shall, notwithstanding anything contained in rule 25, not be entitled to vote on any matter during the proceedings of the Council.

¹[(4) For the purpose of clause (a) of sub-rule (1), a person shall not be deemed to be a salaried servant of the Government or any employee of the District Council in the autonomous district by reason only that he holds an office of Siem, Sirdar, Lyngdo, Wabadadar, Doloi, Chief Nokma, Laskar, Gaonbura or other customary head of a tribal institution, as the case may be, whether called by this or any other title, who is recognized as such by the Government or of her competent authority.]¹

18. If any question arises as to whether a member of a District Council has become subject to any of the disqualifications mentioned in sub-rule (1) of rule 17, the question shall be referred for the decision of the Governor and his decision shall be final.

Decision on
question as
to disqualifi-
cations of
members

²[18 A. Provision as to disqualification on ground of defection –

(1). Interpretation-

In this rule, unless the context otherwise requires-

(a) “Council” means the North Cachar Hills Autonomous Council as specified under paragraph 20 of the Sixth Schedule to the Constitution;

(b) “Party”, in relation to a member of the Council belonging to any political party in accordance with the provisions of sub-rule (2) and sub-rule (4) of this rule, means the group consisting of all the members of the

1. Inserted vide Govt. Notification No. TAD/R/23/51, Dtd. 8.11.1951.

2. Inserted vide Govt. Notification No. L-REG/1/2012-17/161/ Dated 15.02.2018.

Council for the time being belonging to that political party in accordance with the said provision;

(c) "Original political party", in relation to a member of the Council means the political party to which he belongs for the purposes of clause (a) of sub-rule (2) of this rule.

(2). Disqualification on ground of defection-

(a) Subject to the provisions of this sub-rule and sub-rule (3) and (4) of this rule, a member of the Council belonging to any political party shall be disqualified for being a member of the council,-

(i) if he has voluntarily given up his membership of such political party; or

(ii) if he votes or abstains from voting in the Council contrary to any direction or whip 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.

Explanation:- For the purposes of this sub-rule, a nominated member of the Council shall,-

(i) where he is a member of any political party on the date of his nomination as such member, be deemed to belong to such political party;

(ii) in any other case, be deemed to belong to the political party of which he becomes, or, as the case may be, first becomes, a member before the expiry of six months from the date on which he take his seat after taking oath under rule 24 of these rules.

(b) An elected member of the Council shall,-

(i) be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member,

(ii) be disqualified for being a member of the Council if he joins any other political party after such election.

(c) An elected member of the Council, who has been elected as an independent candidate or other than a candidate set up by a

political party. However, such member shall be disqualified for being a member of the Council if after becoming a member of any political party; he joins in any other political party.

(d) A nominated member of the Council shall be disqualified for being a member of the Council if he joins any political party after the expiry of six months from the date on which he take his seat after taking oath under rule 24 of these rules.

(e) Notwithstanding anything contained in the foregoing provisions of this sub-rule, a person who, on the date of commencement of the Constitution of North Cachar Hills Autonomous Council (Forty-second Amendment) Act, 2017, is a member of the Council (whether elected or nominated as such) shall,-

(i) where he was a member of a political party immediately before such commencement, be deemed, for the purposes of clause (a) of this sub-rule, to have been elected as a member of the Council as a candidate set up by such political party.

(ii) in any other case, be deemed to be an elected member of the Council who has been elected as such otherwise than as a candidate set up by any political party for the purposes of clause (c) of this sub-rule or, as the case may be, be deemed to be a nominated member of the Council for the purposes of clause (d) of this sub-rule.

(3) Disqualification on ground of defection not to apply in case of merger-

(a) A member of the Council shall not be disqualified under clause (a) of sub-rule (2) of this rule where his original political party merges with another political party and he claims that he/she and any other members of his original political party, -

(i) have become members of such other political party or, as the case may be, of a new political party formed by merger; or

(ii) have not accepted the merger and opted to function as a separate group, and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party for the purposes of this sub-rule.

(b) For the purposes of clause (a) of this sub-rule, the merger of the original political party of a member of the Council shall be deemed to have taken place if, and only if not less than two-thirds of the members of the party concerned in the Council have agreed to such merger.

(4) Exemption-

Notwithstanding anything contained in this rule, a person who has been elected to the office of the Chairman or the Deputy Chairman of the Council, shall not be disqualified under this rule-

(a) if he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not, so long as he continues to hold such office thereafter, rejoin that political party; or

(b) if he, having given up by reason of his election to such office his membership of the political party to which he belonged immediately before such election rejoins such political party after he ceases to hold such office.

(5) Decision on questions as to disqualification on ground of defection-

If any question arises as to whether a member of the Council has become subject to disqualification under this rule, the question shall be referred for the decision of the Chairman of the Council and his decision shall be final:

Provided further that an appeal by any member shall be against such decision of the Chairman and an appeal by the Chairman against the decision of such member elected for the purpose, as the case may be, before the Governor and his decision (disclosing reasons and grounds thereof) shall be final.

Provided further that an appeal by any member shall lie against such decision of the Chairman and an appeal by the Chairman against the decision of such member elected for the purpose, as the case may be, before the Governor and his decision (disclosing reasons and grounds thereof) shall be final.

(6) Bar of jurisdiction of courts.-

Notwithstanding anything in these rules, no court shall have any jurisdiction in respect of any matter connected with the disqualification of a member of the Council under this rule.

(7) Rules.-

(a) Subject to the provisions of clause (b) of this sub-rule, the Chairman of the Council may make rules for giving effect to the provisions of this rule, and in particular, and without prejudice to the generality of the foregoing, such rules may provide for,-

(i) the maintenance of registers or other records as to the political parties, if any, to which different members of the Council belong;

(ii) the report which the leader of a party in relation to a member of the Council shall furnish with regard to any condonation of the nature referred to in sub-clause (ii) of clause (a) of sub-rule (2) in respect of such member, the time within which and the authority to whom such report shall be furnished;

(iii) the report which a political party shall furnish with regard to admission to such political party of any members of the Council and the officer of the Council to whom such reports shall be furnished; and

(iv) the procedure for deciding any question referred to in sub-rule (5) of rule 18A and sub-rule (3) of rule 107 including the procedure for any inquiry which may be made for the propose of deciding such question.

(b) The rules made by the Chairman of the Council under clause (a) of this sub-rule shall be laid as soon as may be after they are made before the Council for a total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the Council and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(c) The Chairman of the Council may, without prejudice to any other power which he may have under these rules direct that any

wilful contravention by any person of the rules made under this sub-rule may be dealt with in accordance with the rule framed by him under clauses (a) and (b) of this sub-rule.]²

CHAPTER IV EXECUTIVE COMMITTEE

¹[19. (1) There shall be an Executive Committee of the District Council, with the Chief Executive Member at the head and such number of Executive Members and or Deputy Executive Members as may be deemed necessary for the proper functioning of the District Council but not exceeding fourteen to exercise the functions here in after specified in rules 28, 29, 30 and 31.]¹

Formation of
Executive
Committee of
District
Council Chief
Executive
Member

(2) There shall be a Secretary to the Executive Committee. The Secretary shall be appointed by the Chief Executive Member and shall not be the member of the District Council.

²[20. The leader of the majority party shall be invited by the Governor to be appointed as the Chief Executive Member. The other Member(s) of the Executive Committee shall be appointed by the Governor on the advice of the Chief Executive Member from amongst the Members of the Autonomous Council:

Appointment
of Chief
Executive
Member and
other
members of
the Executive
Committee

Provided that in the event no political party enjoys a simple majority in the Council, in such case, the leader who claims to have support of majority of

1. Substituted by the Constitution of the North Cachar Hills Autonomous Council (Fortieth) Amendment Act, 2012.

2. Substituted by the Constitution of the North Cachar Hills Autonomous Council (Forty-Second) Amendment Act, 2017.

Members of the Autonomous Council may lay his claim before the Governor, who may invite such Member who in his opinion enjoys the support of majority of the Members of the Autonomous Council to be appointed as the Chief Executive Member of the Council :

Provided further that the Chairman and the Deputy Chairman of the Autonomous Council shall not be eligible to hold office either as Chief Executive Member or as a Member of the Executive Committee of the Autonomous Council.]²

21. (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 submit his resignation, if such member is the Chief Executive Member, to the Governor 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 Governor, such Chief Executive Member shall be deemed to have vacated office.

Vacation of
offices
Members of
Executive
Committee

(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 the rule 20.

Provided that until a new Chief Executive Member has been elected and the Executive Committee reconstituted, the Governor may, notwithstanding anything contained in sub-rule (1) of rule 19, authorize any one member or more than one member of the District Council to carry on the duties of the Executive

Committee, or may make such other arrangements as he thinks proper for carrying on the work of the District Council.

¹[(3) A Member of the Executive Committee shall be removed by the Governor on the advice of the Chief Executive Member.]¹

22. (1) The Executive Committee shall be collectively responsible to the District Council and may be removed on the vote of no confidence passed by a majority of the members of the District Council at the meeting specially convened for the purpose.

Removal of
members of
Executive
Committee

(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 forth with submit a report to the Governor 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 Governor shall appoint any member of the Council to be the Chief Executive Member and two other members of the Council as the 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 20.

23. The Executive Committee, subject to the provisions of rule 15 and in accordance with the rules prescribed in this behalf, may from time to time determine and appoint the establishment to be employed by it, and

Staff of
Executive
Committee

1. Inserted by the Constitution of the North Cachar Hills Autonomous Council (Forty-second Amendment) Act, 2017.

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 its establishment shall not exceed such limits as the Governor may fix from time to time.

PART III
CONDUCT AND PROCEDURE OF BUSINESS
CHAPTER I
GENERAL

24. 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 Governor, an oath or affirmation according to the form set out for the purpose in Appendix III.

Oath and
affirmation
of
members

25. Save as otherwise provided in the constitution and in this rules, all questions at any sitting of the 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.

Voting in
District
Councils

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

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

Powers of
District
Council to act
not with
standing
vacancies

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

Quorum

(2) If at anytime during the meeting of the District Council 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.

28. (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 of instrument shall be signed by the Chief Executive authorised in writing by the Chief Executive Member in this behalf and such signature shall be deemed to be the proper authentication of such order or instrument.

Conduct of
Executive
functions

¹[29. (1) The Executive Committee shall dispose all the matters falling within its purview, except certain matters here in after specified, which shall be referred to the District Council for final approval.]¹

Functions of
Executive
Committee

(2) The matters expected under sub-rule (1) are-

(a) cases involving any important change in the administrative system of the autonomous districts 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;

1. Substituted by the Constitution of the North Cachar Hills District Council (Sevent Amendment) Act. 1968.

(c) cases which seriously affect, or are likely to affect seriously, the peace or good government of any autonomous district or affect or likely to affect relations with any such areas;

(d) cases affecting the relations of Government with the autonomous districts;

(e) all correspondence of importance with the Government;

(f) all important appointments.

¹[30. Notwithstanding anything contained in Rule 29, 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) and (f) of sub-rule (2) of that rule, the Executive Committee may take such action thereon as the emergency appears to it to require, but every such cases shall be laid before the District Council as its next session for confirmation of the action taken by the Executive Committee or for such action as may be decided by the Council. *Savings*

Provided that every such decision taken or resolution adopted by the Executive Committee or the District Council in respect of any matter falling within its jurisdiction shall forthwith be submitted to the Sub-divisional Officer, North Cachar Hills and until such decision or resolution is approved by him no action shall be taken thereon. The Sub-divisional Officer, North Cachar Hills shall have power for a period of six years after the first constitution of the District Council, subject to the control of the Governor, to annul or

1. Substituted by the Constitution of the North Cachar Hills District Council (First Amendment) Act, 1955.

modify any resolution or decision of the District Council or to issue such instructions to the District Council as he may consider appropriate and the District Council shall comply with every such instruction issued.]]¹

31. (1) Each members of the Executive Committee shall be entrusted with specific subjects, the allocation of the subjects, the allocation of the subjects 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 appertaining to his subject or as a result of discussion at a meeting of the Executive Committee, or how so ever otherwise.

Transaction of
business of
the Executive
Committee

(2) One or the Members of the Executive Committee will be in charge of the District Fund, referred to in these rules as the Member-in-charge of the financial affairs of the District Council. The function 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 touching receipts and expenditure of the District Council;

(b) he shall be responsible for all matters relating to financial procedures and the application of the principle 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 contents of the financial statement;

(d) he shall be responsible for the 'Ways and Means' position of the District Fund.

CHAPTER II
ELECTION OF CHAIRMAN AND
DEPUTY CHAIRMAN

32. (1) When at the beginning of the new District Council or owing to the vacancy in the office of the Chairman the election of a Chairman is necessary, the Governor shall fix a date for the 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.

Election of
Chairman

(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 be, a nomination paper signed by himself as proposer any by a third member as seconder and stating-

(a) the name of the member nominated, or

(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 proposers and seconders 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

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 members of the Council.

(6) Where two or more candidates obtain an equal number of votes, the person presiding shall select the Chairman by drawing lots.

33. (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 the District Council the election of the 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 notices of the date so fixed.

Election of
Deputy
Chairman

(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 32, except that the meeting for the election of the Deputy Chairman shall be presided over by the Chairman.

34. 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 anyone 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.

Temporary
Chairman

35. (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 references to any such person so presiding.

Power of
person
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 determined by the Chairman.

CHAPTER III MEETINGS OF THE DISTRICT COUNCIL

36. (1) Subject to the provisions of sub-rules (3), the Chairman or such other person authorised by the Governor 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.

Summoning
of District
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 date fixed for the meeting.

¹[(3) The District Council shall be summoned to meet three times in the financial year commencing from the 1st day of April 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]¹

1. Amended by the Constitution of the North Cachar Hills District Council (Fifteenth Amendment) Act, 1982

Provided that in the event of an emergency the Chairman of the Council, with the previous approval of the Governor may summon the District Council oftener and at shorter notice than what has been provided in sub-rule (2):

Provided further that on receipt of a requisition signed by not less than two-thirds 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 Governor to summon a meeting of the District Council at any time he deems fit.

Language of
the District
Council

37. A member may address the Council in any of the languages spoken in the area over which the District Council exercises jurisdiction, or in any recognised language of the State;

Provided that if any member desires to address the Council in the 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 Assamese, Roman or Devnagri script which he proposes to deliver together with an English translation thereof.

Explanation-For the purpose of this rule, 'recognized language' shall include the following languages,namely, Assamese, Hindi and English.

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

Members to
rise when
speaking

39. When, for the purpose of explanation during discussion or for any other sufficient reasons, any member has occasion to ask a question of another member on any matter that under the consideration of the Council he shall ask question through the Chairman.

Explanations

40.(1) The matter of every speech shall be strictly relevant to the subject under discussion before the District Council

Limitations on debate

(2) A member while speaking shall not-

(i) reflect upon the conduct of the President of India or any Governor (as distinct from the Government of which he is the head) or any Court of law in the exercise of its judicial functions;

(ii) utter treasonable or seditious words;

(iii) use offensive expressions regarding the Union or any State Legislature;

(iv) refer to any matter of fact on which a judicial decision is pending.

(v) make a personal charge against the Chairman or another member, or

(vi) use his right of speech, after due warning from the Chairman, for the purpose of wilfully and persistently obstructing the business of the District Council.

41. No proceedings of the District Council shall be deemed to be, or over to have been, invalid by reason of any rule not being, or not having been, complied with; but in case of any such non-compliance, any member may raise a point of order.

Proceedings not invalid for failure to comply with rules.

42.(1) The Chairman shall decide all points of order which may arise, and his decision shall be final.

Decision on points of order.

(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.

43. 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.

Irrelevance or
repetition

44. (1) The Chairman shall preserve order and have all powers necessary for the purpose of enforcing his decision on all points.

Power to order
withdrawals
of member

(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 shall absent himself during the remainder of the day's meeting. If any member is ordered 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.

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

Allotment of
time for
official and
non-official
business

46. (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.

List of
business

(2) No business, not included in the list of business for the days, shall be transacted at any meeting without the leave of the Chairman.

47. (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.

B u s i n e s s
o u t s t a n d i n g
a t t h e e n d o f
t h e d a y

(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.

48. (1) If a member finds that at anytime he is unable to attend the meetings of the District Council for a period of thirty consecutive days computed in the manner provided in the sub-rule (5) of rule 16, he shall apply to the Chairman for permission of the District Council to be so absent.

V a c a t i o n o f
s e a t s b y
m e m b e r s f o r
c o n t i n u o u s
a b s e n c e .

(2) Such application shall be disposed of as if it were 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 without permission from the meetings of the District Council for a period of thirty consecutive days or more, computed in the manner provided in sub-rule (5) of rule 16, 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 Governor through the Deputy Commissioner and to the member concerned.

(6) The Secretary shall keep a list showing the attendance of each member and such list shall be made available for inspection by members.

CHAPTER IV QUESTIONS

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

Time for
questions

50. A meeting who wished 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 questions and shall, together with the notice submit a copy of the questions which he wishes to ask;

Notice of
questions

Provided that the Chairman may, with the consent of the Chief Executive Members, 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.

51. 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 primarily 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.

Power to
disallow
questions

52. The Chairman shall cause a list of business and questions to be supplied to the Deputy Commissioner, and if the Deputy Commissioner is of the opinion that any question or part thereof relates to the matter falling outside the jurisdiction of the District Council, he shall request in writing on otherwise, the Chairman not to allow the question or part thereof to be answered in the Council or he may advise the Chairman in allow the question as part thereof to be answered in such a way as may be specified by him:

Supply of list
of business
and question
to Deputy
Commissioner

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

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

Subject matter
of questions

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 not within the restriction imposed by sub-rule (1), the Chairman shall decide the point and his decision shall be final.

54. 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; Form and contents of questions
- (2) If it contains a statement by the member himself, the member asking it shall make himself responsible for the accuracy of the statements;
- (3) It shall not contain arguments, inferences, ironical expressions or defamatory statements;
- (4) It shall not ask for any expression of opinion or the solution of a hypothetical proposition;
- (5) It shall not relate to the character or conduct of any person except in his official or public capacity;
- (6) It shall not be of excessive 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.

55. In matters which are or have been the subject of controversy between the State Government and the District Council no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts. Questions regarding controversy with higher authorities.

56. The Chairman shall decide on the admissibility of a question under rule 54 and shall disallow any question which, in his opinion, is an abuse of the right of questioning or is in contravention of the rules. Chairman to decide admissibility

57. 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. List of questions

Any questions left over owing to time not being available shall be postponed to the next meeting of the District Council when they shall take precedence in the list.

58. 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.

Matters to which they shall relate

59. The Chairman may, in his discretion, allow the questions of an absent member to be put by another member duly authorized to do so in writing.

Questions of absent members

In all such cases previous intimation of such authority shall be given to Chairman.

60. When a supplementary question is asked at any meeting of the Council and the 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 of 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 47.

Members of the Executive Committee may ask for notice of supplementary questions.

CHAPTER V MOTIONS

61. (1) A matter requiring the decision of the District Council shall be brought forwarded by means of a

Motions

question put by Chairman 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 the division shall be announced by the Chairman and shall not be challenged.

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

Admissibility
of motions

63. (1) A motion shall not arise 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.

Identical
motions

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 stand in the names of two or more members the Chairman, unless the members have agreed, shall decide whose motions shall be moved and other motions shall thereupon be deemed to be withdrawn.

64. After the member who moves has spoken, the Chairman shall read out the motion to the Council after which others members including the Members of the Executive Committee may speak on the motion in such order as the Chairman may direct.

Order of
speeches

65. (1) An amendment shall be relevant to and within the scope of the motion to which is proposed.

Rules as to
amendments

(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 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.

66. (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 or any of the amendment or amendments proposed.

Order of
amendments

(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.

67. 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.

Division of
motions

68. (1) A member who has moved an original motion or an amendment any withdraw the same and thereafter there shall be no further discussion on it.

With drawal
of motions

(2) If at the time of putting the question on a motion or an amendment for the motion to the vote of the

council, the mover of the motion is absent, it shall be considered to have been withdrawn by him.

69. If debated and no withdrawn, the Chairman shall again read the motion when taking the sense of the Council upon it.

Procedure where
motion debated
and not withdrawn

70. 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.

Closure

(1) that the debate has already proceeded to a length which is consistent with the reasonable exercise of the right of free speech; and

(2) 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 61(2), it shall not be necessary to record the names of the members who support or oppose a request made under this rule.

71. (1) A motion expression 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.

Motion of no-
confidence in
the Executive
Committee

(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 places 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 members that he has not the leave of the Council.

CHAPTER VI LEGISLATION

72. (1) The District Council for an autonomous district in respect of all areas within the district except those which, are under the jurisdiction of the Regional Council, if any within the district shall make or amend laws, regulations and rules in respect of matters falling within the purview of the District Council as specified in the Sixth Schedule to the Constitution.

Power for
legislation

(2) All such proposals to make or amend laws, regulations and rules be introduced in the District Council in the form of Bills.

73. (1) Bills shall be introduced on behalf of the Executive Committee by any members of the Executive Committee and such bill shall hereinafter be referred to as 'Official Bills'.

Introduction
of Bills
Motion after
introduction

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 Bill".

(2) The Chief Executive Member, subject to the provision of sub-rule (2) shall cause every official Bill (together with the Statement of objects and Reasons accompanying it) to be published in the Gazette not less than thirty days before the commencement of the session of the District Council in which the Bill is to be introduced, and also cause the Bill to be published for the information of the public in the District in such manner as he may deem appropriate, in which case 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.

¹[Copies of all official and private members bills shall be sent to the Governor through the Deputy Commissioner sufficiently in advance and at least before publication in the Gazette]¹

²(3) (a) Notwithstanding anything contained in sub-rule (2) no bill for the enactment of which previous approval of the Governor is required under any of the provisions of the Sixth Schedule to the constitution, shall be introduced in the District Council without the previous approval of the Governor and no such bill shall be published in the Gazette until the permission of the Governor to such publication has been obtained.]²

(b) If it is found that any Bill refers to matters falling outside the jurisdiction of the District Council, the Governor may direct that the Bill shall not be introduced in the District Council and the decision of the Governor in this matter shall be final.

1. Added by the Constitution of the North Cachar Hills District Council (Second Amendment) Act, 1956.

2. Substituted by the Constitution of the North Cachar Hills District Council (Second Amendment) Act, 1956.

(c) On receipt of the orders of the Governor that the Bill shall not be introduced in the District Council, the Chairman of the Council shall not allow the Bill to be introduced.

74. (1) Not private member's Bill shall be introduced in the District Council unless the leave of the Council has been sought for and granted for the introduction of the Bill in the manner hereinafter laid down.

Notice of
Motions for
leave to
introduce Bill

(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.

75. 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 forth with send a copy of the Bill and Statement of Objects and Reasons to the Member of the Executive Committee concerned.

Notice of
private
member's
Bills-copy to
Executive
Committee

76. 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.

Publications

77. (1) As soon as may be after the notice of a motion under sub-rule (2) of rule 74 has been received, the Chairman shall fix a date for the consideration of the motion by the District Council.

Motion for
leave to
introduce a Bill

On the day appointed for the consideration of the motions 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.

78. When the 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 either at once or at some further day to be mentioned:
or

(b) that it be referred to a Select Committee; or

(c) that it be circulated for the purposes of eliciting opinion thereon:

Provided that if a member given notice of a particular motion specified in (a), (b) and (c), he 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 its use of all members, and that any member may object to a 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.

79. (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 amendment to a motion made by the member-in-charge.

Persons by whom motions in respect of Bills may be made.

(2) For the purposes of this rule “members-in-charge of the Bill” means, in the 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.

80. (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 principle.

Discussion of Bills

(2) At this stage no amendments to the Bill may be moved, but if the member-in-charge moves that the Bill-

First Reading

(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 that day 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 the Select Committee, unless the Chairman, in his discretion, allows a motion to be made that the Bill be taken into consideration.

81. (1) The member of the Executive Committee who concerned with the subject and the members who introduced the Bill, shall be members of the Select Committee.

Composition
of Select
Committee

(2) The other members of the Select Committee shall be named in the motion proposing reference in 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 if special interests affected by the measure before them.

(6) It may, for the purpose, require any person residing within the limits of the District Council to attend before it as witness or 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.

82. (1) At the time of the appointment by the Council of the members of a Select Committee the member of the members whose presence shall be necessary to constitute a meeting of the Committee shall be fixed by the Council.

Quorum of
Select
Committee

(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 the members 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 no quorum shall be required.

(5) The Secretary of the Executive Committee shall be the Secretary of the Select Committee.

83. (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.

Reports by the
Select
Committee

(2) Reports 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 re-publication.

(4) It shall be stated in the report whether the Select Committee were unanimous or otherwise in their recommendations. The whole report shall be signed by all the members of the Select Committee.

Provided that any member of the 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 sign it stating that he does so subject to his minute of dissent. He shall hand in this minute within such

time as may be fixed by the Chairman of the Select Committee.

84. The Secretary of the District Council on receipt of a complete report (including minutes of dissent, if any) of a Select Committee, with the bill as amended, from the Secretary of the Select Committee, shall cause a report and the amended Bill to be made available for the use of each member of the Council. The report with the amended Bill, shall be published in the Gazette.

Publication of Reports

85. (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.

Presentation of Report

(2) In presenting a report the member-in-charge shall, if he makes any remarks, confine himself to brief statement of fact.

86. (1) After the presentation of the final report of a Select Committee on a Bill the member-in-charge may move-

Procedure on Report after Presentation

(i) that the Bill as reported by Selected Committee be taken into consideration, but any member may object to bring 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 the discretion, allows the report to be taken into consideration; or

(ii) that the Bill be re-committed, either-

(a) without respect to particular clauses or amendments only; or

(b) without limitation, or

(c) with instructions to the Select Committee to make some particular or additional provisions in the Bill.

(2) If the member-in-charge moves that the Bill be taken into consideration, any member may move, as an amendment, that the Bill be re-committed.

87. 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.

Proposals of
amendments

88. (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.

Notice of
amendment

(2) The Secretary shall cause every notice of a proposed amendment to be made available for the use of each member.

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

Order of
amendment
Second Reading

90. Notwithstanding anything in the foregoing 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 a Bill, or any part of the Bill, to the Council clause by clause. When this procedure adopted, the Chairman shall call amendments relating to have been dealt with, shall put the question "that this clause or (as the case may be) this clause as amended, stands part of the Bill".

Submission of
Bill clause by
clause

91. (1) If not amendments be made when a motion that a Bill be taken into consideration has been agreed

Passing of
Bills-third
Reading

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 pass.

(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.

92. (1) When a Bill has been passed by the District Council, the Secretary shall, if necessary, re-number the clauses, revise and complete the marginal notes thereof and make such purely formal consequential amendments there in as may be required and a copy of the Bill shall be submitted to the Chairman and shall be signed by him.

Formal revision of Bill and submission of it to Chairman for authentication and to Governor for assent.

¹[(2) After a bill has been so authenticated by the Chairman, the Secretary shall;

(a) in case the bill is one which requires the assent or approval of the Governor under any of the provisions of the Sixth Schedule to the Constitution, send an authenticated copy to the Governor through the Deputy Commissioner for his assent or approval, as the case may be and

(b) in case the bill is one that does not requires such assent or approval, send copies to the Governor, Deputy Commissioner and the Chief Executive Member]¹

1. Substituted by the Constitution of the North Cachar Hills District Council (Second Amendment) Act, 1956.

93. When a bill which has been passed is returned by the Governor to the District Council for reconsideration the point or points referred for consideration or 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.

Reconsideration
of Bill
returned by
the Governor

94. 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 Governor. 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.

Effect of laws
made by
Districts
Council

CHAPTER VII RESOLUTIONS

95. (1) A member who wishes to move a resolution, except a resolution contemplated by clause (c) of rule 11 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:

Notice of
Resolutions

Provided that the Chairman, with the consent of the Chief Executive Member, may allow a resolution to be entered in 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 Governor and pending the receipt of the orders of the Governor thereon the Chairman shall not include the resolution in the list of business.

96. On intimation of the disallowance of any resolution under sub-rule (2) of rule 95, 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 primarily 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.

Power to
disallow
resolution

97. (1) Every resolution shall be in the form of a declaration of opinion by the District Council indicating, whenever necessary, line of action to be taken by the Council.

Restriction on
subject for
discussion

(2) No resolution shall be moved in regard to any matter falling outside the jurisdiction of 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 95, 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.

98. Subject to the restrictions 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:-

Form and contents of resolution

(a) it shall be clearly and precisely expressed and shall raise a definite issue; and

Motion of withdrawal of resolution

(b) it shall not contain arguments, inferences, ironical expressions or defamatory statements, not shall it refer to the conduct or character of persons except in their official or public capacity.

99. (1) A member in whose name a resolution appears in the list of business shall, when called upon either –

Motion of Withdrawal of resolution

(a) decline to move the resolution, in which case 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.

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

Limits of Discussion

101. After the resolution has been moved, any member may, subject to all rules relating to resolutions, move an amendment to such resolution.

Amendments

102. 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.

Notice of amendment

103.(1) A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by the leave of the District Council.

Withdrawal of resolution

(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.

104. 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 47, be deemed to have been withdrawn.

Resolution not discussed

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

Copy to Governor

106. (1) Save in so far as is otherwise provided by these rules, no discussion of the matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of 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 permissible 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 subjects 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 97 shall be final subject to the provisions of sub-rule (2) of rule 95.

Restrictions
on moving
motions and
Chairman's
power to
disallow
motion
resolution for
removal of
Chairman

(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 in the list of business.

107. (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 members 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 moved, it shall be disposed of in accordance with the procedure laid down in the foregoing rules of the chapter.

¹[(3) Any resolution to remove a Member from office after disqualification under rule 18A under Chapter-III on ground of defection may be moved

without prior notice but with leave of the Chairman as provided for in sub-rule (2) of rule 46 and such resolution shall be read by the Chairman or any person presiding at the request of any Member moving the resolution and the said resolution shall be disposed of in accordance with the procedure adopted by the Chairman under clause (a) of sub-rule (7) of rule 18A, and till such Rules and adopted, in accordance with the procedure laid down in the foregoing rules of this chapter.]¹

CHAPER VIII FINANCIAL PROCEDURE

108. (1) The statement of the estimated receipts and expenditure pertaining to an autonomous district which are to be credited to, or is to be made from, the consolidated Fund of the State of Assam in respect of every financial year (hereinafter referred to in this rule as 'the District Budget') shall, as required under paragraph 13 of the Sixth Schedule, be placed before the District Council for discussion on such day in the preceding financial year as may be appointed by the Chairman or such other person authorised by the Governor in this behalf. Immediately after the District Council has discussed the District Budget, the Chairman or the person so authorised shall, notwithstanding the provisions of rule 121, report the result of the discussion to the Governor to enable him to finalise the District Budget and take steps to show it separately in the annual financial statement of the State to be laid before the Legislature of the State under Article 202 of the Constitution.

Discussion of
District
Budget

1. *Inserted vide Govt. Notification No. L-REG/1/2012-17/161 Dated 15.2.2018.*

(2) The provisions of rule 36 shall apply as regards the summoning of the District Council for the purpose envisaged in sub-rule (1).

109. (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 receipts and expenditure for that year which are to be credited to, or is to be made from, the District Fund of an autonomous district, hereinafter referred to as ' the District Council Budget'.

Annual
financial
statement

(2) All estimates of expenditure from 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, or to assent to any demand subject to a 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. (1) The Chief Executive Member shall authenticate by his signature a Schedule specifying the grants made by the District Council under the preceding rule.

Authentication
of Schedule of
authorised
expenditure

(2) The Schedule so authenticated shall be placed before the District Council but shall not be open 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. If in respect of any financial year further expenditure from the District Fund becomes necessary over and above the expenditure therefore authorised for that year, the Chief Executive Member shall cause to be laid before the District Council a supplementary

Supplementary
Statements of
expenditure

statement showing the estimated amount of that expenditure, and the provisions of the preceding rules shall have effect in relation to that statement and that to the District Council Budget and the expenditure mentioned therein.

112. (1) The District Council Budget in respect to every financial year shall be presented to the District Council on such day in the preceding financial year as the Chairman in consultation with the Chief Executive Member may appoint.

Presentation
of District
Council
Budget

(2) No discussion of the District Council Budget shall take place on the day on which it is presented.

113.(1) A separate demand shall be made in respect of the grant proposed for each section of the District Council.

Demands for
grants

(2) Each demand shall contain, first, a statement of the total grant proposed, and then a statement of the detailed estimates under each grant, divided into items.

(3) Subjects to the provisions of these rules, the District Council Budget shall be prepared and presented with necessary adaptation under the heads, sub heads, minor heads etc. in the form shown in Appendix IV. 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. The District Council Budget shall be dealt with by the District Council in two stages, namely:

Discussion of
District
Council
Budget

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

115.(1) On a 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.

General discussion of right of reply by member-in-charge of financial affairs and time limit of speeches.

(2) The member-in-charge 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.(1) The voting of demands of grants shall take place on such days not exceeding one week as the Chairman may allot for the purpose.

Voting of demands

(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 days so allotted, the Chairman shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants; 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.(1) Notwithstanding anything contained in the preceding rules, on any day or days subsequent to the presentation of the District Council Budget which may

Vote on account, votes of credit and exceptional grants

be appointed by the Chairman for the purpose, motions may be 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 and 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 shall *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 a grant or grants made under sub-rule (1), and the approval of the Council shall be obtained thereon.

118. (1) No motion for appropriation can be made except on the recommendation of the Chief Executive Member communicated to the District Council, Motion at this stage

(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 item or unit of appropriation composing the grant.

(3) if any such motions be carried out by the District Council the decision would be final under rule 110.

(4) When tabling a motion for reduction, if it be for 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 reductions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the Budget ordinarily, the largest reduction under the 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 a motion to refuse or reduce any demand shall be given to the Secretary of the District Council on day before the day on which the demand is to be taken up for consideration.

Notice of
motions

120.(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 therefor.

Statement of
Supplementary
or additional
grants

(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 thereto.

CHAPTER IX MISCELLANEOUS

121. (1) The Secretary of the District Council shall cause a full report of the proceedings of the Council at each of its meetings to be prepared as soon as possible after such meeting. He shall send a copy of such report to every member and to the governor through the Deputy Commissioner and the Chief Executive Member.

Proceedings
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.

122. 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 a list of all Select Committees' sitting;

(6) to assist the District Council and all Select Committees' in such manner as they may direct;
Chairman's power to regulate conduct of Business not provided for in the rules.

(7) to write all letters directed by the Chairman of the District Council to be written.

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

123. 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**

124. (1) A general election shall be held under these rules for the first constitution of the District Council of an autonomous district, and thereafter for the reconstitution of the District Council on the expiration of the duration thereof or on its dissolution, as the case may be.

Holding of
General
Elections
Reconstitution
of District
Council

(2) For the first constitution, of the District Council or, on such expiration or dissolution, the Governor shall, by notification in the Gazette, call upon every constituency to elect a member or members in accordance with these rules within such time as may be specified in such notification:

Provided that, if the Governor thinks fit, the said notification may be issued at any time not being more than three 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 first general election to be held under these rules the said notification may be issued when the Governor thinks fit.

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

Publication of
Results of the
G e n e r a l
Election

126. (1) When the seat of an elected member of a District Council becomes vacant or the election of a member is declared void, the Governor shall, by

Casual
Vacancies

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 nominated member, the Governor shall nominate to the vacancy a person having the necessary qualification under these rules.

127. If any person, having been elected or nominated, is found to have been subject at the time of his election or nomination, is found to have been subject at the time of his election or nomination to any of the disqualifications prescribed in rule 8 or 17, the governor may, if the disqualification has not been removed, declare, by notification in the Gazette, his seat to be vacant.

Effect of
disqualification

CHAPTER II

FRANCHISE ELECTORAL ROLLS

128. (1) Save in so far as is otherwise provided in these rules, every person who is-

Qualification
for electors

(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 twenty-one ¹[the word "twenty-one" has been substituted by the word "eighteen"]¹ on the qualifying date;

(c) not of unsound mind and does not stand so declared by a competent Court, or such other authority as may be empowered by the Governor in this behalf;

1. Substituted vide the constitution of North Cachar Hills District Council (Twenty-first amendment) Act, 1993

(d) for the time being not disqualified from voting under the provisions of any law relating to corrupt or illegal practices and other offences 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 specified in item I of Part I-Assam, of the Schedule to the constitution (Schedule Tribes) order, 1950, shall not be entitled to so vote unless he is permanently resident within the territorial limits of the said autonomous district:

¹[Provided further that the Chakmas, Tripuras and Rlangs (Tuikuk) resident in the Lusai Hills autonomous district shall be entitled to vote at the election to the District Council of that District in the same manner as any Lushai (Mizo) tribes]¹

(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 People 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 his 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 twelve 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”-

1. Inserted vide Govt. Notification No. TAD/R/23/51/17 dated 12.11.1951.

(a) in the case of electoral rolls first prepared under these rules, shall be the first day of March, 1950, and the period beginning on the first day of April, 1947 and ending on the 31st day of December 1949 respectively.

(b) in the case of every electoral roll subsequently prepared under these rules, shall be the first day of March of the year in which it is prepared and the year immediately preceding that year respectively.

129.(1) There shall be an electoral roll for every territorial constituency for election to the District Council of an autonomous district.

Electoral roll
for every
Constituency

(2) Subject to the provisions of the rule 128, the electoral rolls for the areas comprised within an autonomous district for the purpose of elections to the Legislative Assembly of Assam prepared in accordance with the provisions of the Representations of the People Act, 1950 (XLIII of 1950) ¹[and the Rules issued thereunder from time to time] ¹ shall be deemed to be the electoral rolls for the corresponding areas of that autonomous district for the purpose of elections to the District Council of the said autonomous district.

Electoral rolls

Provided that the name of any person who becomes disqualified for voting under the proviso to sub-rule (1) of the rule 128 shall be forthwith struck off the roll in which it is included:

Provided further that if the disqualification for voting under the proviso to rule 128 (1) incurred by any person whose name has by the reason thereof been struck off the electoral roll under the foregoing proviso, be removed during the period the said electoral roll is

1. Substituted vide Govt. Notification No. TAD/R/5/61 dated 17.1.1962

in force, the name of such person shall forthwith be reinstated in the electoral roll.

(3) The Returning Officer shall make the correction of reinstatement, as the case may be, referred to in the provisions to sub-rule (2) or shall cause such correction or reinstatement to be made, in all copies of the electoral roll which will remain in his custody and possession for the purpose of elections to the District Council. But before such correction or reinstatement 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 or reinstated in the electoral roll, as the case may be, and cause it to be hung up in the Court of the Deputy Commissioner or the 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 the 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. The 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 or reinstatement so made or caused to be made in an electoral roll shall be initialled and dated by the officer who makes the correction or reinstatement.

(4) The electoral roll or a constituency of the Assam Legislative Assembly or so much of it as relates to the areas comprised within the 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 shall remain in force for the same period as an Assembly electoral roll under section 24 of the Representation of the People Act, 1950 (XLIII of 1950)

CHAPTER III RETURNING OFFICER

130. (1) The Returning Officers for the constituencies mentioned in the first column of Appendix V to these rules shall be the persons respectively specified in the corresponding entry in the second column thereof .

List of
Returning
Officers

(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 person shall not perform any of the function of the Returning Officer which relate 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.

131. Notwithstanding anything in the foregoing rule 130, the Governor may, by notification in the Gazette, appoint such other officer or officers as Returning Officer (s) for the purpose of election to the District Council of an autonomous District.

Appointment
of Additional
Returning
Officers

132. 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 rule or any provisions of the Constitution.

Decision of
Returning
Officer is final

CHAPTER IV NOMINATION OF CANDIDATES

133.(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.

Nomination
and steps to
be taken
there under

(2) The Governor 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 nominations;

(b) a further date or dates on which a poll shall, if necessary, be taken; and the date so fixed shall be notified in the constituency in such manner as the Returning Officers thinks fit.

(3) On or before the date so appointed for the nomination of candidates, 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 afternoon deliver to the Returning Officer, or to such other person as may be authorised in this behalf by the Returning Officer a nomination paper completed in the form specified in Appendix VI assenting to the nomination and by two persons referred to sub-rule (4) as proposer and seconder.

(4) Any person 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 candidate that the candidate has appointed or

does thereby 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 VII to these rules and no candidate shall be deemed to be duly nominated unless such declaration is made on the nomination paper.

¹[Provided that the symbols reserved by the Election Commission of India for Seven multi State Parties or various single State Parties recognized by it in the Notification No. 56/73-1 dated the 29th March, 1973 as published in the Assam Gazette (Extraordinary) dated 5th April, 1973, ²[as amended from time to time]² shall not be allotted to the candidates unless he is set up by such a party in elections to the District Council, on fulfilment of the following conditions :

(a) The candidate has made the declaration to that effect in his nomination paper.

(b) A notice in writing to the effect has been delivered to the returning officer.

(c) The said notice is signed by the President, the Secretary or any other office bearer of the party and the President, Secretary or such other, office bearer as authorised by the party to send such notice and the name and specimen signature of the President, the Secretary or such other office bearer are communicated in advance to the returning officer]¹

1. *Substituted by the Constitution of the North Cachar Hills District Council (Thirteenth Amendment) Act, 1978.*

2. *Inserted by the Constitution of the North cachar Hills District Council (Seventeenth Amendment) ACT, 1984.*

(7) Any nomination paper which is not received before three o'clock in the afternoon on the date fixed by the Governor for the nomination of candidates, shall be rejected.

(8) The Returning Officer or any other Officer authorized 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 nomination 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 the rule 135. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

**Note* – A telegram address, to the Returning Officer purporting to come from the 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 or other person authorised 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.

134. (1) At the time of delivery of a nomination paper under sub-rule (3) of rule 133, each candidate shall submit with the nomination paper a Treasury Challan showing that the 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.

Deposit on
Nomination

(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 is refused, the deposit should be returned to the candidate; and if any 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 a number of votes polled by him does not exceed one-eighth 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 candidates 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 returned as soon as may be after the publication of the result of the election in the Gazette.

135. (1) After 3 p.m. on the date fixed by the Governor for the nomination of candidates under sub-rule (2) of rule 133 the candidates, their election agents, and proposer and one seconder of each candidate, and on other person duly authorised in writing by each candidate, but no other person, may attend at such

Scrutiny of
nomination

place as the Returning Officer, may appoint and the 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 in rule 133.

(2) (a) The Returning Officer shall then examine the nomination paper 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 enquiry, 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) of rule 133.

(iii) that there has been a substantial failure to comply with any of the provisions of rule 133 or rule 134 ;

(iv) that candidate or any proposer or seconder is not substantially identical with the person whose number or 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.

Returning Officer shall not, however, refuse any nomination paper on the ground of a slight technical defect such as the wrong spelling of a name, and 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 certified 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) The 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 a brief statement of his reasons for such rejection.

(b) The scrutiny shall be completed 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 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 symbols 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 candidate 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 there in the symbols assigned to each candidate and shall cause such list to be affixed in some conspicuous place in his office.

136. 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 Governor and all proceedings with reference to the election shall be commenced a new in all respects as if for a new election :

Death of
Candidate
before poll

Provided that no fresh nomination shall be necessary in the case of the candidate whose

nomination had been valid at the time of the countermanding of the poll.

137. (1) If a 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.

Effect of
nominations

(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 as many of those seats as possible, and the Governor 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 the sub-rule, has failed to elect persons or the requisite number of persons, to fill the seat or seats, the Governor 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

138. (1) Voting at elections to the District Council shall be conducted by symbols system. The symbols to be utilised for the purpose shall be those as specified in Appendix VII to these rules.

System of
voting Symbol
System

(2) At election in every constituency where a poll is taken votes shall be given by ballot in the manner hereinafter provided in these rules, and no votes shall be received by proxy.

139. (1) No person who is not, and except as expressly provided by these rules, every person who is for the time being included in the electoral roll of any constituency shall entitled to vote in that constituency.

Right to vote

(2) No person shall vote at an election in any constituency if he is for the time being not entitled to vote under the provisions of rule 128 read with rules 210,211 and 212.

(3) No person shall vote at an election in more than one constituency, and of 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 if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police.

140. (1) The Governor 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.

Hour of
commencement
and close of
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 consent of the Governor, postpone the date or extend the period fixed for polling.

141.(1) The Returning Officer shall select for each constituency such number of polling station as he may deem necessary, and shall allot a distinctive number to each of them.

Selection of
polling
station

(2) Not less than seven days before the date or the first date of the dates fixed for the election the 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 for 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 vote 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.

142.(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;

Appointment
of Presiding
Officer and
polling Officer

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.

143.(1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted shall regulate the number of votes to be admitted at one time, and shall exclude all other persons except-

Duties of
presiding
officer at
polling
station

- (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 officers or other public servants on duty, and
- (c) such other 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 reliant 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, a polling agent, the Returning Officer may allow the appointment of another agent on 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 the rule 140 (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.

¹[143 A. Adjournment of poll in emergencies:

(1) If at an election the proceedings at any polling station provided under rule 141 are interrupted or obstructed by any riot or open violence or if at an election it is not possible to take up the poll at any polling station on account of any natural calamity or any other sufficient cause, the presiding officer for such polling station shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by a Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule (1) the Returning Officer shall immediately report the circumstances to the Governor, and shall, as soon as may be, with the previous approval of the Governor, appoint a day on which the poll shall recommence and fix the polling station at which and the hours during which, the poll will be taken and shall not count the votes cast at such election until such adjournment poll shall have been completed.

(3) In every such case as aforesaid the Returning Officer shall notify in such manner as he may consider necessary the date, place and hours of polling fixed under sub-rule (2).

143 B. Fresh poll in the case of destruction, etc. of ballot boxes –

(1) if at an election any ballot box or boxes is or are unlawfully taken out of the custody of the Returning Officer or of any Presiding Officer, or is or are in any way tampered with, or is or are either accidentally or intentionally destroyed or lost, the election to which such ballot box or boxes relate shall be void, but only in respect of the polling at the polling station or stations provided under rule 141 at which such ballot box or boxes was or were used and no further.

Sub-rule (4) of Rule 143 omitted vide Govt. Notification No. TAD/R/23/51/76 Dt. 22.1.1952

(2) Whenever the polling at any polling station or stations shall become void under sub-rule (1), the Returning Officer shall, as soon as practicable after the act or even causing such voidance has come to his knowledge, report the matter to the Governor or and shall, with the previous approval of the Governor appoint a day for the taking of a fresh poll in such or every such polling station and fix the hours during which the poll will be taken, and shall not count the votes cast at such election until such fresh poll shall have been completed.

(3) In every such case as aforesaid the Returning Officer, shall take a fresh poll in such or every such polling station on the day to appointed by him, and shall notify the day so appointed and the hours of polling so fixed by him in such manner as he may consider necessary and the provisions of these rules or orders, if any, made there under shall apply to every such fresh poll as they apply to the original poll]¹

144. Each polling station shall be furnished with a compartment in which voter can record their votes screened from observation. Arrangement for secrecy of voting

²[145. (1) Each polling station shall be provided with necessary ballot boxes by the Returning Officer. Provisions of ballot boxes and symbols at polling stations

(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 places somewhere in the middle of the polling station in full view of the Presiding Officer and the polling Agents.

1. Inserted new rules after Rule 143 vide Govt. Notification No. TAD/R/23/51/76 Dated 22.01.1952

2. Submitted vide Govt. Notification No. TAD/R/5/61 Dated 17.1.62.

(3) There shall be no symbol pasted on the ballot box. Every ballot box used at the polling station shall bear labels both inside and outside, marked with-

(a) the serial number, if any, and name of the constituency;

(b) the serial number and name of the polling station;

(c) 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

(d) 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 a mark on ballot papers by the electors.

(5) Outside and inside each polling station, there shall be affixed in a conspicuous place by the Presiding Officer before the commencement of the poll a notice showing the name of each candidate in English issued by the Returning Officer together with the symbol assigned to him.]²

146. (1) Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, 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 person as may be present at the station so that they may see that it is empty, and shall then lock it up, and place his seal upon it in such manner as to prevent its being open without breaking such seal, and shall keep it so locked and sealed.

Ballot boxes
to be locked
up and sealed
before
commencement
of poll

¹[146. (2) Where it is necessary to use the paper seal for securing the ballot box, the presiding officer shall fix in the space meant therefore in each such box a paper seal provided for the purpose. He shall also affix on such paper seal his own signature or seals of such candidates or of such election or polling agents of the candidates as may be present and may desire to affix such signature or seals. He shall then secure and seal each box in their presence in such manner that the slit in the box for insertion of ballot papers therein remains open. The paper seal so used in the ballot box shall be affixed in such manner that it shall not be possible to open the box again without breaking such seal.]¹

147. Before the polling station is open for the recording of the votes, the presiding officer shall read to such persons as maybe present the provisions of rule 198 and shall explain the substance thereof in the language or languages as maybe understood by such persons.

Maintenance
of secrecy of
voting

148. (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 officers shall ascertain the voter's name, address, his father's name or her fathers'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 is entitled. No other mark shall be made on the roll.

Procedure
before
recording of
votes

1. Added vide Govt. Notification No. TAD/R/23/51/52 Dated 2.1.1952.

(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 reasons in writing for so doing in each case.

¹[(3) On the elector's name being called out the Polling Officer incharge of the ballot papers shall ensure that distinct using mark bearing the serial number if any, of the constituency and the serial number of the polling station, is stamped on the top right hand side corner just opposite to the serial number printed on the back of the ballot paper i.e., that side of it which does not contain the name of the candidates. Then the Polling Officer shall fold the ballot paper first in the middle of the ballot paper vertically, so that the names of the candidates are covered up within the fold. He shall fold the ballot paper a second time horizontally. The he shall unfold the ballot paper with the instrument for making the ballot paper]¹

149. At every polling station arrangements shall be made for a suitable village or town officer such as a patwari (mandal) gaonbura, siem, sardar, dolo, chief, serpanch, village headman etc. to be present when the voters of such village appear to record their votes. Such officers shall sit in close proximity to the polling officer in charge of the electoral roll and shall assist him in identifying the voters calling his attention to any case of impersonation or misrepresentation when the matter shall at once be referred to the presiding officer.

Persons to be present at the polling station to assist the polling officers in identifying voters

¹[150. The elector on receiving the ballot paper and instrument shall go inside the polling compartment

and record his vote by stamping it only once on the symbol of the candidate for whom he wishes to vote, and then fold it in the same manner as it was indicated by the Polling Officer at the time of issue and come out of the polling compartment with the folded ballot paper and the instrument and insert the ballot paper onto the ballot box and hand over the instrument to the Polling Officer]¹

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

Recording of
votes of infirm
voters

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

Ballot paper
when invalid

²[153. The ballot paper shall be in the form in Appendix VIII and shall contain the name and symbol of all the contesting candidates in English. The ballot papers shall be serially numbered]²

154. If a person representing himself to be a particular voter named on the electoral roll applies for the ballot paper after another person has voted as such voter, the applicant shall, after duly answering such question as the presiding officer may ask, be entitled to cast a ballot paper in the same manner as any other voter. Such 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

Tendered
Votes

1. Substituted vide Govt. Notification No. TAD/R/5/61 Dated 17.1.72

2. Substituted vide Govt. Notification No. TAD/R/5/61 Dated 17.1.72

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 Returning Officer. The name of the 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 IX which shall bear the heading ' TENDERED VOTE LIST' . The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the relevant entry in the list.

¹[155. (1) If any candidate, election agent or polling agent declares and undertakes to prove that any person by applying for ballot paper and claiming to be a particular voter, has committed the offence of personation, the Presiding Officer shall require Votes, which shall be in the form in Appendix X, his name and address, or if he is unable to write, to affix his thumb impression thereto, and may further rewrite such person to produce evidence of identification.

Provided that no action shall be taken by the Presiding Officer under this sub-rule 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 registration, he shall not be allowed to vote, but if he does so comply and on being questioned whether he is the person enrolled in the electoral roll in force and whether he has already voted at the present election in this constituency, answer 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 enquiry 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 his 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 person 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 challenged is allowed to vote, make a note of the circumstances in the list of challenged votes.]¹

156. A voter who has inadvertently dealt with his ballot paper in such a manner that it 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, marked as cancelled.

Supply of Duplicate ballot paper when it is spoiled through inadvertence

²[157. (1) A person who is an elector for any District Council Constituency and by reason of his being employed on duty in connection with election to the Assam Legislative Assembly and House of people or the District Council at a Polling Station at which he is not ordinarily entitled to vote, may cast his vote by post. In that case, he shall submit an application in the form as prescribed in Appendix XV to the Returning Officer at least seven days before that date fixed for the poll in that constituency in which he is a voter and if the Returning Officer is satisfied that the claim is just and that the applicant is entitled to vote in that Constituency, he shall issue a ballot paper to him.

Provision for voting by persons on duty at polling station

(2) While allowing such an application the Returning Officer shall at the same time cause suitable note to be recorded in each copy of the electoral roll

1. Substituted vide Govt. Notification No. TAD/R/23/51 Dated 7.11.1951

2. Substituted vide Govt. Notification No. TAD/R/5/61
Dated 17.1.1962

in which the applicant is registered and which is intended to be used at the polling station where the applicant has been permitted to give his vote at the election by postal ballot paper.

(3) The Returning Officer shall by registered post send to each such elector a Ballot Paper in the form in Appendix XV-A and shall enter on the counterfoil of each such ballot paper, the name of the elector to whom the ballot paper is sent and his serial number in the electoral roll. The particulars in the ballot paper shall be printed in English or may be typed if the number of electors entitled to vote by postal ballot paper, at the election, is small and the name of the candidates shall be printed or typed, as the case may be, on the ballot paper in the same order in which the names if such candidates appear in the list of valid nominations at the elections published under sub-rule (1) of the 137.

(4) Along with the ballot paper, the Returning Officer shall also send-

- (a) a declaration form in Appendix XV-B
- (b) a cover addressed to himself in the form in Appendix-XVI
- (c) an envelope with the number of the ballot paper entered on its face, and
- (d) a letter in the form in Appendix-XVI.

The Returning Officer shall have the number of the ballot paper entered at the left hand bottom corner of the cover in the form in Appendix-XVI.

(5) The ballot paper together with the cover, declaration form, an envelope and the letter shall be sent to each such elector at the address given in the application made by him under rule 157 (1).

(6) After all the ballot papers have been issued under this rule, the Returning Officer shall seal up in the packet the counter foils of all such ballot papers and record on such packet the description of its contents and the name of the constituency and the date of the election to which it refers.

(7) No election shall be invalidated by reason that an elector has not received his ballot paper provided that the ballot paper has been issued to him in accordance with these rules]²

¹[158. (1) Every elector on receiving his ballot paper sent under rule 157 if he desires to vote at the election, shall record his vote thereon and sign the declaration form letters sent with the ballot paper.

Method of
voting by
persons on
duty at
polling
station

(2) The elector shall then place the ballot paper in the envelope, close the envelope and enclose it in the cover and send the cover to the Returning Officer in accordance with the instruction contained in the letter so as to reach him before 5 p.m. on the date fixed in this behalf by the Returning Officer. Any cover which it not received by the Returning Officer before 5 p.m. on the date so fixed shall be rejected. All such rejected covers shall be kept in a separate sealed packet by the Returning Officer. The Returning Officer shall keep all the covers containing postal ballot paper so received in safe custody until the commencement of the counting of votes.

(3) An elector shall obtain the attestation of his signature in the declaration form by a Magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified.

(4) When the ballot paper and other connected papers sent by post under Rule 157 are for any reason returned undelivered, the papers so returned to the Returning Officer together with the counterfoil of ballot paper in question shall be marked as cancelled by the Returning Officer. The papers so cancelled except the counterfoil of the ballot paper shall be kept in a separate envelope set apart for the purpose.]¹

159. 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

Delivery of
ballot boxes
etc, to the
Returning
Officer after
the close of
the poll

1. Substituted vide Govt. Notification No. TAD/R/5/61 Dated 17.1.1962

seal with his own seal and the seal of the candidates 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 tendered votes list;

(7) the list of challenged votes; and

(8) the envelopes referred to in the rule 157 and shall deliver such packets or cause them to be delivered to the Returning Officer.

160. The packets shall be accompanied by a statement in the form given in Appendix- XI 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 and ballot papers dealt with under rule 158 (2).

Statement by
Presiding
Officer after
close of the
poll

CHAPTER VI COUNTING OF VOTES

¹[161. (1) At an election in a constituency where the poll is taken, the Returning Officer shall appoint a date which shall be as soon as practicable after the completion of the poll throughout the constituency for the counting of votes, and shall fix the place and time at which the votes shall be counted on the date so appointed.

(2) The Returning Officer shall give notice of such date, time and place in writing to all candidates and their election agents.

(3) If, at the time so appointed for the counting of votes, all the ballot boxes used at the poll have not been received by the Returning Officer, or if from any other unavoidable cause he is unable to proceed with the counting of votes at the time and date appointed under sub-rule (1), the Returning Officer may postpone the counting to another date and time, and may fix, if necessary, another place for counting of votes on the date to which the counting has been postponed, and shall give notices thereof in writing to the candidates and their election agents.]¹

162. 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 agent or one representative of each candidate authorised in writing by the candidate, shall have the right to be present at the time of counting.

Persons who
may be
present at
the counting
of votes

²[163. On the day at the time appointed under rule 161, the Returning Officer shall, before he commences to count the votes, read out the provisions of rule 198 to such persons as may be present and shall then proceed as follows:-

(a) All the ballot boxes of the particular Constituency shall be separated from those allotted to any other Constituency and numbered and placed together, and the counting of all the ballot papers contained in the boxes allotted to the same Constituency shall be completed before the counting

1. Substituted vide Govt. Notification No. TAD/R/23/51/34 Dated 11.12.51.

2. Substituted vide Govt. Notification No. TAD/R/5/61 Dated 17.1.62.

of the ballot papers contained in the boxes allotted to any other Constituency is commenced.

(b) At first the Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(c) If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box.

(d) Before any ballot box is opened all the persons present shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that the boxes are in order.

(e) After such inspection, all the ballot boxes shall be opened one by one and the ballot papers contained therein shall be sorted out candidate wise and all the rejected ballot paper shall be kept together separately and the Returning Officer or a person authorised by him shall distribute the ballot paper conveniently to the persons appointed to assist in the counting of votes.

(f) When the ballot paper have been so distributed but not before, the Returning Officer shall allow the candidates or their election agents, or representatives as may be present, the 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.

(g) The Returning Officer shall as far as practicable proceed continuously with the counting of the votes and shall during any necessary intervals during which the counting has to be suspended, place the ballot paper, 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 precaution to be taken for their custody.

(h) After the counting of ballot papers contained in all the ballot boxes of a constituency has been completed, the Returning Officer shall open all the covers and envelopes containing the Postal ballot

papers so received by him and count all the ballot papers contained therein in the same manner as is done in the case of ballot boxes and shall record the number of the ballot papers for each candidate in a statement. He shall then also show in the said statement the number of votes received by each candidate and shall seal in separate packet all the ballot papers in support of each candidate, and all the rejected ballot papers, and write on each such packet the description of its contents and the name of the Constituency and the date of the election to which it refers.]²

¹[164. (1) The Returning Officer shall reject a ballot paper –

(a) If it bears any mark or writing by which the elector can be identified, or

(b) If no vote is recorded thereon, or

(c) If votes are given on it in favour of more than one candidate, or

(d) If the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been given, or

(e) If it is a spurious ballot paper, or

(f) If it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or

(g) If it bears a serial number, or is of a design, different from the serial numbers or, as the case may be, design, of the ballot papers authorised for use at the particular polling station, or

(h) If it does not bear the mark which it should have borne under the provisions of sub-rule (3) of rule 148 :

Provided that where the Returning Officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defects]¹

1. Substituted vide Govt. Notification No. TAD/R/5/61 Dated 17.1.62

165.(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;

Declaration of
c a n d i d a t e
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 addition of one vote will entitle any of the candidates to be declared elected, one 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.

166. 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 Assam, Tribal Areas Department and to such other officers as the Governor may direct and the name or names of the candidate or candidates elected shall be published in the Gazette under the signature of the Returning Officer.

Report of
result of
election to
government
and
publication
of result in
the Gazette.

167. 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 160 by comparing them with the statement prepared under clause (d) of rule 163 and the latter 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, and shall record on each packet a description of its contents and the date of the election to which it refers.

Verification of
statement
submitted by
the presiding
officer.

168. The Returning Officer shall then prepare and certify a return setting forth-

(1) the result of the verification referred to in rule 167 ;

(2) the name of the candidates for whom valid votes have been given;

Return by the
Returning
Officer

(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 an extract form, such return.

169. (1) The Returning Officer shall, after reporting the result of the election under rule 166, forward the return mentioned in the preceding rule to the Secretary to the government of Assam, Tribal Areas Department.

Return to be
sent to
Government

(2) Copies of returns by the Returning Officer shall be furnished by the Secretary to the Government of Assam, Tribal Areas Department on payment of a fee of Rs.2 per copy.

CHAPTER VII
ELECTION AGENTS AND EXPENSES

170. As provided for in sub-rule (5) of rule 133, every person nominated as a candidate at an election, shall appoint either himself or some one other person who is not disqualified for such appointment, to be his election agent.

Election
agent

171. (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 with the Returning Officer and shall operate from the date on which it is so lodged.

Revocation of
appointment
of election
agent

(2) In the event of such a revocation or of the death of any election agent whether that event occurs before or during the election, or after the election but before a return of the candidates election expenses has been lodged in accordance with the provisions of rule 173, the candidate shall appoint forthwith either himself or some other person to be his election and shall give notice in writing of the appointment to the Returning Officer.

172. Every election agent shall, for each election for which he is appointed election agent, keep separate and regular books of account, and shall enter thereon all the particulars of expenditure referred to in rule 173.

173.(1) Within sixty days from the date of the publication of the result of an election under rule 166, there shall be lodged with the Returning Officer in respect of each person who has been nominated as

candidate for the election, a return of the election expenses of the person signed both by him and his election agent.

(2) The return of election expenses shall be in the form given in Appendix XII 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 XII, and shall be made on oath before the 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 XII.

(4) If a candidate or election agent who is required to signed 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 215.

(5) Every such return shall also bear non-judicial stamps of the value or two rupees without which the Returning Officer shall not accept the return.

(6) The Returning Officer shall report to the Governor 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 this rule.

(7) On receipt of a report under sub-rule (6) the Governor shall decide whether the disqualification under clause (g) of sub-rule 1 of rule 17 has, in fact been incurred in any election to fill a seat with the result that the seat shall be declared vacant.

174. When any return and declaration made in respect thereof have been lodged with the Returning officer, the Returning Officer shall,

as soon as may be, cause of notice of the date on which the return and the declarations in question have been lodged and of 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 Governor may direct, to obtain a copy or copies thereof or of any part thereof.

Inspection
and copy of
return of
election
expenses

175. The Governor shall cause to be prepared in such manner, and maintained for such time as he may direct, a record showing the names of all candidates at every election under these rules and the name of the election agent of each such candidate and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

Maintenance
of records
regarding
return of
election
expenses

¹[176. The maximum limit of election expenses (including the personal expenditure of a candidate) which may be incurred by a candidate for election in a constituency of Council shall be such as may be determined by notification by the State Election Commission, Assam, from time to time.]¹

Maximum of
election
expenses

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

1. Substituted by the North Cachar Hills Autonomous Council (Forty-Second Amendment) Act, 2017.

Descriptions of persons : Maximum number of persons who may be employed for payment.		Maximum numbers and descriptions of persons to be employed for payment in connection with elections
Election Agent	: One	
Sub Agent	: For each polling area one.	
Polling Agents	: 1. For each polling station or booth-Three (two for relief, or alternatively, 2. For each polling booth – Two (one for relief)	
Clerks and Messengers	: For each polling – (a) One clerk and one messenger for any number upto 1,000 registered electors. (b) One additional clerk and one additional messenger for every extra 1,000 registered electors or part thereof.	

CHAPTER VIII

DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION

178. In this 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 candidate;

Definition

(b) 'candidate' means the person who has been of claims to have been duly nominated as a candidate at an election, and the candidate who, with the 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) 'costs' 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 vote or refrain from voting an election;

(e) 'returned candidate' means a candidate whose name has been published under these rules as duly elected.

179. Save as provided in rule 16 or in rule 127, no election shall be called in question except by an election petition presented in accordance with the proviso of this Chapter.

180. (1) An election petition against any returned candidate may be presented to the Governor –

Election
petition

(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;

Presentation
of the petition

(b) within thirty days from that date by an Officer empowered by the Governor on the ground that the election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed.

Explanation – In this sub-section, 'elector' means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

(2) 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 one or other of the following grounds :-

(a) That in fact the 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.

(3) An election petition shall be deemed to have been presented to the governor when it is delivered to the Secretary to the Government of Assam, Tribal Areas Department or the Deputy Commissioner of the District in which the constituency is situated –

(a) by the person making the petition; or

(b) by the person authorised in writing in this behalf by the person making the petition; or

(c) by registered post.

181.(1) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and shall be signed by the petitioner.

(2) The petitioner shall be accompanied by a list signed by the petitioner setting forth full particulars of any corrupt or illegal practice which the petitioner alleges, including as full a statement as possible to the names of the parties alleged to have committed any corrupt or illegal practice and the date and the place of the commission of each such Practice.

Contents of
the petition

182. 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 180, enclose with the petition a government Treasury Chalan 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.

Deposit of
Security

183.If the provisions of the rules 180, 181 of 182 are not complied with, the governor shall dismiss the petition.

184. (1) If the petition is not dismissed under the foregoing rule 183, the Governor shall appoint as Commissioner for hearing and disposing of the petition a person who is or has been, or is eligible to be appointed, a Subordinate Judge, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioner .

Petition when
to be
dismissed

Appointment of
Commissioner

(2) When in respect of an election in a constituency more petition than one are presented, the Governor shall refer all those petitions to the same Commissioner who may at his discretion inquire to the petitions either separately or one more groups, as he thinks fit.

(3) Where election petition relate to different constituencies of a District Council, the Governor 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 inquiry thereto.

185. (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 provided that –

Hearing by
Commissioner

(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 consider necessary for the purpose of deciding the issues.

186. (1) An election petition may be with drawn only by leave of the Commissioner or, of an application for withdrawal is made before any Commissioner has been appointed of the governor.

(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.

Withdrawal
of petition

(3) When the 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, inn the opinion of the Governor or 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 costs of the respondent thereto for 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 the place of the party withdrawing, and upon

compliance with the conditions of rule 182 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

Major corrupt practices

(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 Governor.

Bribery

187. (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 (1) of rule 180 the proceeding may be continued by any other officer empowered in this behalf by the Governor.

Abatement or substitution on death of petitioner

(2) Any person who might himself have been a petitioner may, within fourteen days of such abatement, apply to be substituted as petitioner, and upon compliance with the conditions of rule 182 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

188. If before the condition 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 each publication apply to be substituted for such respondent to oppose the petition, and shall be

Abatement or substitution on death of respondent

entitled to continue the proceeding upon such terms as the Commissioner may think fit.

189. (1) Where an inquiry into an election petition any candidate, other than the returned candidate, claims the so at 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.

Recrimination
when sent
claimed

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of submission of the election petition given notice 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 181 in the case of an election petition and shall be signed and verified in like manner.

190. (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 the result of the election has been materially affected, by any corrupt or illegal practice ; or

Grounds for
declaring
election void

(b) any corrupt or illegal practice has been committed in the interest of a returned candidate ; or

(c) the result of the election has been materially affected by the improper acceptance or by reason of the fact that any person nominated was not qualified or was disqualified for elections, or by the improper reception or refusal of a vote, or by the reception of any vote which is void, or by any noncompliance 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 his 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 corrupt or illegal practices at the election;

(c) the corrupt or illegal practices mentioned in the report were of the trivial and limited character or took the form of customary hospitality which did not affect the result or 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, then the Commissioner may find that the election of the candidate is not void.

(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.

191.(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 190.

Report of
Commissioner
and
procedure
thereon

(2) The report shall further include a recommendation by the commissioner as to the total amount of costs which are payable and persons by and to whom such costs should be paid.

¹[(3) The report shall be in writing and shall be signed by the Commissioner. The Commissioner shall forthwith forward his report to the Governor who on receipt thereof, shall with the relevant records issue orders in accordance with his findings cause publication of his orders in the Gazette and the orders of the governor examine the same and shall be final.]¹

192. Where any change is made in an election petition of any corrupt or illegal practice, 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 or any such corrupt or illegal practice, and

Finding as in
corrupt
practices and
persons
guilty thereof

(b) the name of the persons (if any) who have been proved at the inquiry to have been guilty of any corrupt or illegal practice and the nature of such corrupt or illegal practice with any such recommendations as the Commissioner may desire to make for the exemption of any such persons from any

1. Substituted by the North Cachar Hills District Council (Seventeen Amendment) Act, 1984.

disqualification they may have incurred in this connection 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

193. The following shall be deemed to be corrupt practices for the purposes of election to the District Council of an autonomous district-

Major corrupt practices

(1) Bribery, that is to say, any gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, or any gratification to any person whomsoever.

Bribery

(a) With the object, directly or indirectly, or including

(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 for having so stood, or not stood, or for having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting.

Explanations- The term ' gratification' is not restricted to pecuniary gratifications or gratification 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, 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 person with the connivance of the candidate or his agent, with the free exercise of any electoral right.

Undue
influence

Explanation –

(a) Without prejudice to the generality of the provisions of this clause, any such person as is referred to therein who

(i) threatens any candidate or elector, or any person in whom a candidate or elector is interested, with any injury or any kind, or

(ii) induces or attempts to induce a candidate, or elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of the candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The procuring or abetting or attempting to procure by a candidate 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 person 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.

Personation

(4) The removal of a ballot paper from the polling station during polling hours by any person with the

Removal of
voting paper

connivance of a candidate or his agent.

(5) The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agents, of 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 prospects of that candidate's election.

Publication of
false
statement

(6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by the candidate or his agents or by any other person with the connivance of the candidate or his agent for conveyance 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 141.

Provided that the hiring of a vehicle or vessel by an elector or any several electors at their joint costs for the purpose of polling station shall not be deemed to be a corrupt practice under the 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 an elector at his own cost any such polling station shall not be deemed to be a corrupt practice under this clause :-

Explanation:- In this clause, the expression 'vehicle' 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 authority 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 or 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 agent, any assistance for the furtherance of the prospects of the candidate, election from any person serving under the Government of India or the Government of any state or the District Council of an or the autonomous district other than the giving of vote by such person.

194. The following shall also be deemed to be corrupt practices for the purposes of election to the District Council of an autonomous district:-

Minor corrupt practices

(1) Any act specified in rule 193 when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

(2) 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.

Personation

(3) The receipt or, or agreement to receive, 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

Bribery

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing 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 the rule 193.

(4) The making of any return of election expenses which is false in any material particular, making of a declaration verifying any such return.

False return

(5) 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.

Use of, or
appeal to,
religious and
national
symbols

195. The following shall be deemed to be illegal practices for the purposes of election to the District Council of an autonomous district :-

Illegal
Practices

(1) The incurring or authorisation by any person other than the candidate or his agent of expenses on account of holiday any public meeting, or upon any advertisement, circular, or publication, 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.

Incurring
expense
without
authority

(2) The hiring using or letting, as a committee room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

Hiring of
liquor
shops

(3) The issue 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.

Issue of
circular, etc.
without
address

CHAPTER X ELECTORAL OFFENCES

196. (1) No person shall convene, hold or attend any public meeting within any constituency on the date or

Prohibition
of public
meeting on
the election
day

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 two hundred and fifty rupees.

197. (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 two hundred and fifty rupees;

Disturbances
at election
meeting

(2) The 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 or members 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 requested so to do by the Chairman of the meeting, require that person 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.

198. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

Maintenance
of secrecy of
voting

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with imprisonment for the term which may extend to three months or with fine or with both.

199. (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.

Officer, etc. At election not to act for candidates or influence voting

(2) No such person as aforesaid, and no member of a police force, shall endeavor-

(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) to 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 or with both.

200. (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 any public or private place within a distance of one hundred yards of the polling station, namely-

Prohibition of canvassing in or near polling stations

(a) canvassing for vote, 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 provisions of sub-rule (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this rule shall be cognizable.

201. (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

Penalty for
disorderly
conduct in or
near polling
station

(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 wilfully aids or abets the contravention of, the provisions of sub-rule (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is 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 reasonably necessary for preventing any contravention of the provisions of sub-rule (1), and may seize any apparatus used for such contravention.

202. (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorized in this behalf by such presiding officer.

Penalty for
misconduct at
the polling
station

(2) The power conferred by sub-rule (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having any 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 or with both.

(4) An offence punishable under sub-rule (3) shall be cognizable.

203. (1) If any person is guilty of any such corrupt practice as is specified in rule 193 at or in connection with an election, he shall be punishable with fine which may extend to two hundred and fifty rupees.

Penalty for
illegal hiring
or procuring of
conveyance at
election

204. (1) If any person to whom this rules 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.

Breaches of
official duty in
connection
with elections

(2) No suit or other legal proceedings shall lie

against any such person for damages in respect of any against any such act or omission as aforesaid.

(3) The persons to whom this rule applies are the Returning Officers, Additional Returning Officers, Presiding Officers, polling officers and any 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 purposes of this rule be construed accordingly but shall not include duties imposed otherwise than by or under the rules of this part.

205. (1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station or wilfully 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 five hundred rupees or with both.

Removal of
ballot papers
from polling
station to be
an offence

(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 sun-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 woman to be searched, the search shall be made by another woman 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.

206. (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 or removes any list, notice or other documents affixed by or under the authority of a Returning Officer, or

Other
offences and
penalties
therefor

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on 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 due authority destroys, takes opens or otherwise interferes with any ballot box 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 wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this rule shall-

(a) if he is Returning Officer or an Additional Returning Officer or a presiding officer at 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 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 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 papers and other documents in connection with such election, but the expression 'official duty' shall not include any duty rules of this part.

(4) An offence punishable under clause (b) of sub-rule (2) shall be cognizable.

207. (1) If the Governor has reasons to believe that any offence punishable under rule 199 or under rule 204 or under clause (a) of sub-rule (2) of rule 206 has been committed in reference to any election within an autonomous district, it shall be the duty of the Governor to cause such inquiries to be made and such prosecutions to be instituted as the circumstances of the case may appear to him to require.

Prosecution
regarding
contain
offence

(2) No court shall take cognizance of any offence punishable under rule 199 or under rule 204 or under clause (a) of sub-rule (2) of rule 206 unless there is a complaint made by order of, or under authority from the Governor.

CHAPTER XI

DISQUALIFICATIONS

Disqualifications for membership

208. (1) The offences punishable with imprisonment under section 171 E or section 171 F of the Indian Penal Court (Act XLV of 1860), and offences punishable under

Offences
entailing
disqualification

rule 205 or clause (a) of sub-rule (2) of rule 206 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.

209. (1) The corrupt practices specified in rule 193 or rule 194, and the illegal practices specified in rule 195, shall entail disqualification for membership of the District Council of an autonomous district.

Corrupt and
illegal
practices
entailing
disqualification

(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 finding of the Commissioner as to such practice takes effect under chapter VIII of this part.

Disqualifications for voting

210. if any person after the commencement of these rules –

(a) is convicted of an offence punishable under section 171 E or section 171F of the Indian penal code (Act XLV of 1860) or of an offence under rule 205 or clause (a) of sub-rule (2) of rule 206, or

Disqualifications
arising out of
conviction and
c o r r u p t
practice

(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.

211. 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

Disqualification
arising out of
illegal
practices

be disqualified for voting at any election for a period of four years from the date on which such finding takes effect.

212. If default is made in making the return of the election expenses of any person who has 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 the period of five years from the date by which the return was required to be lodged.

Disqualification
arising for
failure to
lodge return
of election
expenses

Other disqualifications

213. Any person who is for the time being disqualified under the foregoing provision 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 qualification exists, also be disqualified for being an election agent at any election.

Disqualification
for being an
election
agent

214. Any disqualification under this Chapter shall be removed by the Governor for reason to be recorded by him in writing.

Removal of
Disqualifications

CHAPTER XII MISCELLANEOUS

215. 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 elector in that electoral roll"

Interpretation

(b) "sign" in relation to a person who is unable to write his name means authenticate 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 officer as may be specified in this behalf by the Governor and such officer on being satisfied as to his identity has attested the mark as being the mark of such person.

216. The provisions of section 160, 161, 162, 163, 164, 165, 166 and 167 of the Representation of the People Act 1951 (No.XLIII of 1951) and of rules 122 and 123 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951 shall apply mutatis mutandis in respect of elections to the District Council of an autonomous district.

Requisitioning of premises, vehicles, etc. For election purposes, etc.

Note- The section of the Representation of the People Act, 1951 (N XLIII of 1951) and rules of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951 referred to in this rule are reproduced in Appendix XIII.

217. No civil courts 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.

Jurisdiction of civil courts barred

APPENDICES

APPENDIX-I

[Rules 6 (1)]

Composition of, and allocation of seats in, District Councils

Name of Autonomous District	Elected members	Nominated members	Total
The United Khasi-Jaintia Hill District	18	6	24
The Garo Hills District	18	6	24
The Lusai Hills District	18	6	24
The Naga Hills District	18	6	24
The North Cachar Hills	¹ [28	2	30] ¹
District The Mikir Hills District	12	4	16

APPENDIX-II

[Rules 6 (2)]

²[District Council Constitution

Name of Constituency	Extend of Constituency	Number of seats
1	2	3

1.HAFLONG :- The following villages :- (one)

Robinalla Nepali Basti, Haflong
Town Block No.I, Haflong Town
Block No.II (Bazar), Haflong Town
Block No. III, Haflong Town Block
No. IV, Haflong Town Block No.
V, Haflong Town Block No. VI,
Haflong Town Block No. VII,
Haflong Town Block No.VIII,
(Hagjer Nagar), South Bageter,
Bageter,, Gang No.22, Fiangpui,
Upper Bageter, Notun Kunjung,

1. Substituted by the Constitution of the N.C. Hills Autonomous Council (Forty fifth) Amendment Act, 2016.

Boildura, Notun Basti, Bageter Railway Station, Digrik, Dibrari, Moulhoi-I, Moulhoi-II, Moulhoi-III, Khuongsai, Lodi (Serkhama), Muolpong, Kana Basti, Devi Nagar, Topodisa, Longmang, P.T.C. Haflong and S.S.B and Huonveng, Sibaraipur (Upper Bageter), Khoinuoi, Bethany, Sarkari Bagan Part-I, Sarkari Bagan Part-II, Haflong Town Block-IX (PWD Colony), Haflong Town Block-X (Sainza Razi), Boildura Pt-II, Surat Nagar (Lower Bageter), Sarkari Bagan Pt-III, S.S. Razi, Muolhoi Pt-IV, Muolhoi Pt-V, Lodi Pt-II, Haflong Town Block-XI (Education Colony), Haflong Town Block-XIII (College Road), Haflong Town Block-XII (Forest Colony), Karbi Rangkangtui, Electricveng, Surat Nagar Pt-II, Lodi Pt-III, Lower Haflong Pt-I (Lower Haflong Railway Station), Lower Haflong Pt-II, Lower Haflong Pt-III, Fiangpui Pt-II, Muolhoi Pt-VI (Muolveng), Muolhoi Pt-VII, Sengya Tularam Raji.

2. JATINGA :-

The following villages:-

(one)

Boro Haflong, Songpijang Part I, Songpijang Part II, Bhunjung, Diyung Gurkhali, Jatinga Khasia Basti, Jatinga Railway Station

(Colony) , Haflong Hill Railway Station, Gang No.23, Gang No.21, Kelolo, Doiheng, Diyung Hrangkhoh, Retzol, Jatinga Gurkhali, Nuton Leikul, Mahadev Tilla, Gang No. 24, Demalik Raji, Arda, New Boro Haflong, New Haflong, Jatinga Khasi Pt-II (Jatinga Pt-II) Songpijang Pt-III, Retzawl Pt-III.

- 3.BORAIL:- The following villages:- (one)
 Lodi Kuki, Patherkot, Saitawp, Lasang, Khuongluong, Khangnam, Ngente, Nuomjang, Pangmuol, Gamvom, Nakhojou, Hange Naga, Changpijang, Hange, Tumjang, Daoban, Lodi Kachari, Samagram, Tuicham, Taizol, Muolnom, Kholjang, Boljang, P.Leikul.
- 4.MAHUR :- The following villages:- (one)
 Baojen, Choto Longmailai, Semdikhor, Daodung, Pura, Boro Wapu, Hasong Haju, Mahur Garden, Saron, Gerem, Dijam Hagjer, Longma, Nanadisa, Longkai Hindu, Longkai (Ch), Mahur Railway Colony, Maigrengdisa Rly. Station, Mahur M.E and L.P. School Colony, Gang No.17, Jorai Bathari, Moti Longmailai, Walaodisa, Motirio, Jungle Basti, Mahur Bazar, Mahur Block Colony, J.Hebron, Ncharalao,

Nkiabunglow, Diyungkro, Mahur Hospital Area, Khomunnuom, Songbung, New Zoar, New Ngalsong, Nrianam, Kanaan, Mahur P.W.D. Colony, Mahur Soil Conservation Colony, Khobul, T. Vangkho, Diyung Bathari, Hewangberam, Chudiningram, Manigaon, Namzurang, Longma Part-III, New Diyungkro, Gadain Raji, Ghudhai Raji, Ngauyiberam, Digamkilo, Tilla Basti, Saron Pt-II.

5.JINAM VALLEY:- The following villages:- (one)

Phaipui, Tattephai, Boro Arkap, Chillei, Hnachangjol, Muollien (Lungchung), Baladhan, Leiri, Boro Leikek, Mauchar, Ramvom, Ngalsong, Nuton Hmarlushai, Purana Peisa, Nuton Peisa, Choto Arkap, Gopikot, Purana Hmarlushai, Terep Muolkoi, Choto Leikek, Duijung (Namreingram) New Zion, Thingbung, Lower Baladhan, Gilgal.

6.HANGRUM:- The following villages:- (one)

Hangrum, Notun Songkai, Purana Songkai, Boro Ninglo, Hajailo, Ninglo Punglo (Notun Ninglo), Jinam.

- 7.LAISONG:- The following villages:- (one)
Hegokelo (Hegolo), Tuolpui
Jeme, Laisong, Hereilo,
Khongmol Kuki,
Tungje,Hajaichak, Kipeilo,
Tungje Pungo (Heradalo),
Tuolpui, Laisong Porter Camp, ,
Isuilung, Dingam Kelo,
Baureneu Ch. (Choto Nianglo)
Baureneu H (Choto Ninglo),
Laisong Pt-II, Ngaujiberam,
Bamdi (Laisong Bagan),
Himraichak (Choto Laisong).
- 8.DAUTUHAJA:- The following villages:- (one)
Samserpur, Nrimbunglow
(Hindu), Poiding, Thoinagar,
Sobojai,Dibaola,Phonglo Bathari,
Asalu, Impoi (Hindu),
Hekaukang, Gang No.15, Yeabra,
Thapa, Yeah, Diduki I, Diduki II,
Dautuhaja Railway Station,
Gang No, 16, Thapa II (Kherbari),
Impoi Christian, Nrimbunglow
Christian, Binopur, Boljang.
- 9.MAIBANG EAST:-The following villages:- (one)
Purana Simplangdisa, Notun
Simplangdisa, Notun
Wadrenghdisa, Delen Wattiling,
Mupa Nobdi, Purana Dukaling,
Notun Nobdi, Jagdi, Morsaibari,
Purana Wadrenghdisa, Purana
Galapang, Delenbra, Gidingpur,
Maibang Bazar, Jaloa,

Wadrenghisa Railway Station,
 Maibang Ballast Siding, Guilong
 (Hindu), Wadrenghisa Bazaar,
 Notun Dukaling, Notun
 Galapang, Guilong (Christian),
 Kachari Hajong, Notun Hajong,
 Dimahajong, Guilongkam,
 Harichandrapur, Jagdi-II,
 Guilong, Telebanglo, Dima
 Haplai, Sainjapur, Maibang
 Ballas Siding Pt-II, Maibang
 Ballas Siding Pt-III.

10. MAIBANG WEST :-The following villages:-

(one)

Dijambra, Dihor Phonglo,
 Miyungkrenghisa, Longkor,
 Maibang Project Area, Maibang
 Hospital Area, Maibang Pt. II,
 Didaodip, Notun Lampu,
 Maibang Railway Station, Choto
 Bathari, Notun Disao, Natudisa,
 Jamberling, Dijam Dolia, Gang
 No.14, Maibang Pt. I (Purana
 Maibang), Rilai, Maibang New
 Colony, Kailimdisa, Kanapara
 (Dihur Phonglo), Maibang P.H.E.
 Colony, Forest Quarter, Soil
 Conservation Colony, Kanapara,
 Kolabari, Kautimdim, Maibang
 Part-III, Maibangkro, Dimalikpur,
 Sambhudhanpur, Maibang Pt-IV

11. KALACHAND:-The following villages:-

(one)

Kalachand Deswali,
 Kramthongdolia, Mahurpura,

Mahurwapu, Kimkridisa, Solikantapur, Chandpur Nagar, Khejurbond, Mupa Naiding, Notun Kalachand, Mupa Bazar, Mupa Basti, Motibra, Mupa Nagar (Hojai), Maibangdisabra, Purana Dihanjeng, Notun Bathari, Dikongmabra, Notun Boila, Didaoka, Nobdi Boila, Longjai, Manigipur, Notun Daokreng (Daokreng), Gang No.11, Gang No.13, Kalachand Railway Station, Kalachand Bazar, Mupa Railway Station, Gang No.12, Notun Dihajeng, Disagisim, Kalachand Agri. Seed Farm, Irrg. Ph I (Irrigation Colony), Manigipur Govt. Quarter, Kalachand I.B., Irrigation Phase II (Irrigation Colony), Eri Seed Kalachand, Kalachand Vety., Kalachand Forest, Purana Daokrang (Daukrang), Mupa Forest Quarter, Kalachand B.T.C., Sibraipur, Kasmaipur, Motibra Part-II, Purana Kalachand, Sonorampur, Thaosendisa.

12.WAJAO :-

The following villages:-

(one)

Nobdi Langting I, Nobdi Langting II, Doirangibra, Longaobra, Langao Hajong, Thongibra I, Langaokrao, Kaotaibari (Old), Kaotaibari (New), Dimahading,

Kepre (N.Tongikro), Kepre Bazar,
 Sonapur, Koladisa, Daoblipdisa,
 Prasadimdik, Daorephaja, Path
 I, Path II, Path III, Thongibra
 II, Drangbra, Kepre-II,
 Dimahajong, Nabdi Hojaipur, N.
 Sonapur (sonapur), Molkhang.

13.HAJADISA:- The following villages:- (one)
 Hajadisa, Didambra, Boro Diger,
 Duirongikro, Nablaidisa,
 Girijanathpur, Drang Bathari,
 Hajadisa Part-II.

14.LANGTING:- The following villages:- (one)
 Notun Dilaothai, Choto
 Lambong, Gangdangkro,
 Mitherdisa, Mailu, Longrenbra,
 Dajao, Boro Lambong, Notun
 Haja (Haja Nolai), Gereso II,
 Gang No.8, Gereso I, Wari
 Giding, Thaipiyundisa, Dijaobra
 Railway Station, Granggism,
 Bilaipur, Dihakhu Railway
 Station, Gang No.9, Gang No.5,
 Gang No.6, Gang No.7, Mundet
 Khelma, P.T. Leikek (Thangew
 Leikek), Lungdingkro, Lungding
 Khelma, Longplang, Gang No.4,
 Gangdangbra, Thaijudisa, Eri
 Seed Garden, Pampughat,
 Thangumbaioira
 (Thangumwajo), Mailu Hajong,
 Boila Haplai (Nikor Haplai),
 Thaijudisabra, Murli Camp,

Mailubra, Mosodisa, Gereso III, Gang No.10, Langting Railway Station, Nikot Hojai, Forest I.B.(Langting), Langting Hasin Part-I, Langting Hasin Part-II, Langting Sibaraipur, Gadainpur, Halalipur, Langting Bazar Pt-I (Langting Bazar) Langting Bazar Part-II, Langting Bazar Pt-III, Langting Railway Station-II.

- 15.HATIKHALI:- The following villages:- (one)
- Diblong, Hatikhali Bazar, Hatikhali Garden, Wapudisa, Kurangbra (Dilaothai), Manja, Manderdisa I, Manderdisa II, Radaodisa, Manderdisa III, Sengyungpur, N. Diblong I,N.Diblong II,Hatikhali Railway Station, Manderdisa Gang No.2, Manderdisa Gang No.3, Dijaoso, Purana Lungding Phonglo, Notun Lungding Phonglo, Lungding Phonglo, Manderdisa Railway station, Dilimpur, Manja II, Dimahading, Langludisa, Langludisa Part II, Wataijong, Lockibill, Diyungdao-jao (Diyungjaoso), Ardaopur, Diklemmikir, Grayung-II, Daolapur, Mandayunghadi, Palaiphahadi, Grayung-I, R o n g p o n g d i s a , Mangahadihower, Diklimdaoper, Digraindisa, Manderpang,

Radaodisa Part-II, Kaplangdisa,
Dima Hapila, Manderdisa,
Hatikhali Garden Pt-II, Hatikhali
Garden Pt-III, Hmartlangmoi,
Tlangsang, Dima Hading (N).

16. DIYUNGBRA:- The following villages :-

(one)

Digandu-I, Digandu-II, Digandu-
III, Digandu-IV, Choto Washiling
I, Choto Washiling II, Choto
Washiling III, Boro Washiling,
Baraima, Harmudisa, Dismao-
I, Dismao-II, Jongphonglangso,
Boro Langpher, Langri - I
(Langkiri), Langri II (Langkiri),
Langrimukh, Klampuhapila, Kota
Arda (Boro Kota Arda),
Wasaikong, Washubil,
Raijaodisa, Arlongpharla,
Phong-langso, Noyapur,
Bathohaja, Rajbari (Diyungbra),
Prapdisa, N.Gere, Dikrenggalao-
I, Dikrenggalao-II, Terelangso,
Hajawari, Railinghadi, Simbao,
Digandu Bazar, Phonglodisa,
Tharvethapo, Diphurbra,
Disamto, Ningthenlangso,
M a n d a y u n g h a d i ,
N.Choto Washiling, Koiladisa,
Daodipdisa, Thaidikreng,
Tharvethapho, N. Choto
Washiling, Tarabi, Nepali
Monde, Railinghadi- II,
Duimugori, Haflaidish,

Wasaikong-II, Digendu Pt-V,
Rajbari-II, Lausadisa.

17. GARAMPANI :-The following villages :-

(one)

Hangjanglangso, Boro Langlai,
Choto Langlai, Pura Langso,
Lokhindong Khuti, Choto
Lokhindong, Umrangso Village,
Mungle, Dikarbi, Langklam, Boro
Larpheng, Lobang, Choto
Larpheng, Sikilangso, Longmiklu,
Garampani, Khorongma PWD
Camp, Choto Tungkrang,
Taralangso, Boro Tungkrang,
Langjin, Longku I, Longku II,
Umrangso NEEPCO,
Kokdanglangso, Langphermukh,
Tumbung Khuti, Tungkrang Khuti,
Dithur Khuti, Choto Langlai
Khuti, Boro Langlai Khuti, Choto
Langpher, Boro Lakhindong,
Umrangso NEEPCO Type IV
Quarter, Umrangso Lake Side,
Umrangdam Colony, Hebron,
Umrangdisa, Chirilangso,
Garampani Coal Quarry,
Longkukro, Sainilangso,
Lurulangso, Longsomepi,
Umrangso 19 Km, Tharwelangso
Khuti, Longkupur, Bonglangbra,
Umrangso NEEPCO Quarter,
Khandongdam, Kopili Power
House, New Tumbung,
Umrangdam Area, Langcherui,
Umrangso Bazar, Umrangso

Hydel Construction, Gobinda Nagar, Umrangso Khuti, Waridiplai, Umrangso Proper, Thaosenpur, Umrangso Town, Munglai Phonglo, Kurangthai, Kukrilangso, Disabra, Panimur Bazaar, Panimur Forest, Tharwelangso, Umrangso 14 Km, Kalanala Kachari, New Boro Larpheng, Tartelangso, Umrangso 16 Km, Waperdisa, Nobdi Langjin, 5 Km Power House, Dithur Karbi, Choto Lobang, Sikilangso Khuti, Mungkile, Kukrilangso Khuti, Choto Lobang Khuti, 29 Km Camp, Langklam Khuti, Dithur, Krungmenglangso, Kamala Bagan (Kamala Nagar), Silum, Garampani Green Market (3 Km.), Voarplaklangso (Voarplak), Garampani Nepali Basti, Rong-arting Nepali Basti, Wakha Nepali Basti, Dharmanagar, Rong-arting Karbi, Longrung(14 km LG Road), Boro Langlai Nepali Basti, Rongmepi, Digremdisa, Choto Longku, Longkupur Kachari, Chekso, Bhimraji, Sibradisa, Sokpuru Boro Bosti, Rong-Arting, Longku Boro Kachari, Choto Langklam, Paklangso-I, Paklangso-II, Boro Langherang, Karbi Langdisa, Langdisa, Choto Langherang,

Nuthenglangso, Boro Langklam,
Rongkhelan, Dima Longku,
Lochinlangso, Pan Bagan,
Umrangso Proper Pt-II,
Longplaidisa.

18.KHARTHONG:-The following villages:- (one)

Sangbar I, Sangbar II, Vaitang,
Khothlir, Jahai, Mualdam,
Thingdol, Bualmual(Khudirang),
Khawbak, Mirphung Khuti,
Kharthong Khuti, Thuruk,
Vaitang Khuti, Tlanghoi, Khobak
Khuti,Kotnipui, Kharthongsip,
P.Taizol, Laivel Kanan, Vaitang
Hebron, Mirphung,
Lungphungphai, Hengbung,
Lengpui.

19.DIHANGI:- The following villages:- (one)

Longmaisadikreng, Tereh,
Thaisalinghower, Langlaihasnu,
Ambrudisa, Langdrengkro,
Parbat Dikhongma, Purana
Dimainu (Dimainu),Maibang
Dimainu, Doroho, Dimram,
Thaijupang, Jembru, Gowaidisa,
Hojaidobongling, Diderbi,
Warilampu, Dikrengma,
Dimadaowapu, Dihangi PWD
Camp, Dikongma (Dikhongmabra), Baigo, Langlut
Hindu, Langlut Christian,
Bangphiri Khuti, Baga (Baga
PWD Camp), Dorbinship,

Tuizonte, Embrubra, Kekrangsip,
 Bangphiri Hindu, Bangphiri
 Christian, Dithur
 Kachari, Tuisamthum, New
 Kekrangsip, Langtibra,
 Disagutubra, Baladisa, Embrubra
 II, Phoijol, Bagadima, Mahurbra.

20. GUNJUNG:- The following villages:- (one)

Gunjung, Asrang, Moti
 Daodung, Longmailai,
 Maibangsa, Deleisa, Guliabra,
 Lamadisa, Thaimodoling,
 Warilonglabra, Rawaidisa, Boro
 Disao, Gunjung Hospital Area,
 Amlangbra, Wayungdisa, Wari,
 Gajo, Dersi, Naidingpur,
 Thanalambra, Gunjung Tea
 Estate.

21. HADINGMA:- The following villages :- (one)

Samparidisa, Jorai, Nuton
 Longren, Hojai, Berelangdisa,
 Nuton Wari, Mabao, Nobdi
 Gurbari, Choto Wapu, Disagutu,
 Purana Phonglo
 (Phonglo), Hagjer, Riao, Moti
 Lampu, Moti Hojai, Riam Bathari,
 Nobdi Daulagupu, Gurbari, Boro
 Longren, Sontilla, Disru Raji,
 Lower Mabao, Hojai Khasiba.

22. DIHAMLAI:- The following villages :- (one)

Hokai Hindu, Robi Nala Khuti
 (Basti), Hokai Christian, Kubing,

Herakilo-I, Herakilo-II, Michidui
Hindu, Michidui Christian,
Boloson, Boro Chenam,
Chaikambe (Inchaikam), Gampai
Christian, Gampai Khuti, Hokai
Khuti, Inchaikang (Zaikang),
Duiring Hindu, Duiring Christian,
Choto Haflong,
Nriachingbanglo, Kobing Khuti,
Hokai Pungchi, Malangpa,
Kalimabong I, Kalimabong II,
Kalimabong Khuti, Nimkai,
Lungiram, Nruella, Krishna
Nagar Nepali Basti,
Tuikim, Lungchiram, Gamphai
Hindu, Indunglo, Ramji,
Raisingram, Ramji Khuti, Duiring
Pungchi.

23. HARANGAJAO:-The following villages :-

(one)

Miyungkro, Sarbagram,
Kapurcherra, Mailongdisa Basti,
Rekho, Boro Muolkoi,
Harangajao Bazar-I, Harangajao
Bazar-II, Doliadis, Harangajao
Kachari, Harangajao Deswali,
Dolaichonga, , Dittockcherra
Saiding, Dittockcherra Bazar,
Dimbrucherra, Dittockcherra
Railway station colony,
Dimbrudisa Gang No.27, Gulap
Bari, Gang No.25, Gang No. 26,
Harangajao Rly.station,
Mailongdisa Rly station, ,
Kayung Tea Seed Garden, Choto

Lokha, Boro Lokha Deswali,
 Choto Narainpur Kachari,
 Kayang Khasia Basti, Narainpur
 Deswali, Jeriko, Kayangpur, Boro
 Narainpur, Choto Muollkoi,
 Donlou, Mongon, Buolsol, Boro
 Lokha Khasia,
 Sibraipur(Harangajao), Lower
 Bosol, Choto Narainpur Deswali,
 Kayang Deswali, Honveng,
 Gamadi Hower, Lhanghoi,
 Maharajpur Pt-I (Maharajpur)
 Langrangjao (Longrangajao
 Rly.station) Maharajpur Pt-II,
 Upper Dimbrucherra, Hengbung.

24.HAMRI :- The following villages :- (one)
 Kimtao, Larbo, P.Gera, Langkula,
 Dismaihadi, Namawari,
 Daudongkhor, Mojowari,
 Jongsorhadi, Langendisa,
 Nasingwari, P.Kungkruwari,
 N.kungkruwari, Jaramdisa,
 Deralinghadi.

25. LOWER KHARTHONG:-The following villages :- (one)
 Saïsi, Michikhur, Purana
 Hnachangjol, Buolmuol,
 Kaiengphai, New Zoar, Lalzal,
 Nuton Nachangjol, Kaizakham,
 Hmunthazau, P. Zoar, Lower
 Michikhur, New Michikhur,
 Gamnuam, Hmartlangmawi
 (New), Tlangsang (New),
 Aivaphai (New), Simtuiluong

(New), Disamatang, Khengzawl,
Tuivomphai, Kayangthol.

26. DOLONG:- The following villages :- (one)
Asiak Robi, Boro Robi, Raotilla,
Buangkung, Tangpui, Chaptuk,
Loskor, Paija, Gurkhali Basti
(No.-6 Gurkhali Basti), Zion,
Bethel, Lungkhok, Laskar Khuti.
27. DIGER:- The following villages :- (one)
Thingvom, Mongjang, Nivang,
Solpidong, Purana Tongikro,
Phaiphah, Lhungjang, Molkon
(new), V. Leikek, N.Thingvom,
Khengjol, Bongkhai, Molkon,
Muolsang.
28. SEMKHOR:- The following villages :- (one)
Semkhor-I, Makalo, Hading-V
(Medical), Giriganathpur,
Didamkro, Drunbra-I, Drunbra-
II, Digerkro, Sabailingpur, Gadain
Semkhor (Juibra).”]²

2. Substituted by the Constitution of the N.C. Hills Autonomous
Council (Forty fifth Amendment) Act, 2017.

APPENDIX-III

[Rule 24]

Form of Oath or Affirmation

Form of oath or affirmation to be made by a member of the District Council of an autonomous district :-

“ 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.”

APPENDIX-IV
[Rule 113 (3)]
BUDGET ESTIMATE
 SHOWING THE PROBABLE RECEIPT AND EXPENDITURE
 OF
 DISTRICT COUNCIL OF DISTRICT
 FOR THE YEAR 20

Heads or Receipts	Estimate for the year 20	Actual Receipts for nine months for current year 20	Actual Receipts for the previous year 20	Sanctioned estimate current year 20
Probable balance at the commencement of the year- I- Land Revenues Ordinary revenue Sale proceeds of Waste land, Rents, etc, of fisheries Rates and cesses on land registration and mutation fees Stone quarries, coal mine, Mineral Oil including petroleum Oil revenue, Grazing Tax Poll, capitation, house and house taxes Fees, fines and forfeitures in revenue, Court 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 stamps Duty or impressing documents, Fines and penalties. Miscellaneous Deduct-Refunds				

APPENDIX-IV

Heads or Receipts	Estimate for the year 20	Actual Receipts for nine months for current year 20	Actual Receipts for the previous year 20	Sanctioned estimate current year 20
B. Judicial Court Fees- Court fees realised in stamps Sale for stamps Fines and penalties Miscellaneous Deduct-Refunds III. FORESTS (a) Royalty, etc., on Timber, Firewood, Bamboos, Elephants, Other forest produce. (b) Miscellaneous IV. REGISTRATION Fees for registering documents Fees for copies of registered document Deduct-Refunds V. ADMINISTRATION OF JUSTICE- Court fees realised in cash General-fees, fines and forfeitures, Miscellaneous fees and fines, Miscellaneous VI. Marriage License fees VII. Taxes on animals, Vehicles and boats. VIII. Taxes on professions, trades, callings and employment. IX. Taxes on entry of goods into markets for sale therein. X. Tolls on passengers and goods carried in ferries.				

APPENDIX - IV

Heads or Receipts	Estimate for the year 20	Actual Receipts for nine months for current year 20	Actual Receipts for the previous year 20	Sanctioned estimate current year 20
XI. Taxes for 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 ponds XVI. Loans, advances and subvention from Government of Assam. XVII. Extraordinary Receipts 1. Pay of Officers 1. Members of Executive Committee 2. Secretary 3. Judicial Officers 2. Pay of establishment 1. Primary School teachers 2. Doctors 3. Road Oversees 4. Road Mohores 5. Tax Collectors 6. Clerks 7. Servants 3. Allowances and honorarium- Travelling allowances of Officers, Travelling allowances of Establishment. 4. Contingencies- Pay of contingencies materials Purchase of stationary Revenue collection charges 5. Grant- in- aid to Primary Schools. 6. Miscellaneous expenditure in connection with the maintenance etc. of primary Schools, dispensaries, markets, cattle pounds, ferries, fisheries, roads and water ways. 7. Other miscellaneous expenditure.				

APPENDIX-V
[Rule 130 (1)]

Constituencies	Returning Officer	Authorised Officers to perform the function of Returning Officer
1	2	3
All the constituencies of North Cachar Hills Autonomous Council, namely-	D e p u t y Commissioner, North Cachar Hills, Haflong	
(1) 1-Haflong		¹ [Asstt. Engineer, PHE, Harangajao.
(2) 2-Jatinga,		Sr. Inspector, O/O the DRCS, Haflong.
(3) 3-Barail,		SVFA, O/O the District Animal Husbandry & Veterinary Officer, Dima Hasao, Haflong.
(4) 4-Mahur,		Agril. Inspector (Fruit), Haflong
(5) 5-Jinam,		Sr. Inspector, O/O/ the DRCS, Haflong.
(6) 6-Hangrum		Jr. Engineer, O/O the E.E. PWD (R) Division, Haflong.

Constituencies	Returning Officer	Authorised Officers to perform the function of Returning Officer
1	2	3
(7) 7-Laisong	D e p u t y Commissioner, North Cachar Hills, Haflong	Asstt. Executive Engineer, PWD, Maibang Building, Sub-Division, Maibang.
(8) 8-Dautuhaja		Forest Range Officer, Hatikhali Range] ¹
(9) 9-Maibang East,		² [RO (Stat), O/O the Addl. Director, A.H. Vety. Hills Assam, Haflong.
(10) 10-Maibang West,		JE, O/O the PHE, Haflong Division, Haflong] ²
(11) 11-Kalachand		¹ [Junior Engineer (Sr. Grade), NH Sub-Division, O/O/ the PWD (R&B), Maibang.
(12) 12-Wajao,		Block Development Officer, Maibang Block, Maibang.

Constituencies	Returning Officer	Authorised Officers to perform the function of Returning Officer
1	2	3
(13) 13- Hajadisa	D e p u t y Commissioner, North Cachar Hills, Haflong	Sr. Inspector, O/O the ARCS, Haflong.
(14) 14-Langting,		Inspector, Weaver Extention Service Unit O/O Assistant Director, Handloom and Textile, Haflong.
(15) 15-Hatikhali		Junior Engineer (Sr. Grade), Diyungbra Block i/c BDO New Sangbar.
(16) 16-Diyuungmukh		Forest Range Officer, O/O the D.F.O (West) Division, Haflong.
(17) 17-Garampani		Deputy Account Officer, O/O the E.E. PHE, Umrangso Division, Umrangso] ¹
(18) 18-Kharthong		² [JE, O/O the EE, Agriculture, Dima Hasao, Haflong] ²

Constituencies	Returning Officer	Authorised Officers to perform the function of Returning Officer
1	2	3
(19) 19-Dehangi	D e p u t y Commissioner, North Cachar Hills, Haflong	¹ [Forest Ranger, O/O Divisional Forest Officer, Dima Hasao Forest (West) Division, Haflong.
(20) 20-Gunjung		Forest Range Officer, O/O the DFO, Dima Hasao Forest Division (East), Haflong.
(21) 21-Hadingma		Asstt. Engineer, PWD, Mahur Road Division, Mahur.
(22) 22-Dihamlai		Asstt. Executive Engineer, Water Resources, Haflong] ¹
(23) 23-Harangjao		² [JE, PWD O/O the AEE, PWD (R&B) Harangajao.] ²
(24) 24-Hamri		¹ [i/c Range Officer, Soil Conservation, Diyungbra.

Constituencies	Returning Officer	Authorised Officers to perform the function of Returning Officer
1	2	3
(25) 25-Lower Kharthong	D e p u t y Commissioner, North Cachar Hills, Haflong	Agril. Development Officer, Mahur Block, Mahur.
(26) 26-Dolong		Forest Range Officer, Harangajao Forest Range, Harangajao.
(27) 27-Diger		Junior Engineer (Sr. Grade), O/O the E.E. PWD (Road) Division, Mahur.
(28) 28-Semkhor		Junior Engineer (Sr. Grade), O/O the E.E. PWD (R&B), Haflong Division, Haflong] ¹

1. Substituted vide Govt. Notification No. SEC31/2017/15, Dated Dispur, the 21st March, 2018.

2. Substituted vide Govt. Notification No. SEC31/2017/39, Dated Dispur, the 7th September, 2018.

APPENDIX-VI
[Rule 133 (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 elector roll of which the name of the candidate
is included.
Number of the candidate in the electoral roll of the constituency in
which his name is included.
Name of proposer
Number of proposer in the electoral roll of the constituency
Signature of the proposer :
Name of the seconder :
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 candidate

I hereby declare that I have appointed
to be my election agent.

Signature of candidate

I hereby declare that I have selected as the symbol
for my election.

Signature of candidate

(To be filled in by the Returning Officer or other authorised person)

Certificate of Delivery

Serial No.

This nomination paper was delivered to me at my office,

(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 the nomination

Date:.....

Returning Officer.

APPENDIX-VII
LIST OF SYMBOLS
[Rule 133 (6)]

1. Umbrella	13. Bull ¹
2. Cock	14. Scales for weighing ¹
3. Elephant (AGP)	² [15. Calf and cow] ²
4. Tiger	³ [16. Holder within wheel] ³
5. Lantern	⁴ [17. Hand] ⁴
6. Tree	18. Charkha ⁴
7. Cart	⁵ [19. A Boy and girl (ASDC Symbol)] ⁵
8. Plough	⁶ [20. Lotus] ⁶
9. Flower	21. Ears of corn and sickle ⁶
10. Hut	22. Hammer, Sickle and Star ⁴
11. Bow and Arrow ¹	23. Clock ⁶
12. Pitcher ¹	

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1. Added vide Govt. Notification No. TAD/R/23/51 Dt. 15.10.1951
 2. Added vide Govt. Notification No. TAD/R/39/73/41Dt. 26.10.1973
 3. Added vide Govt. Notification No. HAD/62/77/7 Dt. 3.9.1977
 4. Added vide Govt. Notification No. HAD/234/79/61 Dt. 10.6.2001.
 5. Added vide Govt. Notification No. HAD/2/94/91 Dt. 10.6.2001
 6. Added vide Govt. Notification No. HAD/129/2001/12 Dt. 8.11.2001

APPENDIX-VIII
Form of Ballot Paper
(See Rule 153)

	SYMBOL
Constituency No. _____	
Name: _____	

APPENDIX- IX
TENDERED VOTE LIST
[Rule 154]

Name and number of Polling Station.....

Name of Constituency	Name of voter	Number in electoral roll	Signature or thumb impression of voter and his address

Substituted vide Govt. Notification No. TAD/R/5/61 date 17.1.1962.

APPENDIX- IX
LIST OF CHALLENGED VOTES
[Rule 155]

Number of electoral	Name	Signature of voter if literate thumb impression if illiterate and address	Signature and address of identifier if any	Order of Presiding Officer in each case	Remarks

APPENDIX- XI
BALLOT PAPER ACCOUNT
[Rule 160]

	Ordinary ballot paper	Tendered ballot paper
1. Number of ballot papers received by the Presiding Officer.		
2. Number of unused ballot papers returned		
3. Number of spoilt ballot papers		
4. Number of tendered ballot papers used		
5. Number of ballot papers dealt with under rule 33 (2) of this part		
6. Number of ballot papers issued.		

APPENDIX- XII

For theConstituency.

PART I- Receipts – Including all monies, securities and equivalents of money received from any person (including the candidate himself), club, society or association in respect of any expenses, whether paid or remaining unpaid, incurred on account of or in connection with or incidental to the election. The name of such person, etc. and the amount received shall be shown separately:-

[illegible]

PART II - Expenses – Including all payment made by the candidate or by his election agent or by any person on behalf of, or in the interests 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 - (1) Vouchers shall be attached to the return for all items of expenditure amounting to Rs. 5 and over, unless from nature of the case a receipt cannot be obtained; the vouchers shall be numbered and arranged in serial order and the number of the voucher 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 or 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.

APPENDIX – XII – Contd.

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount unpaid
					Total

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 agent, clerk or messenger employed and the rate of remuneration and the amount paid to each shall be shown separately.

Name and description of payee	On what account	Rate of payment	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
						Total

APPENDIX – XII – Contd.

C - Under head C shall be shown all other 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 messengers. The name and description of each agent, clerk or messenger and the amount paid to each shall be shown.

Name and description of payee	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 and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
				Total	

APPENDIX – XII – Contd.

E- Under head E the cost of printing shall be shown.

Name and description of payee	On what account	Date of payment if any	Voucher No.	Amount paid	Amount unpaid
Total					

F- Under head F the cost of advertising shall be shown.

Name and description of payee	On what account	Date of payment if any	Voucher No.	Amount paid	Amount unpaid
Total					

APPENDIX – XII – Contd.

G- Under head G the cost of stationary shall be shown.

Name and description of payee	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 sum.

Expenditure incurred	Date of payment Separate payments are shown	Amount paid
Total		

APPENDIX – XII – Contd.

I- Under head I the cost of rooms hired for public meetings or as committee rooms or as an office shall be shown.

Name and description of payee	Locality and description of rooms	Date of payment	Voucher No.	Amount paid	Amount unpaid
					Total

J- Under head J shall be included every disputed claim remaining unpaid.

Name and description of claimant	Nature and alleged ground of claim	Amount of claim
		Total

APPENDIX – XII – Contd.

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 and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount unpaid
Total					

L- Under head L the total expenditure incurred under each of the previous heads shall be shown.

Heads	Paid	Unpaid	Total
A			
B			
C			
D			
E			
F			
G			
H, etc.			
Total			

Part III:- Declaration by Candidate and their agents- The form of the declaration shall be as follows:-

Forms of Declaration by Election Agent

I,..... being the appointed election agent for a candidate for the election in the constituency, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and 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 purposes of 's candidature.

Solemnly affirmed before me,

Election Agent
(Magistrate)

APPENDIX – XII – Contd.
Form of Declaration by Candidate

I,..... being a candidate for election in the constituency, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief and 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 purposes 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 above return of election expenses signed by my election agent is (with the expectations noted below) true to the best of my knowledge and belief and that (with the expectation noted below) no expenses of any nature whatsoever other than the expenses therein set forth have to my knowledge or belief been incurred in, or for the purposes of, my candidature.

Particulars Exceptions

Sd.....
(Candidate)

Solemnly affirmed by me.

Sd.....
(Magistrate)

APPENDIX – XIII
[Rule 216]

A. Extracts from the Representation of the People Act, 1951 (NO XLII of 1951)

* * * * *

160. Requisitioning of premises, vehicles etc, for election purposes-
(1) If it appears to the State Government 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 used as a polling station or for the storage of ballot boxes after the poll has been taken, or
- (b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election.

That Government may by order in writing requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders 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 subsection until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person 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 required for any of the purposes mentioned in that sub-section.

(4) In this section –

- (a) 'Premises' means any land, building or part of a building that includes a hut, shed or other structure or 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 Government requisitions any premises, there shall be paid to the 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 is so payable, the 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 residence the reasonable expenses (if any) incidental to such change :

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Government 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 to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by that Government 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 or 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 section 160 the State Government requisitions any vehicle vessel or animal, there shall be paid to the owner thereof compensation the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

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 Government for referring 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 immediately before the requisitioning the vehicle or vessel was by virtue of the hire purchases 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 apportioned 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 Government in this behalf may decide.

162. Power to obtain information :- The State Government may, with a view to 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. Power of entry into and inspection, of premises etc :- (1) Any person authorised in this behalf by the State Government 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, an order under section 160 should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section, the expressions, 'Premises' and 'vehicle' have the same meanings as in section 160.

164. Eviction from requisitioned premises :- (1) Any person remaining in 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 Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock 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 section 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 person, to the person deemed by the State Government to be the owner of such premises, and 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 delivered.

(2) Where a person to whom possession of any premises requisitioned under section 160 is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the

State Government to accept delivery on his behalf, the State Government 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 cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person, entitled to possession thereof, and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

166. Delegation of functions of the State Government with regard to requisitioning :- The State Government may, by notification in the Official Gazette direct that any powers conferred or any duty imposed on that Government by any of the provision of section 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 requisition:- If any person contravenes any order made under section 160 or section 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 Petition) Rule, 1951.

* * *

122. Manner of serving the order of requisition of premises, vehicles etc, :- An order of requisition under such section 160 shall be served.

(a) where a person to whom such order is addressed is a corporation or firm, in the manner provided for the service of summons in rule 2 or 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) and

(b) where a person to whom such order is 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 again.

123. Time within which an application for reference to arbitration is to be made under section 161 :- The time within which any person interested who is aggrieved by the amount of compensation determined under sub-section (1) of section 161, or within which the owner or a vehicle, vessel or animal who is aggrieved by the amount of compensation determined under sub-section (2) of that section, may make an application for referring the matter to an arbitrator shall be fourteen days from the date of determination of the amount of such compensation.

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APPENDIX –XIV
Form of Tender Ballot Paper
[Rule 154]

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

APPENDIX –XV

Form of letter of intimation to the Returning Officer
Rule 157 (1)

To,

The Returning Officer,
..... Constituency

Sir,

I intend to cast my vote by post at the ensuing election to the District Council from from Constituency No..... My name has been included in the Electoral Roll at the following address.....

The ballot paper may be sent to me at the following address.....

Place.....

Date.....

Yours faithfully.

Inserted vide Govt. Notification No. TAD/R/5/61, Dated 17.1.1962

APPENDIX –XV- A
Form of Postal Ballot Paper
Rule 157 (3)

Counterfoil	Outer foil
Serial No. of Ballot paper..... Hills. District Council Election, 2000 Constituency No. _____ Name of elector _____ Serial No. of elector in the electoral roll _____	Serial No. of Ballot paper..... Hills. District Council Election, 2000 Constituency No. _____ Name of Candidates Mark _____ _____ _____ _____

INSTRUCTIONS

1. The number of candidates for who the elector may vote is

2. Vote shall be recorded by placing a cross mark (X) on the ballot paper opposite the name of the candidate for whom the elector wishes to vote. Please also see further instructions in the accompanying letter.

Substituted vide Govt. Notification No. TAD/R/5/61, dated 17.1.62.

APPENDIX –XV- B
Form of declaration by elector
[See rule 157 (4) ()]

Election to the _____

I hereby declare that I am elector to whom the postal ballot paper bearing serial number _____ has been issued at the above election.

Date :.....
Signature of elector
Address :.....

Attestation of Signature

The above has been signed in my presence by _____
(Elector) who is personally known to me has been identified to my satisfaction by _____ (identifier) who is personally known to me.

Signature of identifier, if any _____
Address _____

Signature of Attesting Officer
Designation _____
Address _____
Date _____

Substituted vide Govt. Notification No. TAD/R/5/61, dated 17.1.62.

APPENDIX –XVI

Form of Cover

Rule 157 (4) (6)

Election to the _____Hills District Council, 20
Constituency _____

To,

Returning Officer,
.....Constituency.
No.

(Address)

APPENDIX –XVII
Form of letter of intimation
Rule 157 (4) (d)

Election to the _____ Hills District
Council, 20 _____ Constituency

Dear Sir/Madam

1. The person whose name are printed or typed on the ballot paper sent herewith have been nominated as candidates for the election to the _____ Hills District Council. Should you decide to vote as this election, I have to request that –

- (a) You will record your vote by placing a cross mark (X) on the ballot opposite the name of the candidate for whom you wish to vote.
- (b) You will fill up and sign the declaration form sent herewith in the presence of a Magistrate who shall attest your signature;
- (c) You will then place the ballot paper in the envelope sent with this letter and close it up and enclose the envelope together with the declaration in the cover addressed to me and return the cover to me by prepaid post or by messenger, so as to reach me before 5 p.m. on theday of20....

2. The number of members to be elected is

3. Covered returned by post on which the postage has not been prepaid will not be received by me.

4. A postal ballot paper, which is not duly marked or on which more than one mark is placed against any candidate's name or on which a mark is placed in such manner as to make it doubtful to which candidate it has been given or if the signature of the elector in the declaration is not duly attested by a Magistrate, shall be invalid.

5. Your number on the electoral roll for

Constituency is

Yours faithfully

Address.....

Date

‘Returning Officer’

1. Substituted vide Govt. Notification No. TAD/R/5/61, dated 17.1.62.