THE CHAKMA AUTONOMOUS DISTRICT COUNCIL(CONSTITUTION, CONDUCT OF BUSINESS, ETC.) RULES, 2002.

In exercise of the powers conferred by sub-paragraph (7) of Paragraph 2 of the Sixth Schedule to the Constitution of India, read with Paragraph 20 BB, the Chakma Autonomous District Council, with approval of the Governor of Mizoram, makes the following rules, namely :-

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL(CONSTITUTION, CONDUCT OF BUSINESS, ETC.) RULES, 2002.

CHAPTER-I
PRELIMINARY :

1. Short title and commencement :

(1).These rules shall be called the Chakma Autonomous District Council (Constitution, Conduct of Business, etc.) Rules, 2002.

(2).They shall come into force on and from the date of their publication in the Official Gazette.

2. Definitions :

In these rules, unless the context otherwise requires :-

a).**'Chairman'** means the Chairman of the Chakma Autonomous District Council and includes any other member for the time being performing the duties of the Chairman;

b).**'Chief Executive Member'** means a leader of the majority party in the house of the District Council, and includes even a person not elected as a member for the time being to the District Council, but so appointed by the Governor under these Rules;

c).**'Constituency'** means a constituency for the purposes of election to the District Council of Chakma Autonomous District and as delimited from time to time;

The definition was added vide amendment rules'2012 :

c)(i) **'Controlling Unit'**means the electronic device used for voting and recording of vote.

d).**'Constitution'** means the Constitution of India.

e).**'Corrupt practices'** means any of the practices mentioned in rules 208 and 209 of these Rules ;

f). **'Deputy Commissioner'** means the Deputy Commissioner of Lawngtlai District, and includes an Additional Deputy Commissioner of the said District in the absence of the Deputy Commissioner;

g).**'District Council'** means the District Council of the Chakma Autonomous District Council, constituted in accordance with the provisions laid down in Paragraphs 2 and 20 B of the Sixth Schedule to the Constitution of India;

h).**'District Fund'** means the District Fund of the Autonomous District.

i).**'Election'** for the purposes of these rules means an election to fill a seat or seats in the District Council;

j).**'Elector'** in relation to a Constituency means a person whose name is for the time being entered in the electoral roll of that Constituency prepared under these Rules;

The definition wasadded vide amendment rules'2012 :

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

k).**'Executive Committee'** means the Executive Committee of the District Council of the Chakma Autonomous District, as formed under these Rules;

l). **'Governor'** means the Governor of Mizoram;

m).**'Illegal practices'** means any of the practices defined and specified in rule 210 of these Rules;

n). **'Chakma Autonomous District'** means an area deemed as such under paragraphs 2, 20 and 20 B of the Sixth Schedule to the Constitution of India;

o).**'Member'** means member of the District Council of the Chakma Autonomous District;

p).**'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 a proposal for an amendment of a resolution;

q).**'Official Gazette'** means the Mizoram Gazette;

The definition was added vide amendment rules'2012 :-

q)(i) **'Opposition Leader' means a leader of the opposition members having 1/3 of the elected members from a sitting recognized or registered political party.**

r).**'Resolution'** means a motion for the purposes of discussing a matter of general public interest;

s).**'Scheduled Tribe or Tribes'** means the tribe or tribes as specified by the President of India under Article 342 of the Constitution of India and as modified by law by the Parliament from time to time in so far as the specification pertains to the State of Mizoram;

t).**'Secretary'** means Secretary to the District Council of the Chakma Autonomous District, as appointed under these Rules;

u).**'Secretary to the Government'** means the Secretary to the Government of Mizoram in the District Council Affairs Department;

v).**'Session'** means the whole period from the time the District Council assembles on being summoned till the time it is prorogued by the appropriate authority under these Rules;

w).**'Sixth Schedule'** means the Sixth Schedule to the Constitution of India;

The definition was added vide amendment rules'2012 :

w)(i)**"State Election Commission" means the Mizoram State Election**

Commission constituted under clause (1) of Article 243K of the Constitution.

x).**'State Government'** means the Government of Mizoram.

The following clauses were added after clause (x) vide amendment rules'2011:

y) **'State Election Commission' means State Election Commission as constituted for the State of Mizoram under the provisions of Part IX and IXA of the Constitution.**

z) **'State Finance Commission' means the State Finance Commission constituted under section 138-A of these Rules.**

3. Interpretation in case of doubt :

1). Except where the context otherwise requires, the General Clauses Act, 1897, as adapted by the State Governmentshall apply for interpretation of these Rules, as they applyfor the interpretation of an Act of Parliament or of the Legislature of the State of Mizoram, as the case may be.

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 decisionof the Governor shall be final.

4. Provisions for removal of difficulties :

If any difficulty arises as to the functioning of the 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 thereunder or an Act of Parliament or of the Legislature of the State of Mizoram, which appears to him to be necessary for the proper functioning of, or holding of elections to the District Council, as the case may be.

5. Special powers of the Governor :

The Governor shall have the special powers to regulate, by order or orders, all kinds of official tours of the Chairperson, Deputy Chairperson, Chief Executive Member, and Executive Members of the District Council beyond the state and to call for perusal any official records or documents of the District Council, as may be found expedient for proper administration of the autonomous district and in due discharge of his discretionary powers under Paragraph 20 BB of the Sixth Schedule.

CHAPTER-II
District Council - Composition - Delimitation etc.

6. Constitution of the District Council :

1). Subject to the provisions contained in Paragraph 2 of the Sixth Schedule there shall be District Council for the Chakma Autonomous District specified in part III of the Table appended to para 20 of the Sixth Schedule, to be known as the District Council of the Chakma Autonomous District, and shall by the said name only sue and be sued.

2). The District Council shall continue to be a body corporate and shall have perpetual succession and a common seal.

3). Subject to the provisions of the Sixth Schedule, the administration of the Chakma Autonomous District shall be deemed to have vested in the Chakma Autonomous District Council.

Provided that the legislative functions dischargeable under the Sixth Schedule shall vest in the District Council itself while the executive functions shall vest in its Executive Committee constituted under these Rules and the judicial functions in the courts constituted under Para 4 of the said Schedule.

7. Composition of the District Council :

1). The District Council shall consist of seventeen (17) members of whom thirteen members shall be elected on the basis of adult suffrage and remaining four members shall be nominated by the Governor.

The provision was substituted vide amendment rules'2003 "The District Council shall consist of such members chosen by direct election from territorial constituencies in the Autonomous District and also nominated as specified in sub-paragraph(1) of paragraph 2 of the Sixth Schedule".

2). The allocation of seats therein as between elected and nominated members shallbe such as the Governor may, by notification in the official Gazette, determine.

The provision was substituted vide amendment rules 2003 "The composition of the District Council and the allocation of seats therein as between elected and nominated members shall be such as the Governor may, by notification in the official Gazette, determine from time to time".

3). The constituencies for elections to the District Council shall be territorial while the constituencies, respective extents thereof and the number of seats to be filled from such constituencies shall be such as may be determined by the Governor in the manner hereinafter prescribed.

4). The members to be nominated by the Governor under these Rules, subject to the provisions contained in sub-paragraph (1) of Paragraph 2 and in Paragraph 20 BB of the Sixth Schedule, may be from amongst the persons having requisite qualification for being member of the District Council, and having special knowledge or practical experience in respect of such matters as the following

namely - science, social welfare, co-operative movement and developmental planning in tribal areas, including those as may be recommended by the Chief Executive Member;

The provision was substituted vide amendment rules 2003 "The members to be nominated by the Governor under these Rules, subject to the provisions contained in sub-paragraph (1) of Paragraph 2 of the Sixth Schedule, shall be recommended by the Chief Executive Member from amongst the persons having requisite qualification for being member of the District Council".

Provided that one of the nominated members to be appointed may be a woman.

The provision was substituted vide amendment rules, 2003 "Provided that while recommending the names, the Chief Executive Member shall recommend at least three names including the name of one woman, against each seat for nominated members, and furnish all documentary proofs in support of their qualification for such appointment".

The provision was substituted vide amendment rules 2007 "Provided that while recommending the names, the Chief Executive Member shall include the name of at least one women and shall furnish the bio-data of such recommended persons as required in these rules".

The provisions wereadded vide amendment rules'2011" after sub-rule (4) the following sub-rules were added :-

5). Not less than 2(Two) of the total number of nominated members of the Council shall be women.

6). The conduct of election to the District Council shall vest in the State Election Commission. After sub-rule (4) of the principal Rule, sub-rule (5) shall stand inserted vide amendment Rules' 2012:-

5). "the superintendence, direction and control of the preparation of electoral roll for, and the conduct of the election to the District Council shall vest in the State Election Commission"

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

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

8. Delimitation :

1). For the purpose of direct election of members to the District Council as provided in sub-rules (1) and (3) of rule 7 of these Rules, the Chakma Autonomous District shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, as far as practicable, be the same throughout Chakma Autonomous District;

Explanation :-*In this sub-rule, the expression 'population' means the population as ascertained in the last census of which the relevant figures have been published.*

2). Upon the completion of each census, the total number of seats in the District Council to be filled up by direct election and nomination by the Governor, and the division of the autonomous district into territorial constituencies shall be re-adjusted by the State Government in the District Council Affairs Department, after publishing the draft proposals inviting objections thereto, in the leading local newspapers and the Official Gazette, to be submitted within a specified time and after due consideration of the same;

Provided that such readjustments shall not effect representation in the District Council until the dissolution of the then existing Council;

Provided further that such readjustments shall take effect from the date as the Governor may, by order, specify and until such readjustment takes effect, an election to the District Council may be held on the basis of the territorial constituencies existing before such readjustment.

3). Any such delimitation of constituencies for the purposes of general election to the District Council and the adjustment of seats thereto shall be made only on the basis of recommendation of a delimitation Committee or Commission to be constituted with the Deputy Commissioner, Secretary to the District Council, and representatives of the political parties recognized for the purposes of election to the District Council as the members amongst others as may be notified by the Governor;

Provided that the Delimitation Committee or Commission so constituted shall function in consonance with the provisions made in these Rules and in terms of the reference as may be made by the Governor.

9. Duration of the District Council :

1).The District Council, unless sooner dissolved, shall have its ordinary life of five years from the date appointed for its first meeting after the general elections to the council;

Provided that subject to the provisions of sub-paragraph (6A) of paragraph 2 of the Sixth Schedule, the said period may be extended by the Governor by notification in the official Gazette for a period not exceeding one year.

2).The elected members of the District Council shall hold office during the life of the District Council, as provided in sub-paragraph (6A) of paragraph 2 of the Sixth Schedule and the nominated members shall hold the office at pleasure of the Governor but not beyond the normal term of the Council to which they have been nominated.

10. Qualification of membership :

1).Subject to the provisions contained in Chapter-III of these Rules, a person shall not be qualified to be elected as a member of the District Council, unless he :

a) is a citizen of India;

b) is not less than 25 years of age;

c).is a member of the indigenous Scheduled Tribe and is a permanent resident of Chakma Autonomous District by birth.

d) is entitled to vote at the election of the Members of District Council of that Autonomous District.

Substituted vide amendment rules 2003" the expression namely "by birth" is substituted by the expression, namely, "by birth or by descent".

Explanation –

1) For the purposes of the clause (b) above, a candidate shall not be accepted to be qualified unless he has attained the age specified in the clause (b) on the date fixed for the security of the nomination papers.

2) For the purpose of this rule, the expression 'Permanent resident of Chakma Autonomous District by birth' shall include a person born within the defunct Pawi-Lakher Regional Council Area.

Substituted vide amendment rules 2007 "For the purpose of this rule, the expression 'by birth or by descent' shall include a person born within the defunct Pawi-Lakher Regional Council Area and also a person whose name is included in the Assembly Electoral Roll of 36-Tuichawng (ST) Assembly Constituency for the relevant year of the elections".

11. Vacation of seats:

1).Subject to the provisions contained in any law made under Article 191 of the Constitution of India, no person shall be or continue to be simultaneously a member of District Councils of two or more Autonomous Districts, or a member of the District Council and of the Mizoram Legislative Assembly, and if a person is so elected, then at the expiry of twenty-one days from the date of publication in the Official Gazette of the declaration that he has been so elected of, if such publication has been made on different dates, from the latest of such dates, that person's seat in the District Council of all such Autonomous District shall become vacant unless he has previously resigned his seat in the District Councils of all but one of the Autonomous Districts or the Legislative Assembly, as the case may be. Such a vacancy or vacancies shall be notified by the Governor in the official Gazette.

2). If a person is elected to more than one seat in the District Council, then unless within twenty one days from the date of publication in the official Gazette of the name of that person as having been so elected or where such publication has been on different dates, unless within twenty one days from the latest of such dates, such person resigns allbut one of the seats, all the said seats shall become vacant. If he resigns from all but one seat, the

remaining seat or seats shall become vacant and such vacancy or vacancies shall be notified by the Governor in the official Gazette.

3). In the event of any vacancy arising in a constituency under sub-rule (1) and (2), a bye-election to that constituency may be conducted for filling up the vacant seat or seats in the Council within six months from the date of its falling vacant.

4). If a member of the District Council resigns his seat by writing under his hand addressed to the Chairman, the Governor, on receipt of the report from the Chairman shall, by notification in the Official Gazette, declare such seat to be vacant and a bye-election to fill such vacancy may be conducted within six months from the date of its falling vacant.

5). If for a period of thirty days a member of the District Council remains, without the permission of its Chairman,absent from all meetings thereof, the Chairman may declare his seat as lying vacant.

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

6). When a seat becomes vacant under the provisions of sub-rule (5), the Governor shall, by notification in the official Gazette, declare it to be vacant, and a bye-election to fill such vacancy shall be conducted within three months from the date of its falling vacant.

Substituted vide amendment rules 2003 :

(1). No person shall be a member of the District Council of two or more Autonomous Districts and if a person is so elected a member of two or more District Councils, then at the expiry of twenty one days from the date of publication in the official 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, then the persons seat in the District Council of all such Autonomous Districts shall become vacant unless he has previously resigned his seat in the District Council of all but one of the Autonomous Districts. Such vacancies shall be notified by the Governor in the Official Gazette.

(1). If a person is elected to more than one seat in the District Council, then unless within twenty one days from the date of publication in the Official Gazette of the name of that person as having been so elected or where such publication has been made on different date, from the latest of such dates, such person resigns all but one of the seats, the remaining seat or seats shall become vacant and such vacancy or vacancies shall be notified by the Governor in the Official Gazette.

(1). In the event of any vacancy arising in a constituency under the circumstances contemplated in sub-rules (1) and (2) or as a result of death of a sitting member, a bye-election shall be conducted for filling such vacancy or vacancies in the District Council within six months from the date of notification of the vacancy or vacancies in the Official Gazette.

(1). If a member of the District Council resigns his seat by writing under his hand addressed to the Chairman, his seat shall become vacant and a bye-election to fill the vacancy shall be conducted within six months.

(1). If for a period of thirty days a member of the District Council remains, without the permission of the Chairman of the Council, absent from all meetings thereof, the Chairman may declare his seat vacant , provided that in computing the period of thirty days no account shall be taken of any period during which the District Council is prorogued or remains adjourned for more than three consecutive days.

(1). When a seat becomes vacant under the provisions of sub-rule (4) or (5), the Governor shall, by notification in the Official Gazette declare it to be so vacant, and a bye-election shall be conducted for filling such vacancy or vacancies in the District Council within six months from the date of notification of the vacancy or vacancies in the Official Gazette".

CHAPTER-III
DISQUALIFICATION FOR MEMBERSHIP TO THE DISTRICT COUNCIL

12. Disqualification for Membership :

1). A person shall be disqualified for being chosen as, and for being a member of the District Council :-

a) if he holds an office which is capable of yielding a profit or pecuniary gain under the Government of India or the Government of any State or Union Territory specified in the First Schedule of the Constitution or under a District Council of Autonomous District duly constituted under the provisions of the Sixth Schedule to the Constitution;

Provided that a person, for the purposes of this clause, shall not be deemed to hold an office of profit by reason merely of his being a member of the Executive Committee or a Chairman or a Deputy Chairman, or a Member of the District Council;

Substituted vide amendment rules 2003" clause (a) after the words "District Council" the word namely " or a Member of Legislative Assembly or a Member of Parliament is substituted

b) if, and for so long as, there subsists a contract entered into by him in course of his trade or business with the District Council for the supply of goods to, or for the execution of any works undertaken by the District Council;

Explanation - For the purposes of this clause, where a contract has been fully performed by the person by whom it has been entered into with the District Council, the contract shall be deemed not to subsist by reason only of the fact that the District Council has not performed its part of the contract either wholly or in part.

c) if he is of unsound mind and stands so declared by a competent court or authority prescribed under the Mental Health Act, 1987;

d) if he is an un discharged insolvent;

e) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;

f) if he has been convicted of an offence referred to in sub-section (1) of section 8 of the Representation of the People Act, 1951 (43 of 1951), and a period of six years has not elapsed since the date of such conviction and prior to the date of filing of nomination;

g) if he has been convicted of the contravention of any such law as enumerated in section 8 (2) of the Representation of the People Act, 1951 (43 of 1951) and sentenced to imprisonment for not less than six months, and a period of six years has not elapsed since the date of his release after expiry of the term of such sentence;

h) if he has been found guilty of a corrupt or illegal practices by an order under rule 208, 209 or 210 of these Rules.

Explanation - The term "corrupt or illegal practice" in its reference under the clause shall be confined to those corrupt or illegalpractices which have been declared by rule 208, 209 or 210 to be an offence or practice entailing disqualification under these Rules.

i) if he has been convicted of any offence other than those referred in clauses (f) and (g) above and sentenced to imprisonment for not less than two years, and a period of six years has not elapsed from the date of his release after expiry of the term of such sentence.

j) Notwithstanding anything in clauses (f), (g) and (i) above, a disqualification under either clause shall not, in case of a person who, on the date of the conviction, is a member of the District Council, take effect until three months have elapsed from that date, or if within that period an appeal or application for revision is preferred from the conviction or the sentence, and an interim stay against such conviction or suspension of such sentence has been obtained by such person from a competent appellate or divisional court, as the case may be.

2). A person who having held an office under the Government of India or under the Government of any State or Union Territory, or under any District Council of an Autonomous District, has been dismissed for corruption or for disloyalty to the State or removed for disobedience or violation of any direction issued under rule 5 of these Rules shall be disqualified for a period of five years from the date of such dismissal or removal, as the case may be.

Explanation - For the purposes of this sub-rule, a certificate issued by the Secretary to the Government to the effect that a person having held office under the Government of India or under the Government of a State or Union Territory or under a District Council has or has not been dismissed for corruption or disloyalty to the State or has not been removed for disobedience or violation of any direction issued under rule 5 of these Rules shall be the conclusive proof of that fact;

Provided that no such certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State or so removed shall be issued, unless an opportunity of being heard has been given to that person.

3). A person shall be disqualified if, and for so long as he is a managing agent, manager or Secretary of any Company or Corporation (other than a Co-operative Society) in the share-capital of which the Government of India or the Government

of a State or Union Territory or a District Council has held not less than twenty five percent share.

4). If the Governor is satisfied that a person having been nominated as a candidate for the District Council of having acted as election agent of any person so nominated - *(a)has failed to lodge an account of election expenses within the time and in the manner required by rule 189; or(b) has no good reason or justification for such failure, then the Governor shall, by an order published in the official Gazette, declare him to be disqualified for a period of three years from the date of the order.*

5). A sitting member of the District Council shall be disqualified if,

(a)he has voluntarily given up the political party which sponsored him as a candidate on the date of his nomination and joined any other political party after his election or his nomination as a member.

Provided that a member shall not be disqualified even if he has left the party which sponsor him, as a result of a split which consists of not less than 1/3 of the elected members of such party in the District Council;

(b)having been elected to the District Council as an independent candidate, has later joined any Political Party.

6). All decisions regarding disqualification of members as mentioned in clauses (a) & (b) of sub-rule (5) above shall be made by the Chairman and his decision shall be final and binding on the member and the Political Party concerned.

13. Removal or reduction of the period of disqualification :

1)The Governor may, for reasons to be recorded, remove any disqualification under this Chapter except under clause (h) of sub-rule (1) of rule 12 or reduce the period of any such disqualification, when so moved by any aggrieved person or member.

Substituted vide amendment rules 2003 " 13(1) The Governor may, for reasons to be recorded remove any disqualification under this Chapter except under clause (b) of sub-rule (1) of Rule 12 and sub-rule (5) of Rule 12".

2) If any question arises as to whether a member of the District Council has become subject of any of the disqualifications mentioned in rule 12, the question shall be referred through the Secretary to the Government, by the Chairman, and if it relates to the Chairman, then by the Deputy Chairman, for decision to the Governor whose decision shall be final.

Substituted vide amendment rules 2003“ 3) Before giving any decision on any such issue , the Governor may also take advice of the Advocate-General of Mizoram”.

14. Penalty for sitting and voting before making oath or affirmation under rule or when not qualified or when disqualified :

If a person sits or votes as a member of the District Council before he has complied with requirements of sub-rule (1) of rule 37 or when he knows that he is prohibited from so doing by the provisions of any law applicable to such members or by an order of any competent court of law, then he shall be liable in respect of each day on which he so sits or votes, to a penalty of two hundred fifty rupees to be recovered as a debt due to the District Council, by the Secretary from such person’s salaries or entitlements or otherwise, and the penalty so realized shall be credited to the District Fund of the District Council.

CHAPTER-IV
CHAIRMAN ETC. OF THE DISTRICT COUNCIL, OFFICERS, SECRETARIAT ETC.

15. Chairman and Deputy Chairman :

There shall be a Chairman and a Deputy Chairman of the District Council, who shall be elected from amongst the members and by the members having voting rights at the time of such election in the manner prescribed in these Rules hereinafter.

16. Vacation of offices, resignation or removal of Chairman and Deputy Chairman :

A member holding office as Chairman or Deputy Chairman of the District Council :

a) shall vacate his office or shall be deemed to have vacated his office, if he ceases to be a member of the said Council, or has been deprived of his voting right even temporarily by an order of a competent court;

Provided that if his voting right is restored back by a final order of such court, then he shall be deemed to have been re-elected as the Chairman or the Deputy Chairman, as the case may be, of the District Council;

b) may, at anytime, by writing under his hand addressed, if such member is the Chairman, to the Governor and if such member is the Deputy Chairman, to the Chairman, resign from his office;

Provided that if both the Chairman and the Deputy Chairman wish to resign from their respective post simultaneously, then both shall submit such resignations to the Governor through the Secretary to Government;

Provided further that if any of the authorities mentioned above fails to forward any resignation received by him to the Governor within a week at the maximum, shall be liable to face legal consequences including temporary disqualification for sitting and voting in the Council-session, as may be decided by the Governor

c) may be removed from his office by an express resolution of the District Council passed by a majority of the members present of the District Council, and having voting rights.

Substituted vide amendment rules 2003“ the word an ‘express resolution’, shall be substituted by the word ‘a motion’”.

Provided that a resolution for the purpose of clause (c) shall be moved in the manner laid down in rule 86.

17. Performance of duties of Chairman or Deputy Chairman, when his office is vacant. :

1).While the office of Chairman is vacant, the duties attached to his 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 purposes in consultation with the State Government.

2). During the absence of the Chairman from any sitting or session of the District Council or otherwise including temporary incapacitation the Deputy Chairman or if he is also absent or similarly incapacitated, then such a member as may be determined under sub-rule (3) of this rule shall act as a Chairman.

3). As the commencement of the session after election of the Chairman and the Deputy Chairman, the Chairman shall nominate from amongst the members to form a panel of not more than two Chairpersons, and one of them in the order their names figure in the panel shall preside over the session in absence of both the Chairman and the Deputy Chairman and the Deputy Chairman remain absent or incapacitated otherwise to preside.

4). A Chairman as may be nominated under sub-rule (2) or (3) above, shall, when presiding over any session in the Council, have the same powers as the Chairman dejure is to enjoy when so presiding.

18. Chairman or Deputy Chairman not to preside in certain cases:

1). At any sitting of the District Council, while any resolution for the removal of the Chairman or Deputy Chairman from his office is under consideration, Chairman or the Deputy Chairman, as the case may be, shall not, though he is present, preside over the session, and the provisions of sub-rule (2) of rule 17 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 in absent.

Substituted vide amendment rules 2003 "For the word 'resolution' the word 'motion' is substituted".

2). When any such resolution for removal of the Chairman or the Deputy Chairman, as the case may be, from his office has been moved and is under consideration before the District Council, the Chairman or the Deputy Chairman against whom the resolution is under consideration, shall have the right to speak in his defense, or otherwise to take part in that proceeding and shall, notwithstanding anything contained in this rule, 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

19. Salaries, etc. of Chairman, Deputy Chairman, and others:

There shall be paid to the Chairman, Deputy Chairman and Members of the District Council, such salaries, allowances and pension as may be fixed by the District Council by law-subject to approval of the Governor.

20. Secretariat of the District Council :

The District Council shall have its separate Secretariat, consisting of a Secretary at its head, who shall be appointed by the Chairman of the District Council, and such other officials and staff as may be decided by the Chairman in consultation with the Executive Committee of the District Council.

Provided that while fixing the strength of the Secretariat of the District Council, if any extra or additional financial implication is found unavoidable, then no such decision shall be taken without prior concurrence of the Governor.

21. Conditions of Service of officers and staff of the District Council Secretariat :

Subject to the previous approval of the Governor, the District Council may make rules regulating the conditions of service of officers and staff appointed to the Secretariat of the District Council.

Provided that where such rules have not been made by the District Council, the conditions of service of such officers and staff of the District 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 of the State Government, subject to such restrictions or modifications as the Governor may direct in the case of a particular appointment or class or classes of appointment.

CHAPTER-V
EXECUTIVE COMMITTEE

22. Formation of Executive Committee :

1). There shall be an Executive Committee of the District Council with a Chief Executive Member at the head, and five other members of the Executive Committee to exercise the functions hereinafter specified.

Substituted vide Amendment rule'2014. For sub-rule (1) of Rule 22 of the Principal Rules, the following shall be substituted, namely :

"There shall be an Executive Committee of the District Council with a Chief Executive Member at the head and seven other members of the Executive Committee to exercise functions herein specified".

2). The Executive Committee shall be formed by the largest legislature party having a majority of elected members in the District Council. The leader elected by such legislature party shall be appointed as the Chief Executive Member;

Provided that in case he is not an elected member, then unless such leader is elected as a member of the District Council within six months from the date of his appointment as such, he shall cease to be the Chief Executive Member and to continue as such.

3). Subject to sub-rule (2), the Chief Executive Member shall be appointed by the Governor, and other members shall be appointed by the Governor on the recommendation of the Chief Executive Member through the Secretary to the Government.

4). There shall be a Secretary to the Executive Committee, who shall be designated as the Executive Secretary and such other Deputy and Under Secretaries as may be determined by the Executive Committee, with prior approval of the Governor.

Provided that notwithstanding anything contained in these Rules, the Governor may, for the sake of better administration of the Chakma Autonomous District and inconsultation with the Chief Executive Member, depute any officer of the State Government, not below the rank of Joint Secretary to the District Council as the Executive Secretary.

5). The Governor may, if he considers necessary, cause the District Council to take up vote of confidence in the newly formed Executive Committee within thirty days from the date of its formation.

6). There shall be paid to the Chief Executive Member and the Executive Members of the District Council such Salaries, allowances and pension as may be fixed by the District Council by law subject to approval of the Governor.

The new sub-rule was added vide amendment rules' 2012 :-

7)(i)There shall be an Opposition Leader, if a single recognized or registered political party has at least 1/3 of elected members. The Opposition Leader shall be appointed by the Governor on the recommendation of the Chief Executive Member.

7)(ii) In sub-rule (6) of rule 22 of the Principal Rules, the word 'and' shall stand omitted and after the words Executive Member 'and the Opposition Leader' shall be added.

23. Oath of office and Secrecy :

Before a Member of the Executive Committee enters upon his office, the Deputy Commissioner or any officer authorized by him in this behalf shall administer to him the oath of Office and of secrecy to the forms set out for the purpose in Appendix-I.

24. Vacation of office by members of Executive Committee

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, subject to the Proviso to sub-rule (2);

(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 Chairmanwho shall forward such resignation within 48 hours from the time of receipt of the same, and if such member is a member of the Executive Committee, to the Chief Executive Member. On his resignation being accepted by the Governor or the Chief Executive Member, as the case may be, such Chief Executive Member or other Executive Member, as the case may be, shall be deemed to have vacated the office as such.

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 provisions of rules 22 and 23.

Provided that until a new Chief Executive Member has been appointed and the Executive Committee reconstituted, the Governor may, notwithstanding anything contained in sub-rule (1) of rule 24 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 may think proper for carrying on the executive functions of the District Council.

25. Removal etc. of members of Executive Committee :

1). The Executive Committee shall be collectively responsible to the District Council and may be removed on a vote of no-confidence passed by a majority of the Members of the District Council present at a meetingspecially convened for the purpose under rule 84 of these Rules;

Provided that subject to Sub-paragraph (2) of 16 of the Sixth Schedule to the Constitution, the Governor may assume to himself all the powers of the Executive Committee by placing it under suspension, in case the Chief Executive Member or any Member of the Executive Committee commits violation of any direction or order given under rule 5 of these Rules.

Substituted vide amendment rules 2003 "The proviso of sub-rule (1) stands omitted".

2). In case of removal of the Executive Committee, the Chairman shall forthwith submit a report to the Governor through the Secretary to the Government, and the Governor thereupon shall appoint the Chief Executive Member immediately in consonance with rule 22.

3). Member or Members of the Executive Committee shall hold office during the pleasure of the Chief Executive Member and may be removed by an order of the Chief Executive Member, with intimation to the Governor. The Governor shall, on the recommendation of the Chief Executive Member, appoint new Executive Member or Members to fill up the vacancy or vacancies, subject to the condition that a removed Member shall not be entitled to re-appointment as such.

26. Staff of Executive Committee :

The Executive Committee may, from time to time, determine and appoint number of officers and staff to be employed by it and fix the salaries and allowances to be paid to such establishment, in prior consultation with, and with prior approval of the State Government.

27. Conduct of Executive functions of the District Council

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 order of the District Council. Every such order or instrument shall be signed by the Chief Executive Member or any other member of the Executive Committee or any Officer(s) authorized by the Chief Executive Member by an order in this behalf, and such signature shall be deemed to be the proper authentication of such order or instrument.

28. Power and Functions of the Executive Committee :

1). The Executive Committee shall dispose of all matters falling within its purview, except certain matters hereinafter specified which shall be referred the Governor for final approval.

2). The specified matters required to be referred to the District Council as mentioned in sub-rule (1) shall be as follows :-

(a) cases involving any important change in the administrative system of the Autonomous District or any important departure from accepted policy or practice;

(b) proposals for making regulations, rules or laws as authorized under the provisions of the Schedule;

(c) cases which may seriously affect, or are likely to affect the Chakma Autonomous District or affect or likely to affect relations with any such other District area.

(d) cases affecting the relations of the State Government with the Autonomous District Council.

(e) All correspondence of importance with the State Government and the Government of India;

(f) All matters falling within the purview of the discretionary powers of the Governor under paragraph 20 BB of the Schedule when sought to be consulted under that paragraph by the Governor with the District Council;

(g) Appointments of all Gazetted Officers;

(h) Any other matter or matters which the Executive Committee may think proper to be placed before the District Council; and

3). All matters required to be placed before the District Council shall be sent to the Secretary in writing for placing before the said Council.

29. Savings :

Notwithstanding anything contained in rule 28, if at any time, except when the District Council is in session, and emergency arises which renders it necessary for the Executive Committee to take immediate action in respect of any matter or matters specified in clause (a) to (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 case shall be forthwith reported to the Governor and shall be laid before the District Council at its next session for confirmation of the action taken by the Executive Committee, together with the views or decisions of the Governor for such action as may be decided by the Council.

30. Transaction of business of the Executive Committee :

1). Each member of the Executive Committee shall be entrusted with specific 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 authorized by an individual member of the

Executive Committee on a matter pertaining to his subject or as a result of discussion at a meeting of the Executive Committee or otherwise.

2). One of the Members of the Executive Committee will be held in-charge of the District Fund referred to in these Rules as the member-in-charge of the Financial affairs of the District Council.

3). The duties and functions of such Member-in-charge will be as follows :-

(a) he shall generally advise on all matters pertaining to all receipt and expenditure of the District Council;

(b) he shall be responsible for all matters relating to financial procedure and the application of the principles 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 statements;

(d) he shall be responsible for the "ways and means" position of the District fund; and

(e) he shall be responsible for proper audit and accounts pertaining to the District Council, follow-up actions on the reports of the Comptroller and Auditor-General of India.

CHAPTER-VI
ELECTION OF CHAIRMAN AND DEPUTY CHAIRMAN OF THE DISTRICT COUNCIL.

31. Election of Chairman :

1) When either for the constitution of a new District Council or owing to vacancy in the office of the Chairman, election of the Chairman is necessary, the Governor shall fix a date for the holding of the election, and the Secretary shall send to every member notice of the date so fixed.

2) At any time before 3:00 PM on the day preceding 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 Secretary a nomination paper in such form as at Appendix-II, signed by himself as proposer and by a third member as seconder.

3) The nomination paper shall be delivered to the Secretary either by the candidate himself, by the proposer or by the seconder in person.

4) In the case of a new Council, a protem Chairman appointed from the members by the Governor shall perform the duties of the office of Chairman pending the election of a Chairman, and shall preside over the first meeting of the District Council constituted under these Rules, who shall read out in the Council 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 elected as the Chairman of the Council. If more than one member have been so nominated, the Council shall proceed to elect a Chairman by ballot, and the candidate obtaining the highest number of votes shall be declared elected. In case of equality of votes, it shall be determined by exercising the casting vote of the Protem Chairman.

   Provided that a member contesting for election as Chairman shall not be appointed as the Protem Chairman.

5) For the purposes of sub-rule (4), a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer and seconder have not, before reading out the names by the person presiding, made and subscribed the oath or affirmation as members of the Council under the Rules.

6) Where more than two candidates obtain an equal number of votes, the protem Chairman shall select the Chairman by the drawing of lots.

7) A nomination paper may be withdrawn by a candidate or his proposer before the Council meets on the day fixed for the election of the Chairman.

8) Powers of the protem Chairman or the person presiding over the District Council for the purposes of this rule shall be same as laid down in sub-rules (3) & (4) of rule 17 of these Rules.

32. Election of Deputy Chairman:

1). When either at the beginning of a 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 a Deputy Chairman is necessary, the Chairman shall fix a date for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

2). The procedure for the election of Deputy Chairman shall be the same as that for the election of the Chairman as provided for in rule 31 except that the meeting for the election of Deputy Chairman shall be presided over by the Chairman.

3). A nomination paper may be withdrawn by a candidate or his proposer before the Council meets on the day fixed for the election of the Deputy Chairman.

CHAPTER-VII
DISTRICT COUNCIL SESSION :CONDUCT AND BUSINESS THEREOF - GENERAL

33. Summoning of the District Council:

1). The District Council for its meeting after the general elections shall be summoned by the Governor to meet at such time and place as he thinks fit, and the Secretary to Government shall inform the Deputy Commissioner and the Secretary, of the date, hour and place for such meeting of the Council.

2). For all subsequent meetings, subject to the provisions of sub-rule (4), the Chairman or in his absence the Deputy Chairman, shall summon the District Council to meet atsuch time and place as he thinks fit and the Secretary shall inform the Deputy Commissioner of the date, hour and place for each such meeting of the council.

3). 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 at least thirty days before the date fixed for the meeting.

4). The District Council shall be summoned to meet three times in a year 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.

Provided that in the event of an emergency, the Chairman of the Council, in consultation with the Chief Executive Member being the Leader of the House, may summon the District Council at shorter notice than what has been provided in sub-rule (4), and prior intimation of every emergency session shall be given to the Governor, the Secretary to Government and the Deputy Commissioner.

Provided further that on receipt of a requisition signed by not less than two-thirds of the members of the District Council, the Chairman shall summon a special meeting of the District Council.

5). The Chairman or such other person who summons the District Council under sub-rule (1), (2) or (4), may also prorogue the Council.

6). 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 as he may think fit in public interest.

34. Hours of Sitting :

1). The District Council shall ordinarily sit from 10:30 AM to 1:00 PM and from 2:00 PM to 4:00 PM on all weekdays except Saturday and Sunday.

Provided that the Chairman may, in his discretion, according to the exigencies of business, adjourn earlier or extend the hour of sitting.

2). A sitting of the Council shall be deemed to be duly constituted when it is presided over by the Chairman or any other member competent to preside over a sitting of the Council under the provisions of these Rules.

35. Adjournment of the Council Session:

1).The Chairman shall determine the time when sitting of the Council shall be adjourned sine die.

2).The Chairman shall have the power to adjourn a sitting of the Council whenever he deems necessary. Provided that when the Chairman adjourns the Council Session for a particular time, it shall not exceed a period of one week.

Provided further that the Chairman may, if it appears expedient and on the advice of the Chief Executive Members being the Leader of the House, recall the sitting of the Council before the date of time to which it has been adjourned or at any time the house has been adjourned sine die.

3).Notwithstanding anything contained in these Rules, where the Leader of the House i.e. the Chief Executive Member is of the view that an order of adjournment of the District Council Session by the Chairman substantially contravenes the provisions of these Rules and has the effect of impeding smooth functioning of the District Council for due disposal of its businesses, he shall make a request to the Chairman to reconsider his decision and if the Chairman agrees, he shall recall the sitting of the House on the day suggested by the Leader of the House, i.e. the Chief Executive Member.

4).If the Chairman refuses to reconsider his decision, it shall be the duty of the Leader of the House i.e. the Chief Executive Member to give notice of a motion with prior approval of the Governor for such motion, that such order of adjournment be inoperative and the House do proceed with businesses before it and such notice shall be considered by the District Council on a date being the date earlier than the date to which the Council had been adjourned, to be specified by the Leader of the House i.e. the Chief Executive Member in such notice of motion.

5).It shall be the duty of the Secretary, on receipt of such notice, to circulate it to members and include such matter in the list of business for the said date, to be circulated to the members.

6).If such motion is carried, the District Council shall proceed with its business as if the order of adjournment referred to in sub-rule (3) of this rule were not at all made.

36. Notices to Members and the order inwhich they would sit :

1). On summoning of a session of District Council under rule 33, the Secretary shall serve notices to its members specifying the place, date and time for the session, at least thirty days before the date of commencement of the Session.

Provided that when a session is called at short notice or emergency, such notices may be served on all members through special messengers.

Provided further that a notice for the emergency session shall be issued at least ten days before the date of commencement of the session.

2).The members shall sit in such order as the Chairman may determine.

37. Oath or affirmation of members :

1).Every member of the District Council as soon as constituted after the general elections, shall, before the President /Judicial Officer, Chakma District Council Court or any other person appointed in that behalf by the Governor, an oath or affirmation according to the form set out for the purpose in the Appendix-III.

Substituted vide amendment rules 2003" the word 'Judicial Officer' shall stand omitted and before the expression 'an oath' the word 'subscriber' is inserted".

2).A member who has not already made and subscribed an oath or affirmation in pursuance of the sub-rule (1) may do so at the commencement of a sitting of the Council or at any other time of the sitting as the Chairman may direct or on any day after giving previous notice in writing to the Secretary.

3).No member shall be entitled to take part in any proceedings of the District Council unless he has made and subscribed an oath or affirmation in pursuance of this rule.

4).There shall be a Roll of Members of the District Council, which shall be signed in the presence of the Secretary by every member after making and subscribing of the oath or affirmation by a member.

38. Voting in the District Council :

1).Save as otherwise provided in these 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.

2).The Chairman or the 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.

39. Power of the District Council to actnotwithstanding :

The District Council shall have power to act notwithstanding any vacancy in the membership thereof, and no proceedings in the Council shall be invalid, notwithstanding that it is discovered subsequently that some person who was not entitled so to do as or voted or otherwise took part in the proceedings.

40. Quorum :

1).The quorum to constitute any meeting of the District Council shall be one third of the total number of members including the person presiding over the Council.

Provided that in case of a fraction, any figure of decimal five and above shall be treated as a whole number and fraction less than that shall be ignored for the purposes of calculation under this sub-rule.

2). If at any time during a meeting of the District Council it is brought to the notice of the Chairman that there is no quorum, it shall be the duty of the Chairman or the person acting as such, either to adjourn or suspend the meeting until there is a quorum.

41. Language of the District Council :

A member may address the District Council session in any of the languages spoken in the area over which the District Council exercises jurisdiction or in any of the recognized languages of the State.

Provided that if any member seeks to address the House in a language not intelligible to the majority of the members thereof, he shall have to make over in advance to the Secretary a copy of his speech in original as well as its translation in English, which he proposes to deliver.

Explanation *- For the purposes of this rule, the expression 'recognized languages of the State' shall include the following languages, namely, Mizo, English and Hindi.*

42. Rules to be observed by the members :

When the District Council is in session, a member :

(a) shall not read any book, newspaper or letter except in connection with the business of the House.
(b) While desirous of making any mention on any matter before the House, shall rise and speak from his seat and shall address the Chairman.
(c) shall not interrupt any member while speaking by improper expression or noises in any other improper manner.
(d) shall bow to the Chair while taking or leaving his seat.
(e) shall not pass between the chair and any member who is speaking.
(f) shall not leave the House when the Chairman is addressing the House.
(g) shall keep to his usual seat.
(h) shall maintain silence while the Chairman is addressing the house.
(i) shall not applaud when a visitor enters any of the galleries or the special box.
(j) shall not, while speaking, make any reference to the visitors in any of the galleries.
(k) shall not obstruct proceedings or businesses of the House or interrupt and shall avoid making running commentaries when speeches are being made in the House.

43. Executive Members to observe :

An Executive Member when a matter relating to his portfolio is under discussion in the House, shall not leave the House without prior permission of the Chairman.

44. Members to speak when called by the Chairman :

1).When a member rises to speak, his name shall be called by the Chairman.

2).If more members than one rise at the same time, the member whose name is so called shall be entitled to speak.

45. Questions to be asked through the Chairman:

When for the purposes of explanation during discussion or for any other sufficient reason or reasons, any member has occasion to ask a question of another member on any matter than under the consideration of the House, he shall ask the question through the Chairman.

46. Personal Explanation :

A member may, with the permission of the Chairman, make personal explanation, although there is no question before the house, in which case no debatable matter may be brought forward and no debate shall rise.

47. Irrelevant motions or repetitions :

The Chairman, after having called the attention of the House as well as of the member who persists in irrelevant mention or in tedious repetitions either of his own explanation or ofthe arguments used by other members in debate, may direct him to discontinue his speech.

48. Allegations of defamatory or incriminatory nature against any person :

No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Chairman and also to the Executive Member concerned so that the Executive Member may be able to make an inquiry into the matter for the purpose of reply.

Provided that the Chairman may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.

49. Use of Session Hall :

1).The Session Hall shall not be used for any purpose other than the session of the Council.

2).Admission of persons, other than members, to any part of the Session Hall during the sitting of the Council shall be regulated in accordance with orders or permissions made by the Chairman or any officer authorized by him in this behalf.

Provided that the Chairman, whenever he thinks necessary, may order the visitors or press gallery to vacate immediately or as he may think fit.

50. Limitations on debate :

1).Subject-matter of every member's speech shall be strictly relevant to the subject under discussion before the District Council.

2). A member while speaking shall not :

(i) reflect upon the conduct of the President of India or any Governor of a State or Administrator of a Union Territory, or any Court of Law in the exercise of its judicial functions;

(ii) utter treasonable or seditious words;

(iii) use offensive expressions regarding the Parliament or the Legislature of a State or Union Territory;

(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;

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

51. Point of Order:

No Proceedings of the District Council shall be deemed to be, or ever 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;

52. Decision on points of Order :

1).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.

2).The Chairman shall decide all points of order which may arise and his decision shall be final.

53. Power to order withdrawal of members:

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

2).He may direct any member whose conduct is in his opinion disorderly, to withdraw immediately from the session of 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 for the 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 House of the District Council, suspend any sitting for such time as it may be deemed necessary in consultation with the Leader of the House, i.e. the Chief Executive Member.

Provided that such suspension should not exceed one week at a time and a report in this regard is submitted to the Deputy Commissioner and the Governor.

54. Allotment of time for official andnon- official Business :

The Chairman, in consultation with the Leader of the House, i.e. the Chief Executive Member, shall allot so many days as may in his opinion be possibly compatible with the public interest, for private member's business and may allot

different days for the disposal of different classes of such business, while on other days no other business than official business shall be transacted.

Provided that the Chairman may, if he thinks so necessary, prescribe time limit for the speeches.

55. List of Business :

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.

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.

56. Business outstanding at the end of the day :

1).All business listed for any day and not disposed of on that day shall remain outstanding until the next day of the session available for such business.

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.

57. Leave of absence :

1).If a member finds at any time that he is unable to attend the meeting of the District Council for a period of thirty consecutive days computed in the manner provided in sub-rule (5) of rule 11, he shall apply to the Chairman for the leave of the District Council for such absence.

2).Sub application shall be disposed of as it was a motion under Chapter-VIII of these Rules.

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 from the meeting without permission for the District Council for a period of thirty consecutive days or more, computed in the manner provided in sub-rule (5) of rule 11, 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, the Deputy Commissioner and the member concerned.

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

CHAPTER-VIII
QUESTIONS

58. Time for questions:

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

59. Notice of questions :

A member who wishes 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 question and shall, together with the notice, submit a copy of the question or questions which he wishes to ask.Provided that the Chairman may, with the consent of the Chief Executive Member, allow a question to be put at a shorter notice.

60. Power to disallow Question :

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 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 to be answered or replied.

61. Supply of list of business/Questions to the Governor:

The Chairman shall cause a list of business and questions to be supplied to the Deputy Commissioner and if the Deputy Commissioner is of opinion that any question or part thereof relates to a matter falling outside the jurisdiction of the District Council, he shall request the Chairman in writing or otherwise, not to allow the question or part thereof to be answered in the Council.

Provided that in the event of any differences of opinion arising between the Deputy Commissioner and theChairman, 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.

62. Subject matter of Questions:

1).Questions may be asked for the purpose of obtaining information on matters of public concern within the special cognizance of the matter to whom it is addressed. No question shall be asked in regard 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, and

(b) Any matter relating to the conduct of any judge or any Magistrate in the discharge of his duties.

2).If any doubt arises as to whether any question is or is not within the restriction imposed by sub-rule (1), the Chairman shall decide the point and his decision shall be final.

3).There shall be two types of questions namely :

(a) Starred question which shall be answered orally by the concerned Member of the Executive Committee. Any of the members may put supplementary questions to a starred question after being called by the Chairman, but such supplementary questions to a particular question should not exceed normally five (5) in number.

(b) Unstarred question which shall be answered with the support of printed or typed copies of answers, and shall be laid on the tables half an hour before the Chairman takes his seat.

(c) any member desiring to ask questions specified at (a) and (b) above, has to give separate notice of his questions belonging to starred or unstarred respectively.

Provided that members shall be permitted to put any supplementary questions on an ordinary/unstarred questions with prior permission of the Chairman.

Provided also that the chairman may disallow any supplementary question, if in his opinion, a sufficient or reasonable number of supplementary questions have already been put in respect of the same question.

63. Form and content of Questions :

In order that a question may be admissible, it shall satisfy the following conditions, namely :

(a) It shall not bring in any name or make any statement not strictly necessary to make the question intelligible;
(b) If it contains a statement by the member himself, the member asking it shall make himself responsible for the accuracy of the statement;
(c) It shall not contain arguments, inference, ironical expression or defamatory statement;
(d) It shall not ask for any expression of opinion or the solution of a hypothetical proposition;
(e) It shall not relate to the character or conduct of any person by name, except by designation in his official or public capacity;
(f) It shall not be excessive in length;
(g) It shall not be a request for action;
(h) It shall be precisely and definitely expressed; and
(i) It shall be asked with the object of eliciting information, pure and simple.

64. Questions of Controversies :

On 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 a statement of facts.

65. Chairman to decide admissibility of questions:

The Chairman shall decide on the admissibility of a question in term of rule 63 and shall disallow any question which, in his opinion, is an abuse of the right of questioning or is in contravention of the rules applicable to it.

66. List of questions :

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.

67. Matters to which they shall relate :

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.

68. Questions of absent members :

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. In all such cases, previous intimation of such authorization shall be given to the Chairman.

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

When a supplementary question is asked at any meeting of the Council and if 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. If the question is not disallowed by the Chairman, it will be immediately forwarded to the Executive Member 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 listed, it will lapse under rule 56.

CHAPTER-IX
MOTIONS

70. Motions :

1). A matter requiring the decision of the District Council shall be brought forward by means of a motion proposed by a member.

2).Votes may be taken by show of hands, or voices of division of 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 the members voting on either side shall be recorded.

3).The result of a division shall be announced by the Chairman and shall not be challenged.

71. Discussion on a matter of public interest by motions:

Save as provided by these Rules, a motion on a matter of general public interest can be discussed only with the consent of the Chairman.

72. Notice of motion :

Notice of a motion shall be given in writing addressed to the Secretary.

Provided that no member shall, except with the permission of the Chairman, be permitted to send notice of more than four motions during one session of the Council.

Provided further that if the number of motions admitted by the Chairman is more than one, the relative precedence of motions, notices of which have been given by members, shall be determined by ballot in such manner as the Chairman may direct.

73. Conditions of admissibility of motions:

In order that such a motion may be admissible, it shall satisfy the conditions as are applicable to a question under rule 50 of these Rules.

74. Decision as to admissibility of motions :

1).The Chairman shall decide on the admissibility of a motion and shall disallow any motion, if, in his opinion, it is not in conformity with provisions of the rules regarding the admissibility of motions.

2). Any motion tabled by a member to discuss a statement or report made by any member of the Executive Committee may also be the subject-matter of the discussion.

75. Identicalmotions :

1). A motion shall not raise a question substantially identical with one on which the Council has given a decision on the same session. The Chairman's decision on the point whether the question is substantially identical with the previous one shall be final.

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

76. Order of Speeches:

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

77. Rules as to amendments:

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

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 to a motion must not be inconsistent with the previous decision of 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.

78. Order of Amendments :

1). When an amendment to any motion is moved, or 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 and of the amendment or amendments proposed.

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.

79. Division of Motions :

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.

80. Withdrawal of motions:

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

2).If, at the time of putting the question on a motion or an amendment to 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.

81. Procedure where motion debated and not withdrawn:

If a motion is debated and not withdrawn, the Chairman shall again read the motion when taking the sense of the Council upon it.

82. Closure :

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 :

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

(b) 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 70 (2), it shall not be necessary to record the names of the members who support or oppose a request made under this rule.

83. Time-limit for Speeches :

The Chairman, if he thinks fit, prescribe a time-limit for speeches.

84. Motion of no-confidence in The Executive Committee :

1).A motion expressing 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.

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 riseaccordingly, the Chairman shall intimatethat the 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 the power to relax the rule and take up the motion earlier than twenty four hours.

3). If less than one-fourth of the members present rise, the Chairman shall inform the member that he has not the leave of the Council.

85. Motion for raising discussion on matters before tribunals,commissions etc. :

No motion which seeks to raise discussion on a matter pending before any statutory tribunal or authority performing any judicial or quasi-judicial functions or any Commission or court of inquiry appointed to enquire into or investigate any matter shall ordinarily be permitted to be moved.

86. Motion for removal of Chairman or Deputy Chairman :

1). A motion for removal of the Chairman or the Deputy Chairman from Office may be made 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.

Provided that if the motion is moved for removal of the Chairman, then the Deputy Chairman or in his absence the member in the serial no. 1 of the panel, shall preside over the meeting, and in no circumstances the Chairman shall preside over such meeting.

2). Any motion for removal of 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 motion to rise in their places, and, if not less than one-fourth of the members present rise accordingly,the person presiding shall allow the motion to be moved and if less than one-fourth of the members rise, the person presiding shall inform the member who has given the notice that he has not obtained the leave of the Council to move it.

3). If the leave is granted for the motion to be moved, it shall be disposed of in accordance with the procedure laid down for the removal of the Executive Committee under sub-rule (2) of rule 84 of the Rule.

87. Special motions to get precedence over other motions:

1). Subject to the conditions laid down on the rule 85, whenever any report or any matter of urgent public importance and of recent concurrence is brought before the House, any member can move a motion for the discussion of that matter and such motion shall get precedence over other motions.

2). The Chairman shall fix the time and date for discussion of such motion.

CHAPTER-X
LEGISLATION

88. Rules to be made by the District Council:

All Rules which may be made by the District Council under sub-paragraph (7) of paragraph 2 of the Sixth Schedule with regard to matters specified in sub-paragraph (6) of that paragraph and also all Rules with regard to other matters which are under the rule-making powers of the District Council shall be drafted by the Executive Committee of the District Council and shall be placed by the Chief Executive Member or any member concerned of the Executive Committee before the District Council for consideration and confirmation, and the District Council in session shall have the power to amend, reconsider or replace them, either in the Council or with the help of a Select Committee appointed by the Council.

89. Rules to be signed by the Chairman :

All Rules thus made and confirmed by the District Council shall be authenticated and signed by the Chairman of the Council. A copy of such Rules shall be submitted to the Governor for information through the Secretary to Government and also a copy thereof shall be sent to the Chief Executive Member and the Deputy Commissioner.

90. Rules made by the District Council with approval of Governor :

All Rules which may be made by the District Council with the approval of the Governor shall be drafted by the Executive Committee and after being passed by the District Council with or without amendments, shall be submitted to the Governor for his approval, and while approving, the Governor shall have the power to modify the same inconsultation with the Law & Judicial Department of the State Government.

Substituted vide amendment rules 2003 "All Rules which may be made by the District Council with the approval of the Governor shall be drafted by the Executive Committee and after being passed by the District Council with or without amendments, shall be submitted to the Governor for his approval. If the Governor can not approve the rules, he may return it to the District Council for consideration under succeeding provision of Rule 112".

91. Publication of rules made :

All Rules made by the District Council and the Rules made otherwise with approval of the Governor in the cases requiring such approval under any of the provisions of the Sixth Schedule, shall be published in the Gazette by the Secretary to Government, an on such publication only, the same shall come into force.

92. Introduction of Bills :

1). All proposals to make laws specified in Paragraph 3 of the Sixth Schedule and regulations, and to amend such laws shall be introduced in the District Council in the form of Bills.

2). Bills shall be introduced, on behalf of the Executive Committee, by any member of the Executive Committee and such Bills shall hereinafter be referred to as "Official Bills" and Bills introduced by any other member of the District Council shall hereinafter be referred to as 'Private Member's Bills'.

3). Any member of the Executive Committee, subject to the provision of rule 93, shall cause every official Bill with the statement of objects and reasons to be published in such manner as he may deem appropriate, within a period of not less than thirty days before the commencement of the session of the District Council in which the Bill is to be introduced;

Provided that the period of thirty days may be waived by the order of the Chairman of the District Council, if he is satisfied that there is urgency for doing so.

4). When a Bill has thus been published, 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.

5). No Bill in respect of any matter which requires previous approval of the Governor under any of the provisions of the Sixth Schedule shall be introduced in the District Council without prior approval of the Governor.

6). Bills in respect of any other matter may be introduced in the District Council without such prior approval;

Provided that copies of all such Bills, whether official or private member's, shall be sent to the Governor and the Deputy Commissioner sufficiently in advance;

Provided further that the Governor shall have the powers to direct the District Council not to introduce any Bill as may appear to him to adversely affect the harmonious relationship between the State and the District Council and to adversely affect the public interest, peace and tranquility.

7). 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, as under the second proviso to sub-rule (6), shall be final.

8). On receipt of the order of the Governor that a Bill shall not be introduced in the District Council, the Chairman of the District Council shall not allow the Bill to be introduced.

93. Notice of motion for leave to introduce Bill :

1).No private Member's Bill shall be introduced in the District Council unless the leave of the District Council has been sought for and granted for the introduction of the Bill in the manner hereinafter laid down.

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 full Statement of Objects and Reasons to the Secretary.

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 backward.

94. Notice of Private Member's Bill-copy to Executive Committee :

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 forthwith send a copy of the Bill and Statement of Objects and Reasons to the Member of the Executive Committee, to whose Department or business the Bill relates.

95. Publication of Bills :

As soon as may be, after a Bill has been introduced, the Bill, unless it has already been published, shall be published in such a manner as it may be deemed appropriate by the Chairman.

96. Motion for leave to introduce a Bill :

1).As soon as may be after the notice of a motion under sub-rule (2) of rule 93 has been received, the Chairman shall fix a date for the consideration of the motion by the District Council.

2).On the day appointed for the consideration of the motion, the member who has given notice of the motion shall move for leave of the Council to introduce his Bill.

3).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 moved and from the member who has opposed the motion, may, without further debate, put the question thereon.

4).If such motion be carried, the Secretary shall read the title of the Bill, and the Bill shall thereupon be deemed to have been introduced in the Council.

97. Motion after Introduction :

At the time when a 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 then mentioned; or

b).that it be referred to a Select Committee or

c).that it be circulated for the purpose of eliciting opinion thereon;

Provided that if a member gives notice of a particular motion specified in clauses (a), (b) and (c), he shall not be permitted to move a different motion.

98. Persons by whom motion be made :

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 public 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.

2).For the purposes of this rule, “Member-in-charge of the Bill” means, in the case of an official Bill, any member acting onbehalf of the Executive Committee, and in any other case, the member who has introduced the Bill.

99. Discussion on Bill’s-first Reading :

1). On the day on which any such motion is made, or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provision may be discussed and the details of the Bill must not be discussed further than is necessary to explain its principle.

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

(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 thereon has been carried in the Council and the Bill has been circulated in accordance with that direction, and opinions have been received thereon before the date 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 a Select Committee, unless the Chairman, in his discretion, allows a motion to be made that the Bill be taken into consideration.

100. Composition of a Select Committee:

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

2).Other Members of the Select Committee shall be appointed by the Chairman of the District Council.

3).The Member concerned of the Executive Committee shall ordinarily be the Chairman of the Committee.

4).The Secretary shall be Secretary of the Select Committee.

101. Procedure for the Select Committee:

1). In the case of an equality of votes, the fact of such equality shall be recorded in the proceeding.

2). A Select Committee may hear expert advice and representatives of special interests affected by the measure before them.

3). It may, for this purpose, require any person presiding within the limits of the District Council to attend before it as witness or to 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.

4). A quorum to constitute a meeting of the Committee shall be fixed by the Chairman, while constituting such Committee.

5). If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of members fixed by the Chairman is not formed, the Chairman of the Select Committee shall either suspend the meeting until the quorum is present or adjourn to some future day.
6). Where the Select Committee has been adjourned in pursuance of sub-rule (5) on two successive dates fixed for the meeting of the Committee, the Chairman of the Select Committee shall report the fact to the Council through the Chairman of the District Council.
7). In the case of an adjourned meeting of the Select Committee, no quorum shall be required.

102. Reports by the Select Committee :

1).After the publication of a Bill in the manner hereinbefore laid down, the Select Committee to which the Bill has been referred shall make a report thereon to the Chairman of the District Council.
2).Reports may be either preliminary or final.
3).The Select Committee shall, in their report, state whether or not in their judgment the Bill has been so altered as to require republication.
4).It shall be stated in the report whether the Select Committee were unanimous or otherwise in their recommendations and the whole report shall be signed by all the members of the Select Committee.

Provided that any member present in the meeting and signing the report desires to record a note of dissent, he may state so against his signature and such a note of dissent shall be attached to the report if furnished within the time as may be fixed by the Chairman of the Select Committee, which time shall not be less than 7 (seven) days after signing of the report.

103. Publication of report :

The Secretary, on receipt from the Select Committee, of a complete report (including notes or minutes of dissent, if any) duly signed by the members of the committee, with the Bill as amended shall cause the 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 such manner as it may be deemed appropriate to the Chairman of the District Council.

104. Presentation of report :

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.

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

105. Procedure on Report after Presentation:

1).After the presentation of the final report of the Select Committee on a Bill, the Member-in-charge may move :

(i) that the Bill as reported by the Select Committee be taken into consideration, but any member may object to its being so taken into consideration, if a copy of the report has not been made available for the use of members for seven days and such objection shall prevail, unless the Chairman, in exercise of his discretion, allows the report to be taken into consideration; or

(ii) that the Bill be recommitted either :

a) without limitation, or

b) with respect to particular clauses or amendments only;

c) with instruction 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 amendment, that the Bill be re-committed.

106. Proposal of Amendment :

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.

107. Notice of amendment :

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 motion of the amendment, and such objection shall prevail, unless the Chairman, in his discretion, allows the amendment to be moved.

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

108. Order of amendments, second reading:

An amendment shall ordinarily be considered in the order of the clauses to which they respectively relate.

109. Submission of Bill clause by clause :

Notwithstanding anything in the foregoing rules, it shall be in the discretion of the Chairman, when a motion that a Bill be taken into a consideration has been carried, to submit the Bill or any part of the Bill to the Council clause by clause. When this procedure is adopted, the Chairman shall call each clause separately and when the amendments relating to it have been dealt with, shall put and mention that “that clause or, as the case may be, that clause as amended stands part of the Bill”.

110. Passing of Bills, Third reading:

1).If no amendment be made when a motion that Bill be taken into consideration has been agreed to by the District Council, the Bill may at once be passed.

2).If any amendment 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 be passed.

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.

111. Formal revision of Bill and submission toChairman forauthenticationand forwarding to the Governor for assent:

1). When a Bill has been passed, the Secretary shall, if necessary, renumber the clauses, revise and complete the marginal notes thereof and make such purely formal consequential amendments therein as may be required and a copy of the Bill shall be submitted to the Chairman and shall be signed by him.

2). After a Bill has been so authenticated by the Chairman, the Secretary shall send an authenticated copy to each of the following :-

(i) The Governor through the Secretary to Government for his approval or assent, as the case may be, where it is so required under any provisions of the Sixth Schedule; or

(ii) the Governor through the Secretary to Government for information, if the Bill does not require the approval of the Governor, being not so specified in any of the provisions of the Schedule;

(iii) the Chief Executive Member for information.

(iv) the Deputy Commissioner for information.

112. Reconsideration of Bills returned by the Governor:

When a Bill which has been passed by the District Council and submitted to the Governor under rule 98 (2) (i) is returned by the Governor with a message to the District Council for reconsideration, the point or points referred for reconsideration or the amendments recommended shall be put upto the Council by the Chairman, and shall be discussed and voted upon in the same manner as amendments to a Bill and it shall be presented to the Governor through the Secretary to Government for his approval or assent, as the case may be.

113. Effect of Laws made by the District Council:

When a Bill has been passed by the District Council, a copy thereof shall be signed by the Chairman and after having been assented to or approved by the Governor, wherever required under any provisions of the Sixth Schedule to Constitution of India, it shall be published by the Secretary to Government in the Official Gazette and, on such publication shall have the force of law as provided for in paragraph 11 of the Sixth Schedule.

CHAPTER-XI
RESOLUTIONS.

114. Notice of resolutions:

1). A member who wishes to move a resolution shall give fifteen days notice before the opening day of the Council session, of his intention, and shall, together with the notice, submit a copy of the resolution which he wishes to move.

Provided that the Chairman, with consent of the Chief Executive Member, may allow a resolution to be entered on the list of the business at a shorter notice than fifteen days.

2). Immediately on receipt of the notice of a resolution under sub-rule (1), the Chairman shall cause to send a copy of the resolution to the members.

115. Power to disallow resolutions :

1). The Chairman shall have the power to disallow any resolution on the ground that it relates to matters falling outside the jurisdiction of the District Council.

2). When a resolution is so disallowed, the Secretary shall intimate the fact to the member concerned and to the Secretary to Government.

3). When a resolution or part of a resolution is so disallowed, such resolution or part of such resolution shall not be placed on the list of business.

116. Restriction on the subject of discussion :

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

2). No resolution shall be moved on any matter falling outside the jurisdiction of the District Council and on any of the followings, 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 rules 101 and 112, 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.

Substituted vide amendment rules 2003 "Subject to the provisions of rules 101,112 and 115, 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".

117. Forms and Contents of resolutions :

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 :

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

(b) it shall not contain arguments, inferences, ironical expressions, or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity.

118. Moving of resolutions or otherwise :

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

(a) decline to move the resolution, in which case he shall confine himself to a mere statement to that 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 deemed to have been withdrawn.

Provided that on the authorization in writing of such absent member and with the permission of the Chairman, any other member may move his 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.

119. Limits of Discussion :

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

120. Amendment of Resolution :

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

121. Notice of Amendment :

If a copy of such amendment has not been sent to the Secretary two clear days before the day fixed for the discussion on the resolution, any member may raise objection to the moving of the amendment, and such objection shall prevail, unless the Chairman in his discretion, allows the amendment to be moved.

122. Withdrawal of Resolution :

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

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.

123. Resolution not Discussed :

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 43 be deemed to have been withdrawn.

124. Copy of resolution to be forwarded :

A copy of every resolution which has been passed by the District Council shall be forwarded to the Governor, through the Secretary to Government.

125. Resolution on a matter of generalpublic interest:

Save in so far as is otherwise provided by these Rules, no discussion on a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions, except with the consent of the Chairman and of the Member of the Executive Committee in charge of the subject-matter of the resolution.

CHAPTER-XII
PROCEDURE

126. Discussion on District Council Budget :

1). The statement of the estimated receipts and expenditure pertaining to the Chakma Autonomous District, which are to be credited to or is to be made from the Consolidated Fund of the State of Mizoram in respect of every financial year 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 authorized by the Governor in this behalf. Immediately after the District Council has discussed the District Council Budget, the Chairman or the person so authorized shall send a copy of the Budget to the Governor as so as to enable him to finalize the District Council Budget and to 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 of India.

2). The provisions of rule 20 shall apply as regards the summoning of the District Council for the purpose envisaged in sub-rule (1).

126A. Annual Financial Statement :

1). The Chief Executive Member or the Executive Member-in-charge of financial affairs 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 the Chakma Autonomous District (hereinafter referred to as the “District Council Budget”)

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 the 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 grant shall be made except on the recommendation of the Chief Executive Member.

127. Authentication of schedule of authorized expenditure:

1). The Chief Executive Member or the Executive Member-in-charge of financial affairs shall authenticate by his signature of a schedule specifying the grants made by the District Council under the preceding rule.

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 succeeding rule, no expenditure from the District Fund shall be made unless it is specified in the Schedule so authenticated.

128. Supplementary Statement of Expenditure :

If in respect of any financial year further expenditure from the District Fund becomes necessary over and above the expenditure therefore authorized for that year, the Chief Executive Member or the Executive Member-in-charge of financial affairs shall cause to be laid before the District Council, a supplementary statementshowing the estimated amount of that expenditure, and the provisions of the preceding rules shall have effect in relation to that statement and that expenditure as they have effect in relation to the District Council Budget and expenditure mentioned therein.

129. Presentation of Budget :

1). The District Council Budget, in respect of 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.

2). The Budget should conform to the system of classification generally followed by the State Government or as may be advised by the Accountant General from time to time.

3). No discussion on the District Council Budget shall take place on such day not less than three days from the date on which it is presented.

130. Demands for grants :

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

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). Subject to the provisions of these Rules, the District Council Budget shall be prepared and presented with necessary adaptations under the heads, sub-heads etc. as contained in the District Fund Rules.

4). A copy of such Budget shall be supplied to the members at least three days before the day on which the District Council Budget is presented.

131. Discussion on District Council Budget :

The District Council Budget shall be dealt with by the District Council in two stages, namely :

(a) a general discussion, and

(b) the voting of demands for grant.

132. General Discussion on Budget :

1). On the 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.

2). The Executive Member-in-charge of Financial Affairs shall have the general right of reply at the end of the discussion.

3). The Chairman may, if he thinks fit, prescribe a time limit for speeches.

133. Voting on Demands :

1). The voting on demands for grants shall take place on such days not exceeding one week as the Chairman may allot for the purposes.

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 grant 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.

134. Vote on Account, Vote of credit and exceptional Grants :

1). Notwithstanding anything contained in the preceding rules on any day or days subsequent to the presentation of the District Council Budget which may be appointed by the Chairman for the purpose, motions may be made for making :

(a) any grant for meeting unexpected demand upon the resources of the Chakma Autonomous District when on account of the magnitude of the indefinite character of the service, the demand cannot bestated with details ordinarily given in the District Council Budget;

(b) an exceptional grant which forms no part of the current service of any financial year;

(c) any grant in advance in respect of the estimated expenditure for any part not exceeding three months of any financial year.

2). Such demand shall be dealt with by the District Council in the same way as if they were for grants and the provisions of rules 127, 130-133 shall, mutatis mutandis, apply.

3). The Executive Member-in-charge of financial affairs shall first within the same 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 then be obtained thereon.

135. Motion at this stage :

1).No motion for appropriation can be made except on the recommendation of the Chief Executive Member, expressly communicated to the District Council.

2).Motions may be made at this stage to refuse or reduce the total amount of a demand for grant or to omit or reduce the amount of any item or unit of appropriation composing the grant.

3).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 District Council Budget.

4).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 District Council Budget. Ordinarily, the largest reductionunder

a grant or an item of a grant will be taken up first and the smallest reduction last, but their arrangement may be altered by the Chairman at his discretion to expedite the business of the District Council.

5). In case any such motion or motions are carried by the Council, the Financial Statement shall be accordingly modified and finalized for the purpose of rule 128.

136. Notice of Motions :

Notice of a motion to refuse or reduce any demand shall be given to the Secretary one day before the day on which the demand is to be taken up for consideration.

137. Statement of supplementary oradditional grants :

1). The Chairman, in consultation with the Chief Executive Member 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 demand thereof.

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 District Council has previously refused its assent, or in respect of the amount the District Council has previously reduced.

3).The consideration of the business stated in the foregoing sub-rules shall not, on the day or days allotted thereof, be anticipated by any motion for adjournment or be interrupted in any manner whatsoever, nor shall any dilatory motion be moved in regard thereof.

138. Limitations :

The District Council Budget shall not in principle exceed the total amount available by way of grants-in-aid from the State Government, and by way of Special Grant, if any, from the Central Government under a special scheme, or otherwise, and also the revenue earnings anticipated or projected during the financial year under reference.

The following new rule was inserted vide amendment rules'2011 :

138A. State Finance Commission :

The Governor shall constitute State Finance Commission from time to time with provisions for nomination of one member in the Commission from the District Council to be recommended by the Executive Committee from time to time.

CHAPTER-XIII

CONDUCT OF BUSINESS - MISCELLANEOUS

139. Proceedings of the District Council :

1).The Secretary shall cause a full report of the proceedings of the District Council at each of its meetings, to be prepared as soon as possible after such meeting. He shall send a copy of such report signed by the Chairman, to :

(a) the Governor through the Secretary to the Government,
(b) Chief Executive Member,
(c) Deputy Commissioner and
(d) all members 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.

140. Other duties of the Secretary :

In addition to the duties specially entrusted by these Rules, it shall generally be the duty of the Secretary -

(a) to take charge of all records of the District Council,
(b) to keep the books of the District Council,
(c) to keep a list of business for the time being before the District Council.
(d) to make out from time to time a list of all Committee-sittings,
(e) to assist the District Council and all Committees in such manner as they may direct.

141. District Council Committees and powers of the Chairman :

1).The Chairman may at any time, nominate a Committee of Privileges and the Business Advisory Committee. The Chairman shall be the Chairman of the Committees and the Secretary shall be the ex-officio Secretary of the Committee.

2).The size of such Committees and their powers and functions shall be as determined by the Chairman.

3).The Chairman shall have the powers to regulate the conduct of business in the District Council in all matters not provided for in these Rules.

CHAPTER-XIV
ELECTION - GENERAL PROVISIONS

142. Holding of General Elections :

1). A general election shall be held under these Rules for the constitution of the District Council of Chakma Autonomous District, on the expiration of the duration of the existing District Council or on its dissolution, as the case may be.

2). The Governor shall, by notification in the official Gazette, call upon every constituency to elect a member 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 six months prior to the date on which the duration of the District Council would expire in the ordinary course of events.

143. Publication of Results of theGeneralElections :

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

144. Casual vacancies :

1).When the seat of an elected member of the District Council becomes vacant, the Governor shall, by notification in the official Gazette, call upon each Constituency to elect a person to fill the vacancy within six months and these Rules shall apply to the procedure for the election of a member to fill such a vacancy.

2).If a vacancy occurs in the case of a nominated member, the Governor shall subject to the provisions contained in rule 7 (4) of these Rules, appoint a person having the necessary qualification under these Rules.

145. Effect of Disqualification :

If any person having been elected or nominated is found to have been subject, at the time of this election or nomination, to any of the disqualifications prescribed in rule 12 or lacking in the qualifications prescribed in rule 10, the Governor may, if such disqualification has not been removed, declare, by notification in the official Gazette, such member’s seat to be vacant.

CHAPTER-XV
ELECTION-ELECTORAL ROLLS etc.

146. Qualification for Electors :

1). Every person who is -

(a) a citizen of India belonging to any Schedule Tribe;

(b) an ordinarily resident in any constituency within the Chakma Autonomous District;

(c) not below the age of eighteen years on the qualifying date;

(d) not of unsound mind and does not stand so declared by any competent court, and

(e) for the time being, not disqualified from voting under the provisions of any law relating to corrupt or illegal practice or other offences in connection with election, shall be entitled to vote at any election to the District Council of the Chakma Autonomous District.

2). The expression "an 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). No person shall be entitled to be registered in the electoral roll for more than one constituency or for any constituency more than once.

4). For the purpose of this rule, "the qualifying date," as used in sub-rule (1) and inrelation to the preparation or revision of every electoral roll under this chapter, means the 1st day of January of the year in which it is so prepared for revised.

147. Electoral roll for every Constituency :

1).There shall be an electoral roll for every constituency for election to the District Council of Chakma Autonomous District prepared in accordance with the rules hereinafter provided :

(a) The electoral roll of a constituency of the Mizoram Legislative Assembly prepared in accordance with the provisions of Section 23 of the Representation of the People Act, 1950 (No. 43 of 1950) in as much as it relates to the areas comprised within the constituencies of the District Council of Chakma Autonomous District, as and when revised, be the electoral, roll for the purposes of the general elections to the District Council.

(b) There shall be conducted a summary revision of the electoral rolls for inclusion, deletion, or correction of names in the electoral roll of the District Council proceeding any election to the Council-constituencies/constituency by such time-frame as may be decided and notified by the Governor.

The substitution wasdone vide amendment rules'2012 :
For the word 'Governor' in clause (b), the word 'State Election Commission' is substituted.

Provided that the entire process of revision of electoral rolls should be completed on or before the date fixed for filing of nomination-papers for the general elections to the District Council.

148. Returning Officers :

1). The Returning Officers for the constituencies in the District Council shall be the Deputy Commissioner, Lawngtlai while the Additional Deputy Commissioner or S.D.O. (C), Chawngte shall be the Additional or Assistant Returning Officer(s) for the purposes of elections to the District Council, who shall perform all or any of the functions of the Returning Officer relating to the conduct of such elections and revision of the electoral rolls thereof;

Provided that no Additional or Assistant Returning Officer shall perform the functions of the Returning Officer, relating to the acceptance or scrutiny of nomination papers, counting of votes or declaration and publication of results of any such election, unless the Returning Officer is unavoidably prevented from performing the same.

Substituted vide amendment rules 2003" between the word 'Additional Deputy Commissioner' and 'or', the word 'Lawngtlai' is substituted".

149. Appointment of Additional and Assistant Returning Officer :

Notwithstanding anything in the foregoing rule, the Governor may, by notification in the official Gazette, appoint such other officer or officers as Additional Returning Officer or Assistant Returning officer for the purposes of elections to the District Council, as may be deemed necessary.

The substitution was done vide amendment rules'2012 : For the word 'Governor' the words 'State Election Commission' stands substituted.

150. Decision of Returning Officer to be final :

If any difficulty or question arises as to the preparation or of revision any electoral roll under these Rules, the same shall be decided by the Returning Officer and his decision thereupon shall be final.

CHAPTER-XVI
ELECTION - NOMINATION ETC. OF CANDIDATES

151. Filing of Nomination and steps to be taken thereunder

1).The Governor shall appoint for each constituency :

(a) a date or dates, not later than three weeks after the date of the notification under rule 142 calling upon each constituency to elect a member, for filing of nomination papers by candidates and for scrutiny of such nomination papers; and

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

2). On the date or dates so appointed for the filing of nomination papers by candidates, each candidate shall, either in person or by his proposer or seconder, between the hours of 11:00 O'clock in the forenoon and 3.00 O'clock in the afternoon, deliver to the Returning Officer or such other person as may be authorized in this behalf by the Returning Officer, nomination paper completed in the form prescribed in Appendix IV and subscribed by the candidate himself as assenting to the nomination and by two other persons referred to in sub-rule (3) of this rule as proposer and seconder.

3).Any person whose name is included in the electoral roll of the constituency and who is not subject to any disqualification for being so included under these Rules, may subscribe as proposer or seconder but no person shall be a proposer and seconder of more than one candidate.

4).Every nomination paper delivered under sub-rule (2) 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 other person who is not qualified under these Rules for such appointment and no candidate shall be deemed to be duly nominated unless such declaration is made on the nomination paper.

Provided that notwithstanding the fact that more than one nomination paper have been presented by or on behalf of a candidate, only one such declaration by a candidate shall be necessary.

5).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 V of these rules and no candidate shall be deemed to be duly nominated unless such declaration is made on the nomination paper.

6).All nomination paper which is not received before 3:00 O'clock in the afternoon on the date fixed by the Governor for the nomination of candidates, shall be rejected.

7).The Returning Officer or any other officer by the Returning Officer in writing shall, on receiving a nomination paper under sub-rule (2), sign thereon a certificate stating the date on which and the hour at which nomination paper has been delivered to him, and shall, as soon as may be thereafter, cause to be affixed in

some conspicuous place in the office a notice of all the nominations received containing same descriptions as contained in the nomination papers, both of the candidates and of the persons who have subscribed the nomination paper as proposers and seconders.

8). 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 nomination under sub-rule (4) of rule 153. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to re-nominate as a candidate for the same election.

9). The Returning Officer or any other person authorized in this behalf shall, on receiving a notice of withdrawal under sub-rule (8), as soon as may be, cause a notice of the withdrawal to be affixed in some conspicuous place in the office.

The substitution was done vide amendment rules'2012 : For the word 'Governor' the words 'State Election Commission' stands substituted.

152. Filing of Nomination and deposit :

1). At the time of delivery of a nomination paper under sub-rule (2) rule 151, each candidate shall deposit a sum of 1,000/- (Rupees one thousand) in cash to the Returning Officer and no candidate shall be deemed to be duly nominated unless such deposit has been made, and the office of the Returning Officer shall issue a proper receipt in duplicate of such deposit.

2). If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, withdraw 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 the number of votes polled by him does not exceed one-sixth of the total number of valid votes polled, the deposit shall be forfeited to the 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 candidate as soon as may be after the publication of result of the election in the official Gazette, and the deposit made by or on behalf of a candidate who is elected shall be so returned as soon as may be after the publication of the result of the election in the official Gazette.

153. Scrutiny of Nomination :

1). After 3:00 O'clock in the afternoon on the date fixed by the Governor for the nomination of candidates under sub-rule (1) of rule 151, the candidates, their election agents, one proposer and one seconder of each candidate and one person duly authorized in writing by each candidate but no other person may attend at such place as may be notified by the Returning Officer who shall give them all reasonable opportunities for examining the nomination papers of all

candidates, which have been delivered within the time and in the manner laid down in rule 151.

2).(a)The Returning Officer shall then examine the nomination papers and shall decide on all objections which may be made to any nomination and may, either on such objection or in his own motion after such summary inquiry, as he may think 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 these Rules.

(ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) rule 151.

(iii) that there has been a substantial failure to comply with any of the provisions of rule 151 or rule 152.

(iv) that the candidate or proposer or seconder is not substantially identical with the person whose number or name appearing in the electoral rolls is given in the nomination as the number or name of such candidate, proposer or seconder.

(v) that the signature of the candidate or any proposer or seconder is not genuine or has been obtained by fraud;

Provided that the Returning Officer shall not refuse any nomination paper on the ground of a minor technical defect such as wrong spelling of name, and the like 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 publication of a certified copy of an entry made in the electoral roll of any constituency or holding of a voter's identity card issued by the concerned authority shall be the 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 on accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reason for such rejection.

(b)The scrutiny shall be completed, if possible, on the day fixed for the nomination of candidate but if it cannot be completed on that day it may be adjourned to the following day, or if the following day is a holiday to the next working day.

4).On completion of the scrutiny of nomination papers, the Returning Officer shall forthwith examine the Symbols chosen by the candidates, and if such symbols are found to be in conflict with each other or with any symbols already assigned, he shall allocate the symbols in conformity, asfar as possible, with the choices of the candidates, 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 thesymbol assigned to him and shall be given a specimen thereof. The Returning Officer shall then prepare a list of valid nominations indicating therein the symbols assigned to each candidate and shall cause such list to be affixed in some conspicuous place in his office.

The substitution was done vide amendment rules'2012 : For the word 'Governor' the words 'State Election Commission' stands substituted.

154. Death of Candidate before poll :

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 poll, the Returning Officer shall, on being satisfied of the fact of such death, countermand the poll in the constituency concerned and report the fact to the Governor, and all proceedings with reference to the election in that constituency shall be commenced afresh in all respects as it of a new election;

Provided that no fresh nomination shall be necessary in the case of a candidate whose nomination had been valid at the time of the countermanding of the poll.

The substitution wasdone vide amendment rules'2012 : For the word 'Governor' the words 'State Election Commission' stands substituted.

155. Effect of Nominations :

1). If the 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 official Gazette, in such manner and in such places in the constituencies as he may consider necessary, the names of the candidates as given

in the nomination papers in alphabetical order the symbols assigned to each candidate and the names of sponsoring political parties and in case,not sponsored by any political party, then showing such candidate or candidates as independent, and a poll shall then be taken in the manner provided hereafter in the Rules.

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, if any, to be elected to fill as many of those seats and the poll shall be conducted in remaining Constituency/Constituencies in accordance with the notification issued under rule 151, to elect a person or persons to fill the remaining seat or seats.

CHAPTER-XVII
DISTRICT COUNCIL ELECTION : VOTING

156. Method of voting :

(1).Voting at any election to a District Council shall be conducted by the Symbol system and the symbols to be utilized for the purpose shall be those as specified in Appendix-V to these Rules;

(2). At elections 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.

The substitution was done vide amendment rules'2012 : the word 'by ballot' is substituted by the words 'Electronic Voting Machine'

(3). A ballot box shall be common for all the candidates and there shall be only one ballot box in use at a time and placed in the middle of the polling station in full view of the presiding officer and polling agents.

The substitution was done vide amendment rules'2012 : 'An electronic Voting Machine shall be common for all the candidates and there shall be only one EVM in use at a time and place in such manner to ensure secrecy of voting'.

157. Right to vote :

(1). Every person who is not disqualified under these Rules and who is, for the time being, included in the electoral roll of any constituency delimited for elections to the District Council shall be entitled to vote in that constituency.

(2). No person shall vote at any election in any constituency of he is, for the time being, not entitled to vote under the provision of rule 146 of these Rules.

(3). No person shall vote at any election in more than one constituency and if 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 in the same constituency more than once. Notwithstanding that his name may have been included in the electoral roll for that constituency more than once, if he does so, all his votes in that constituency shall be void.

(5). 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.

158. Hours of Commencement and close of poll :

(1).The Governor shall, by notification in the official Gazette, fix hours at which the poll shall commence and the hour at which it shall close on the date or dates fixed for the poll.

Provided that the hours fixed for the polling shall also be published in the constituencies in such manner as the Returning Officer may consider necessary.

(2).The Returning Officer may, for sufficient cause and with the previous approval of the Governor, wherever possible, postpone the date or extend the period fixed for polling.

The substitution was done vide amendment rules'2012 : For the word 'Governor' the words 'State Election Commission' stands substituted.

159. Selection of polling stations :

(1). The Returning Officer shall select for each constituency such number of polling stations as he may consider necessary andshall allot a distinctive number to each of them.

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

160. Appointment of Presiding Officer And Polling Officer

(1). The Returning Officer shall appoint a Presiding Officer for each polling station and such other person (hereafter referred to as Polling Officer) to assist the Presiding officer as he may consider necessary.

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 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 unavoidable cause is obliged to absent himself from the polling station, his duties shall be performed by such Polling Officer as has been previously authorized by the Returning Officer to perform such duties during any such absence.

161. Duties of Presiding Officer at Polling station :

(1). The Presiding Officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of voters to be admitted at one time and shall exclude all other persons, except :

(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 or his election agent;

(b) the Police officials 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 under rule 167.

(2). A contesting candidate or his election agent may appoint in prescribed form in Appendix VI one polling agent and two relief agents for each polling Station and every such appointment shall be made over to the polling agents and other agents for production to the Presiding Officer at the Polling Station.

Provided that in case of revocation of appointment of or death of any polling agent, the candidate or his election agent may make a fresh appointment in the manner specified above.

(3).The Presiding Officer shall close the polling at the hour fixed in the behalf under sub-rule (1) of rule 158 so as to prevent the admission thereto of any other voters than those already admitted within the polling station before it was as so closed, who shall be entitled to have their votes recorded.

(4).In emergencies, disturbance of the public peace or occurrences of any natural calamity etc. the Presiding Officer may, with the approval of the Returning Officer, close the poll and announce the adjournment or postponement of the poll to a subsequent day. The Returning Officer shall immediately report the circumstances to the Governor for his approval.

The substitution was done vide amendment rules'2012 : For the word 'Governor' the words 'State Election Commission' stands substituted.

162. Fresh poll in case of destruction etc.of ballot box :

(1).If at any 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 relates or relate, shall be void, but only in respect of the polling station or stations provided under sub-rule (1) of rule 159, at which such ballot box or boxes was or were used and no further.

The substitution was done vide amendment rules'2012 : the words where ever containing in this sub-rule, 'ballot box or boxes' shall be substituted by the words 'Electronic Voting Machine or Electronic Voting Machines'.

(2).Whenever the polling at any polling station or stations becomes void under sub-rule (1), the Returning Officer shall, as soon as practicable after the act or event causing such violence has come to his knowledge, report the matter to the Governor and shall, with the previous approval of 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 has been taken.

(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 so 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 thereunder shall apply to every such fresh poll as they apply to the original poll.

163. Arrangement for Secrecy of Voting :

(1).Each polling station shall be provided with necessary ballot boxes by the Returning Officer.

The substitution was done vide amendment rules'2012 : (1) Each polling station shall be provided with necessary Electronic Voting Machine by the Returning Officer.

(2).There shall be no symbol pasted on the ballot box. Every ballot box used at a polling station shall bear labels, both inside and outside, marked with :
(a) serial number, if any, and name of the constituency;
(b) serial number and name of the polling station;
(c) 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) date of the poll.

The substitution was done vide amendment rules'2012 : (2)Every Electronic Voting Machines used at a Polling station shall be packed with its over bearing labels out of the cover of the Electronic Voting Machine, marked with :

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

(3). The Returning Officer shall provide each polling station with necessary ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the official mark on ballot papers by the electors.

The substitution was done vide amendment rules'2012 : (3) The Returning Officer shall provide each polling station with necessary Electronic Voting Machine, copies of the relevant part of the electoral roll, postal ballot papers and instruments for stamping the official mark on postal ballot papers by the electors.

(4). Outside and inside each polling station there shall be displayed at a conspicuous place by the Presiding Officer before the commencement of the poll, a notice showing the name of each candidate in English or local language issued by the Returning Officer together with the symbol assigned to him, at the entrance of the polling station.

164.Ballot boxes / EVMs to be locked up and sealed before Commencement of poll :

(1). Every ballot box shall be so constructed that the ballot papers can be inserted therein, but cannot be withdrawn there from, without the box being unlocked, and the Presiding Officer in any polling station, immediately before the commencement of the poll, shall show to all such polling agents and others as may be present at such station that the ballot box 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.

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

The substitution for sub-rule (1) and (2) were done vide amendment rules'2012 :

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

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

165. Precautionary measures before recording of votes : Before the polling station is open for the recording of votes, the Presiding Officer shall read to such persons as may be present, the provision of rule 215, 216 and 217 and shall explain the substance thereof in the language or languages as may be understood by such persons.

166. Procedure before recording of votes :

(1). Every voter, on entering the polling station, shall first approach the Polling Officer in charge of that part of the electoral roll in which the voter's name, address, his or her father's name, or her husband's name and such other particulars as appear on the roll, and having checked those with roll, the Polling officer shall call out the number, name and description of the voter as printed, and 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 to which he or she is entitled. No other mark shall be made on the roll.

The substitution was done vide amendment rules'2012 : (1) In sub-rule (1), the words 'received the ballot paper' is substituted by the words 'is permitted for voting'.

(2). If a voter's name, address or any other particular given in the roll is found to be incorrect owing to 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 the reasons in writing for so doing in each case.

(3). On the voter's name being called out, the Polling Officer in charge of ballot papers shall ensure that the distinguishing 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. the side of it, which does not contain the names of the candidates). Then the Polling Officer shall fold the ballot paper first in the middle of the ballot paper vertically, so that the name or names of the candidates are covered up with the fold. He shall told fold the ballot paper a second time horizontally. Then he shall unfold the paper and hand it over to the voter together with the instrument for marking the ballot paper and the Polling Officer shall thoroughly instruct the voter to fold the ballot paper in the same manner as done by him and to stamp only once the symbol of the candidate for whom he wishes to vote. The Polling Officer shall also mark on the left forefinger nail of the voter with indelible ink.

The substitution was done vide amendment rules'2012 : (3) 'On the voter's name being called out, the polling officer shall clearly instruct the voters how to use the Electronic Voting Machine for voting and also mark on the left index finger nail of the voter with indelible ink'.

The substitution of sub-rule (4) was done vide amendment rules'2012 :

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

167. Persons to be present at the polling station to assist the Polling Officer in identifying voters :

At every polling station, arrangements shall be made for suitable village authorities such as Village Council President and government officials to be present so that 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 voter calling his attention to any case of impersonation or misrepresentation when the matter shall at once be referred to the Presiding Officer.

168. The manner of recording votes after receipt ofthe ballot paper :

A voter shall, on receiving the ballot paper and the marking instrument, go inside the polling compartment and record his or her vote by stamping it on the symbol or on within the column of the candidate's name 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 of the ballot-paper and come out of the polling compartment with the folded ballot paper and the instrument and insert the ballot paper into the ballot-box and hand over the instrument to the Polling Officer.

The substitution was done vide amendment rules'2012 : Rule 168 of the Principal Rules shall be substituted by the following namely : "A voter shall go inside the polling compartment and record his vote by pressing appropriate button of the Electronic Voting Machine against the symbol of the candidate he or she wishes to vote".

169. Recording of Votes by infirmvoters :

If, owing to any physical infirmity or ignorance, an elector is unable to recognize the symbol on the ballot paper without assistance, the Presiding Officer shall permit the elector to take with him a companion.

The substitution was done vide amendment rules'2012 : The words 'ballot paper' is substituted by the words 'Electronic Voting Machine'.

170. Ballot paper when invalid :

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

This Rule stands omitted vide Amendment Rules'2012.

171. Form of Ballot Paper :

Every ballot paper shall be in the form in Appendix-VII and shall contain the names and symbols of all the contesting candidates in English. The ballot papers shall be serially numbered, the serial number being printed on the foil and the counterfoil.

172. Tendered votes :

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 (hereinafter referred to as a tendered ballot paper) and instead of being put into the ballot box, it shall be given to the Presiding Officer and endorsed by him with the name of the voter, constituency, and his number on the electoral roll, and shall be set apart in a separate packet and shall not be counted by the Returning Officer. The name of such voter and his number in the electoral roll and the name distinctive number of the polling station to which the roll relates shall be entered in a list in the form at Appendix VIII, which shall bear the heading "TENDERED VOTES' LIST". The person tendering such ballot paper shall sign his or her name and address thereon or affix his or her thumb impression against the relevant entry in the list. The tendered ballot paper shall be in the form in Appendix-IX.

The substitution was done vide amendment rules'2012 :
If a person representing himself/herself to be a particular voter named on the electoral roll comes to cast vote after another person has voted as such voter, the applicant shall after satisfactorily answering such question as the Presiding Officer may ask, be entitled to cast vote. He/she shall then be supplied with a tendered ballot paper as in the Appendix – VII.

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

173. Challenged votes :

1). If any candidate, election agent or polling agent declare and undertakes to prove that any person by applying for a ballot paper has committed the offence of false personation, the Presiding Officer shall require such person to enter in the list of "Challenged 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, an may further require such person to produce evidence of identification.

Provided that no action shall be taken by the Presiding Officer under this rule unless a sum of Two Hundred rupees (Rs.200) has been deposited in cash to the Presiding Officer by the candidate or his/her agent for each challenge he or she makes.

The substitution was done vide amendment rules'2012 : The word in sub-rule (1), 'ballot paper' is substituted by the word 'vote'.

(2). If the person so challenged refuses to comply with such requisition, 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, answers 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 inquiry on the spot as he thinks necessary, is of the 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 refunded 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.

174. Supply of duplicate ballot paper :

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 spoiled paper and the latter shall together with the counter-foil be marked as cancelled.

175. Provision for voting by post by personson duty : Every Presiding Officer, Polling Officer, or Polling agent who, being entitled to vote in the constituency is duly appointed or authorized for duty in connection with any election to the District Council at a polling station at which he is not ordinarily entitled to vote, may apply to the Returning Officer for a certificate entitling him to record his vote by post at the polling station where he is employed on duty, and the Returning Officer shall, if satisfied that the application is in order, grant a certificate in the form prescribed in Appendix-XI.

176. Method of voting by personson duty :

(1).A person in possession of a certificate in the form prescribed in rule 175 shall deliver it to the Presiding Officer of the station where he is employed on duty and the Presiding Officer shall thereupon issue to such person ballot paper duly stamped with the official mark and shall enter in the counterfoil of the ballot paper the name of the polling station at which such person would otherwise have been entitled to vote and his number in the electoral roll as given in the Returning Officer's certificate. If such a person is entitled to vote in a constituency other than that in which he is on duty, the Presiding Officer shall also take such action as may be necessary to inscribe the name of such constituency on the ballot paper including its counterfoil.

(2). Every person voting under the provision of sub-rule (1) shall record his or her vote as follows :

(i) if the polling station at which the person is on duty being the same as the one in which he is entitled to vote, he or she shall record his or her vote in such station in accordance with the provisions of rule 168.

(ii) If the polling station at which the person is authorized or appointed for duty is not the same as the one in which he is entitled to Presiding Officer shall along with the ballot paper issue to the person as many envelopes as there are candidates for the constituency in which he is entitled to vote, in each envelope having on its outside the symbol or the name of the symbol assigned to the respective candidate written. The person shall then go inside the polling compartment and place the ballot paper in the envelope, and close the envelope in a cover supplied to him by the Presiding Officer, and then hand over the cover to the Presiding Officer. The Presiding Officer shall, as soon as practicable after the close of the poll, dispatch the cover together with the certificate delivered to him under sub-rule (1) to the Returning Officer.

177. Delivery of EVM/Ballot boxes etc. to theReturning Officerafter the close of the poll :

The Presiding Officer of each polling station, as soon as practicable after the close of the poll, shall in presence of the candidates or their polling agents who may be present, make up into separate packets or parcels and seal with his own seal and the seals of the candidates or their agents who may desire to affix their seals, the following, namely -

(a) marked copy of Electoral Roll
(b) the tender votes list;
(c) the envelopes referred to in rule 176 and shall deliver such packets or causes them to be delivered to the returning officer.

The substitution was done vide amendment rules'2012: The principal Rule 177 is substituted by the following, namely : "The Presiding Officer of each polling station, as soon as practicable after the close of the poll, shall in presence of the candidates or their polling agents as may be present, close the control unit to ensure that no further vote can be recorded and shall dispatch the balloting unit from the control unit and packed the Electronic Voting Machine and seal with his own seal and the seal of the candidates or their agents who may desire to affix their seals the following, namely :

a) Marked copy of the Electoral Roll.
b) The tendered votes' list.
c) The envelopes referred to in rule 176 and shall deliver such packets or parcels or cause them to be delivered to the Returning Officer".

178. Statement by the Presiding Officer after close of the poll:

The packets or parcels as prepared under rule 177 shall be accompanied with a statement in the form given in the Appendix-XII by the Presiding Officershowing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers issued, unused, spoiled and tendered and ballot papers dealt with under sub-rule (2) of rule 176.

The substitution was done vide amendment rules'2012 : The Principal Rule 178 shall be substituted by the following, namely : "The packets or parcels as prepared under rule 177 shall be accompanied with a statement in the form given in the Appendix-XII by the Presiding Officer showing the number of ballot papers entrusted to him and accounting for them under the heads of votes polled and other related documents as may be directed by the Returning Officer ".

CHAPTER-XVIII
DISTRICT COUNCIL ELECTION : COUNTING OF VOTES

179. Appointment of time, place and date for counting of votes :

(1) The Governor shall appoint a time and place for the counting of votes, and the Returning Officers shall give notice thereof in writing to all candidates and their election agents.

The substitution was done vide amendment rules'2012 : The word 'Governor' shall stand substituted by the words ' State Election Commission'

(2) If, at the time appointed, all the ballot boxes have not been received by the Returning Officer or due to any other unavoidable cause he is unable to proceed with the counting of votes, he shall, with the previous approval of the Governor, postpone the counting to some other date and time as may be appointed by the Governor. The Returning Officer shall give notice thereof in writing to all candidates and election agents.

The substitution was done vide amendment rules'2012 : The words 'ballot boxes' shall stand substituted by the words 'Electronic Voting Machines'

180. Persons who may be presentat the counting of votes:

No person shall be allowed to be present at the counting of votes except the Returning Officer with such other persons as he may appoint to assist him in counting the votes, the candidates' election agents and counting agents, as may be required, authorized in writing by the candidates' who shall have the right to be present at the time of counting.

181. Procedure to be followed atthe counting of votes:

(1). On the day and the time appointed under rule 179, the Returning Officer shall, before he commences counting of votes, read the provisions of rules 179 and 180 to such persons who may be present.

(2). The procedure for counting of votes shall be the same as normally followed in the counting of votes in the Assembly election of the State of Mizoram.

(3). If an equality of votes is found to exist between any two candidates, and the addition of one vote will entitle any of such candidates to be declared elected, the Returning Officer shall decide by drawing lots.

(4).The Returning Officer shall declare the candidate to whom the largest number of valid votes has been given, to be elected and grant to such candidate a certificate of election in the Form at Appendix-XIII. An acknowledgement - receipt shall be offered for sending the same to the Secretary.

182. Report of the result of election to the Government and publication of the result in the official Gazette :

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 and to such other officers as the Government may direct and the name or names of the candidates elected shall be published in the official Gazette under the signature of the Returning Officer.

183. Verification of statement by the Presiding Officer :

The Returning Officer shall not immediately open sealed packets of tendered votes, marked copy of the Electoral roll or counterfoil of the ballot papers. He shall first verify the statements submitted by the Presiding Officer under rule 178, and then only, after being satisfied, shall open or cause to open the sealed packets of tendered votes etc.

184. Return by the Returning Officer :

The Returning Officer shall then prepare and certify a return setting forth :

(1) Result of the verification referred to in rule 183;
(2) The Names of the candidates for whom valid votes have beengiven;
(3) Number of valid votes given for each candidate;
(4) Names of candidates declared elected;
(5) Number of votes declared invalid, and
(6) Number of tendered votes given, and

shall permit any candidate and his election agent or his authorized representative to take a copy of, or an extract from, such return.

185. Return to be sent to theGovernment:

The Returning Officer shall, after reporting the result of the election under rule 182 forward the return mentioned in the preceding rule to the Secretary to the Government. Copies of returns by the Returning Officer may be obtained from the Secretary to the Government on payment of a fee of ` 10/- (ten rupees) only.

CHAPTER-XIX
DISTRICT COUNCIL : ELECTION AGENTS AND EXPENSES

186. Election agent :

As provided for in sub-rule (4) of rule 151, every person nominated as a candidate at an election, shall appoint some other person who is not disqualified for such appointment to be his election agent.

187. Revocation of appointment of election agent :

(1).The appointment of an election agent shall be revoked only in writing signed by the candidate and lodged with the Returning Officer and shall operate from the date on which it is so lodged.

(2).In the event of such a revocation or of the death of any election agent, whether it occurs before or during election, or after the election but before a return of the candidate's election expense has been lodged in accordance with the provisions of rule 189, the candidate shall appoint forthwith some other person to be his election agent, and shall give notice in writing of the appointment to the Returning Officer.

188. Account of election expenses :

Every candidate or his agent shall keep an account of all expenses incurred in connection with his or her election.

189. Return of election expenses :

(1).Within sixty days from the date of publication of the result of an election under rule 182, there shall be lodged with the Returning Officer in respect of each person who has been nominated as a candidate for the election, a return of the electionexpenses of that person, duly signed by him or his agent.

(2).The return of election-expenses shall be in the Form given in Appendix-XIV and shall contain such particulars as prescribed therein. Every such return shall be accompanied by the candidate or his election agent, which shall be in the form contained in the Appendix-XIV and shall be made on oath before a magistrate.

(3) Every such return shall also bear non-judicial stamp of ` 5/- (Rupees five) only, without which the Returning Officer shall not accept the return.

(4). If a candidate or an election agent who is required to sign the return of election expenses and declarations referred to in this rule is unable to write his name, then he may authenticate the same by making a mark as prescribed in rule 222.

(5). 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 the rule, in the Form given in Appendix-XV.

(6). On receipt of a report under sub-rule (5), the Governor shall decide whether the disqualification under clause (a) & (b) of sub-rule (4) of rule 15 has in fact been incurred in any election to fill a seat, with the result that the seat shall be declared by him as falling vacant.

190. Inspection and copy of return of election expenses: When any return and declaration made in respect thereof have been lodged with the Returning Officer, he shall, as soon as may be, cause notice of the date on which the return and the declaration 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 five rupees, be entitled to inspect any such return and declaration and on payment of a fee of rupees fifty only to obtain a copy or copies thereof or of any part thereof.

191. Maintenance of record regarding such return of election expenses :
The Governor shall cause to be prepared in the manner, and maintained for such time, as he may direct, a record showing the names of all the election agents of each such candidate and the date in which the return of the election expenses of each candidate has been lodged with the Returning Officer.

192. Maximum of election expenses :
The maximum scale of election expenses (including the personal expenses of a candidate) which may be incurred by a candidate for any election in a constituency of the District Council shall not exceed ` 25,000/- (Rupees twenty five thousand) only.

The substitution was done vide amendment rules'2012 : The words and figures " Rs.25,000/- (Rupees twenty Five Thousand) only" shall stand substituted by the words and figures " Rs.1,00,000/- (Rupees One Lakh) only".

CHAPTER-XX
DISTRICT COUNCIL ELECTION : DECISION ON DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION

193. Definitions :

In this Chapter, unless the context otherwise requires :

(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;

(b) "candidate" means a person who has been or claims to have been duly nominated as a candidate at an election and includes a candidate who, with the election in prospect, has held himself out as a prospective candidate.

(c) "costs" means all costs, charges and expenses incidental to a trial of election petition;

(d) "electoral fight" means the right of a person to stand or not to stand as, or to withdraw from being a candidate, or to vote or refrain from voting at an election;

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

194. Election petition: Save as provided in rule 14 or in rule 145 no election shall be called in question except by an election petition presented in accordance with the provisions of the succeeding rules

195. Presentation of election petition :

An election petition against any returned candidate may be presented to the Governor-

(1) by any candidate or elector on any of the grounds specified in sub-rule (2), within sixty days from the date on which result of the election is published in the official Gazette;

Explanation:-In this sub-rule, "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 the returned candidate, claim for a declaration that he himself has been duly elected, but such declaration shall only be claimed on one or other of the following grounds :

(a) that in fact the petitioner received 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.

(c) that the returned candidate was disqualified for being elected as such member.

(3). An election petition shall be deemed to have been presented to the Governor when it is delivered to the Secretary to the Government :

(a) by the person making the petition; or

(b) by the person authorized in writing in this behalf by theperson making the petition, or
(c) by registered post.

196. Contents of election petition :

(1). Every such petition shall contain a statement in material facts on which the petitioner relies and shall be signed by the petitioner.

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

197. Deposit of Security :

At the time of presentation of the election petition, the petitioner shall enclose with the petition a copy of the Government Treasury Challan showing the deposit of ` 100/- (Rupees one hundred) only as security towards the cost of the petition.

198. Petition when to be dismissed :

If the provisions of rules 195, 196 and 197 are not complied with, the Governor shall dismiss the petition in liminal or at the outset.

199. Appointment of Commissioner :

(1). If an election-petition is not dismissed under rule 198, the Governor shall appoint as Commissioner for hearing and disposing of the petition, a person who is or has been an Additional District Magistrate or Civil Judge (Senior Division) and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioner.

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

(3). Where the election petitions relate to different constituencies of a District Council, the Governor shall refer all those petitions to the same Commissioner or may appoint one Commissioner in respect of petition or petitions from each constituency or a group of constituencies and the provisions of sub-rule (2) shall apply to the enquiry thereto.

200. Hearing by Commissioner :

(1). The Commissioner shall fix the date, 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, not by the letters of the Code of Civil Procedure, 1908 as amended from time to time.

Provided that he shall only be required to make such inquiry and to take so much evidence as may be considered sufficient in his opinion for the purpose of deciding the case, if so demanded by the parties.

201. Withdrawal of petition :

(1). An election petition may be withdrawn only with the permission of the Commissioner by filling an application for withdrawal before the Commissioner by the petitioner himself under his verification and signature.

(2). When an application for withdrawal is made to the Commissioner, notices thereof fixing a date for hearing of the application shall be given to all the parties to the petition.

(3). No application for withdrawal shall be allowed if in the opinion of the Commissioner, such application has been induced by any bargain or ulterior consideration on the part of the petitioner.

(4) If the application is allowed :

(a) the petitioner shall, where the application has been made to the Commissioner, be ordered to pay the costs to the respondent, incurred therefore or such portion thereof as the Commissioner may direct;

(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 place of the party withdrawing, and upon compliance of the conditions of rule 197 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may direct.

(5). 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 (4), the Commissioner shall report the fact to the Governor.

202. Abatement or substitution on the death of an electionpetitioner:

(1). An election-petition shall abate only on the death of a sole petitioner or of the survivor of several petitioner, provided that where such sole petitioner was an officer empowered under clause (b) of sub-rule (1) of rule 195, the proceedings may be continued by any other officer empowered in this behalf by the Governor.

(2) Any person who might himself have been a petitioner, and upon compliance with the requirement of rule 197 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

203. Abatement or substitution on the death of such a respondent :

If before conclusion of the trial of an election petition, a respondent dies or gives notice that he does not intend to oppose the petition, the Commissioner shall cause notice of event to be published in the Gazette and thereupon any person may, within fourteen days of such application, apply to be substituted for such respondent to oppose the petition and shall be entitled to continue the proceedings upon such terms as the Commissioner may direct.

204. Recrimination :

(1). Where at an enquiry into an election petition, any candidate other than the returned candidate claims the seat as for himself, the returned candidate or any other party may lead give evidence to prove that the election of such candidate would have been void if he had been the returned candidate complaining of his election.

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 of his intention to the Commissioner and make the deposit under rule 197.

(2). Every notice referred to in sub-rule (1) shall be accompanied with a statement and list of particulars required under rule 196 in the case of an election and shall be signed and verified in the like manner.

205.Grounds for declaring an election to be void:

(1). Subject to the provisions of this rule, if in the opinion of the Commissioner :

(a) the election of the returned candidate has been procured or induced, or the result of the election has been materially affected by any corrupt or illegal practice, or

(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 rejection of any nomination or by reason of the fact that any person nominated was not qualified or was disqualified of election, or by the improper reception or refusal of a vote, or by any non-compliance 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 in the opinion of the Commissioner, and agent other than the election-agent of a returned candidate has been guilty of any corrupt or illegal practice but is satisfied –

(a) that no such corrupt or illegal practice was committed at the election by the candidate or his election agent, and every such corrupt, or illegal practices mentioned in the report were committed contrary to the orders, and without the consent or connivance of the candidate or his election agent;

(b) that the candidate and his election agent took all reasonable means for preventing the commission of such corrupt or illegal practices at the election;

(c) that the corrupt or illegal practice mentioned in the reports were of a trivial and limited character or took the form of customary hospitality which did not materially affect the result of the election; and

(d) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate or his agents, then the

Commissioner may decide that the election of the returned candidate should stand valid.

(3) If a person not being entitled to do, votes more than once at the same election, all his votes shall be deemed for the purpose of this rule to be void.

206. Report of the Commissioner and procedure thereon

(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 regards to the provisions of the rule 205.

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

(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 issue orders in accordance with the report and publish the report in the official Gazette and the orders of the Governor shall be final.

207. Findings as to corrupt Practices :

Where any charge is made in an election petition of any corrupt or illegal practices, 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 of any candidate or his agent, and the nature of such corrupt or illegal practice, and

(b) the names of the persons, if any, who have been found on the inquiry to have been guilty of any corrupt or illegal practices, with any such recommendations as the Commissioner may desire to make for exemption of any such persons from any disqualification, 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 as to why his name should not be so recorded.

CHAPTER-XXI
DISTRICT COUNCIL ELECTIONS
CORRUPT AND ILLEGAL PRACTICES

208. Major corrupt Practices :

The following shall be deemed to be corrupt practices for the purposes of election to the District Council, namely -

(1) Bribery, that is to say :

(A) 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, of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing :

(i) a person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at an election, or

(ii) an elector to vote or refrain from voting at an election or as a reward to :

(a)a person for having so stood or not stood or for having withdrawn or not having withdrawn his candidature or

(b)an elector for having voted or refrained from voting;

(B) receipt of, or agreement to receive, any gratification, whether as a motive or a reward,

(i) by a person for standing or not standing as, or for withdrawing or not withdrawing from being a candidate; or

(ii)by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation : For the purposes of this term, the term “gratification” is not restricted to pecuniary gratification or gratifications estimable in money and includes all forms of entertainment for reward, but it does not include the payment of any expenses incurred bonafide 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 election agent, with the free exercise of any electoral right;

Provided that 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 an elector is interested, with any injury of any kind of social ostracism and the like, or

(ii) induces or attempts to induce a candidate, or an 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 that candidate or elector within the meaning of this clause;

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

(3). Personation, that is to say, procuring or abetting or attempting to procure by a candidate or his election agent or by any other person with the connivance of a candidate or his election 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, inspite of the fact that he has already voted in the same or other constituency and thus he is not entitled to vote;

(4). Removal of ballot, that is to say, removal of a ballot paper from any polling station during polling hours by any person with the connivance of a candidate or his agent.

As per Amendment Rules'2012, sub- rule (4) of Rule 208 stands omitted.

(5). Publication of false statement, that is to say, publication by a candidate or his election agent, or by any other person with the connivance of such candidate or his agent, of any statement of fact, which is false and which he neither believes to be true in relation to the personal character or conduct of any other candidate, being a statement reasonably calculated to prejudice the prospect of such other candidate's election.

(6). Use of vehicles, that is to say, no government vehicle including District Council's vehicles to be used by a candidate or his agents for the electioneering purposes.

209. Minor corrupt practices :

The following shall also be deemed to be corrupt practices of minor nature for the purpose of election to the District Council, namely -

(1). Any act specified in rule 208, when done by a person who is not a candidate or election agent or a person acting with the connivance of a candidate or his election agent;

(2). Personation, that is to say, application by a person at an election for a ballot paper in the name of any other person, whether living or dead, or in fictitious name, or for a ballot paper in his own name, in spite of the fact that he has already voted in the same or other constituency and thus he is not entitled to vote.

The substitution was done vide amendment rules'2012 : The words "a ballot paper" where ever contained in this sub-rule shall stand substituted by the words " a vote".

(3). Bribery, that is to say, receipt of 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;

(b)by a person whosoever 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 fromvoting, or any candidate to withdraw his candidature.

Explanation : For the purpose of this clause, the term "gratification" has the same meaning as it has for the purposes of sub-rule (1) If rule 208.

(4). False return, that is to say, making of any return of election expenses, which is false in any material particular, or making of a declaration verifying the truth of any such return;

(5). Use of or appeal to religious or national symbol, that is to say, a systematic appeal to vote or refrain from voting on the grounds of caste, race, community or religion or use of or appeal to religious and national symbols such as the national flag and emblem for furtherance of the prospects of a candidate's election.

210. Illegal practices:

The following shall be deemed to be illegal practices for the purposes of election to the District Council, namely :

(1). Incurring election expenses without authority, that is to say, incurring or authorization by any person other than a candidate or his agent, of expenses on account of holding any public meeting or upon any advertisement, circular, or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorized in writing to do so by the candidate.

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

(3). Issue of circulars etc. without address, that is to say, issuing 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.

CHAPTER-XXII
DISTRICT COUNCIL ELECTION
OTHER ELECTORAL OFFENCES.

211. Prohibition of Public meeting on the pollday etc. :

(1). No person shall :

(a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or

(b) display to the public any election-matter by means of cinematograph, television or other similar apparatus; or

(c) propagate any election-matter to the public by holding, or by arranging the holding of, any musical concert or theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, to any polling area during the forty-eight hours ending with the hour fixed for conclusion of the poll for any election in that polling area.

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

(3). In this rule, the expression 'election matter' means any matter intended or calculated to influence or affect the result of any election.

212. Disturbances at election meetings :

(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 businessfor which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months with fine which may extend to two thousand rupees, or with both;

Provided that an offence punishable under this rule shall be cognizable.

(2). This rule applies to any meeting of a political character held in any constituency between the date of 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 personnel on duty reasonably suspects any person of committing an offence under sub-rule (1), he may, if required 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, the Police Officer may arrest him without warrant.

213. Duty to maintain Secrecy of voting :

(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.

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

214. Officers etc. at Elections not to act for candidates or to influence voting :

(1) No person who is a Returning Officer, or an Additional Returning Officer or an Assistant 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 to the District Council, shall in the conduct or the management of the election do any act, other than the giving of vote, for the furtherance of prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of any police force shall endeavour:-

(a) to persuade any person to give his or her vote at an election, or

(b) to dissuade any person from giving his or her 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 up to one thousand rupees or with both.

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

215. Prohibition of canvassing in or near polling stations:

(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 area in any public or private place within a distance of one hundred meters of the polling station, namely :

(a) canvassing for votes,

(b) soliciting the vote of any elector,

(c) persuading any elector not to vote for any particular candidate,

(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.

216. Penalty for Disorderly Conduct in or Near polling Stations :

(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

(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, annoyance so as to cause to any person visiting the polling station for the poll, or so as to interfere with or interrupt the work of the officers and other persons on duty at the polling station.

(2). Any person who contravenes, or willfully 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 upto five hundred rupees or with both.

(3). If the Presiding Officer of a polling station has sufficient reasons to believe that any person is committing an offence punishable under this rule, he may direct the police officer on duty to arrest such person and thereupon the police officer shall arrest him.

(4). Any police officer may take such steps and use such 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.

217. Penalty for misconduct at polling station :

(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.

(2). The powers conferred under 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 an 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 a fine up to five hundred rupees or with both.

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

218. Penalty for Illegal hiringor procuring ofconveyanceat elections :

If any person is guilty of any such corrupt practice as is specified in rule 208(6) at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with a fine.

219. Breach of official dutiesin connectionwith election:

(1). If any person to whom this rule applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be punishable with a fine which may extend to five hundred rupees.

(2). An offence punishable under sub-rule (1) shall be cognizable.

(3). No suit or other legal proceeding shall lie against any such person or damages in respect of any such act or omission as aforesaid.

(4). The expression, namely, "persons to whom this rule applies" shall mean and include the Returning Officers, Additional Officers, Presiding Officers, Assistant Officers, Polling Officers and any other person appointed to perform any duty in connection with the receipt of nominations, withdrawal of candidatures, recording or counting of votes at an election, and the expression, namely, "Official duty" shall, for the purposes for this rule, be construe accordingly, but shall not include duties imposed otherwise than by or under these Rules.

220. Removal of ballot papers from polling station to be An offence :

(1). Any person who at any election unauthorizedly takes or attempts to take a ballot paper out of a polling station, or willfully 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 one thousand rupees or with both.

(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 sub-rule (1), such Officer may, before such person leaves the polling station, arrest or direct the police officer on duty 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 or a female police 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.

221. Other offences and penalties therefore :

(1). A person shall be guilty of an electoral offence, if, at any election, he :-

(a) fraudulently defaces, or destroys any nomination paper;

(b) fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of a Returning Officer;

(c) fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper or any declaration of identity, or any official envelope used in connection with voting by postal ballot;

(d) without due authority, supplies any ballot paper to any person, or receives any ballot paper from any person or is in possession of any ballot paper, or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in;

(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;

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts;

(h) having received a ballot paper, refuses to observe the procedure prescribed for voting the ballot paper so issued;

(i) being in the service of the Government, acts as an election-agent or a polling agent or a counting agent of a candidate at an election.

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

(a) if he is Returning Officer or an Additional or Assistant Returning Officer, or a Presiding Officer or Polling Officer at a polling station or any other official 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 up to two thousand rupees 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 upto one thousand rupees 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 imposed otherwise than by or under these rules.

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

CHAPTER-XXIII
DISTRICT COUNCIL ELECTIONS
MISCELLANEOUS.

222. Interpretation :

In the foregoing chapters relating to elections, unless the context otherwise requires :

(a) "serial number of an elector in an electoral roll" shall include such particulars regarding the name or description of the electoral area with reference to which the said electoral roll has been prepared, as will identify the entry relating to such elector in that electoral roll.

(b) "Sign" in relation to a person who is unable to write his name shall mean authenticating 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 Additional or Assistant Returning Officer or the Presiding Officer or such others as may be specified under these Rules and such officer on being satisfied as to his identity has attested the mark as being the mark of such person.

223. Requisitioning of premises, vehicles, etc. for electionpurposes :

The provisions of sections 160, 161, 162, 163, 164, 165, 166 and 167 of the Representation of the People Act, 1951 (No, XLIII of 1951) and of rules 98 and 99 of the Conduct of Elections Rules, 1961 shall apply mutatis mutandis in respect of elections to the District Council.

Provided that if the circumstances so demand, the Governor may apply other sections and rules of the said Act and Rules, on the recommendation of the Returning Officer.

CHAPTER-XXIV
GENERAL.

224. Jurisdiction of Civil courts Barred :

No civil court 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.

225. Repeal and Savings :

The Mizoram Autonomous District Councils (Constitution and Conduct of Business) Rules, 1974 with all amendments made upto the date of commencement of these Rules are hereby repealed.

Notwithstanding such repeal, any action taken or proceedings made under the repealed Rules shall be deemed to have been taken or made under these Rules.

226. Expressions not defined :

Any expression not defined in these Rules but occurring therein shall be deemed to have the same meaning in which they are used in the Constitution of India.

227. Overriding effect :

In case of any conflict between the provision contained in the Sixth Schedule to the Constitution and the provisions of these Rules, the former shall have the overriding effect.

APPENDIX - I
(See rule 23)

FORM OF OATH OF SECRECYFOR EXECUTIVE MEMBER OF THE DISTRICT COUNCIL.

I, _____, do swear in the name of God/solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become unknown to me as Executive Member of the District Council except as may be required for the due discharge of my duties as such Executive Member.

Signature of the Executive Member.

APPENDIX — II
(See rule 31(2))

FORM OF NOMINATION PAPER FOR THE ELECTION OF CHAIRMAN/DEPUTY CHAIRMAN

I_____, propose Dangu/Dangubi _____ for the election of Chairman/Deputy Chairman of the Chakma Autonomous District Council.

I have ascertained that Dangu/Dangubi _____is willing to serve as Chairman/Deputy Chairman, if elected, and he/she does not suffer from any disqualification under the Rules.

Signature of Proposer.

I, _____, second the above proposal.

Signature of Seconder.

APPENDIX — III
[See rule 37(1)]

FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER OF THE DISTRICT COUNCIL

I, Dangu/Dangubi_____, having been elected or nominated as a member of the Chakma Autonomous 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.

Signature of Member.

I, _____, second the above proposal.

Signature of Seconder.

APPENDIX - IV
[See rule 151(2)]
NOMINATION PAPER

Name of the constituency for which the candidate is nominated. _____

Name of the candidate & postal address_____

Father's or Husband's name _____

Age _____

Name of the constituency on the electoral roll of which the name of the candidate is included, and the Part no. of such electoral roll. _____

Serial number of the candidate in the electoral roll of the constituency in which his name is included. _____

Name of proposer _____

Serial number of the proposer in the electoral roll of the constituency. _____

Name of seconder _____

Serial number of the seconder in the electoral roll of the constituency _____

Signature of the proposer _____

DECLARATION BY PROPOSER

I, Dangu/Dangubi _____ as above-named, propose to nominate Dangu/Dangubi _____
as above-described, as a candidate for election to the Chakma Autonomous District Council from _____ MDC-constituency. His/Her particulars and address as given above are true to the best of my information and knowledge. He/She does not suffer from any disqualification under the Rules.

*Place*_____ *(Signature of the propose)*
Date _____

DECLARATION BY SECONDER

I,Dangu/Dangubi_____ as above-named, do hereby second the nomination of Dangu/Dangubi_____ as proposed above.

My name is entered at Sl. No. _____ in Part No. _____of the electoral Roll of the _____MDC constituency.

*Place*_____ *(Signature of Seconder)*
Date _____

DECLARATION BY CANDIDATE

I, _____ as above-named assent to this nomination and hereby declare that

(a) I have completed _____ years of age.(b) that I am a candidate set up by the _____ Party.

(c) that the symbols I have chosen are, in order of preference, as follows, viz. (1) (2) (3)that I have appointedDangu/Dangubi_____ of _____ (Address) to be my election agent for theensuing election. Neither myself nor my election-agent as proposed suffer or suffers from anydisqualification under the Rules.

*Place*_____ *(Signature of Candidate)*
Date _____

CERTIFICATE OF DELIVERY

(To be filled in by the Returning Officer or other authorised person)
Sl. No. _____

This nomination paper was delivered to me at my office at _____ (date and hour).

Seal *Returning Officer*

CERTIFICATE OF SCRUTINY

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

I have scrutinised the nomination paper in accordance with the Rules and found that they are respectfully qualified to stand for election, to propose and to second.

Date _____ *Seal* *Returning Officer*

APPENDIX - V
(See rule - 156)

LIST OF SYMBOLS

1. Bicycle
2. Boat
3. Bulb (reserved for Mizoram People Conference Party)
4. Camel
5. Cart
6. Cock
7. Cup
8. Dao
9. Drum
10. Eagle about to fly
11. Ears of Corn and sickle (reserved for Communist Party of India)
12. Elephant (reserved for BahujanSamaj Party)
13. Fish
14. Flower
15. Haldhar within wheel (reserved for Janata Party)
16. Hammer, Sickle and Star [reserved for Communist Party of India (Marxist)]
17. Hand (reserved for National Congress Party)
18. Hat'
19. Head of Mithun
20. He-Goat
21. House
22. Hut
23. Lantern
24. Lion
25. Lotus (reserved for Bharatya Janata Party)
26. Pot
27. Rising Sun (reserved for Zoram Nationalist Party)
28. Scale
29. Spade
30. Sparrow
31. Spectacle
32. Star (reserved for Mizo National Party)
33. Tiger
34. Tree
35. Two Leaves

The substitution was done vide amendment rules'2012 :- Appendix-V of the Principal Rules shall stand replaced by the following, namely :- " The Chakma Autonomous District Council (Constitution and Conduct of Business Etc.) (Amendment) Rules'2012".

APPENDIX - V
(See rule - 156)

LIST OF SYMBOLS

A. RECOGNISED POLITICAL PARTY

Sl.No.	Name of Symbol	Name of Party
1.	Ears of corn & Sickle	- Communist Party of India (CPI)
2.	Elephant	- BahujanSamaj Party (BSP)
3.	Haldhar within Wheel	- Janata Party
4.	Hammer,Sickle & Star	-Communist Party of India(Marxist)
5.	Hand	- Indian National Congress (INC)
6.	Lotus	- BharatiyaJanata Party (BJP)
7.	Bulb	-Mizoram Peoples Conference(MPC)
8.	Sun	- Zoram Nationalist Party (ZNP)
9.	Star	- Mizo National Front (MNF)

B. OTHER THAN RECOGNISED PARTY

Sl. No	Name of Symbol
1.	Arm Chair
2.	Bicycle
3.	Boat
4.	Book
5.	Cup
6.	Ceiling Fan
7.	Car
8.	Daba(Chakma Traditional Smoking Pipe)
9.	Dao
10.	Drum
11.	Flower
12.	Hat
13.	Hut
14.	Lantern
15.	Pot
16.	Pen
17.	Pencil
18.	Spectacles
19.	Spade
20.	Scooter
21.	Scale
22.	Tree

23. Two Leaves
24. Umbrella
25. Wall Clock

- **In all appendix(s) where ever containing in the Chakma Autonomous District Council (Constitution and Conduct of Business etc.) Rules'2002, the word "Pi/Pu" shall be substituted by the words " Dangu/Dangubi".**

APPENDIX - VI

[See rule - 161(2)]

FORM NO. _____

APPOINTMENT OF POLLING AGENT

Election to Chakma Autonomous District Council

I, _____ a candidate/election agent of Dangu/Dangubi_____who is a candidate in the ensuing election to the Chakma Autonomous District Council do hereby appoint Dangu/Dangubi_____ as a Polling agent/Relied agent to attend Polling Station No. _____at/place fixed for the Poll _____ at _____ Village.

Date _____ *Signature of Candidate/election agent.*

I agree to act as Polling agent/Relief agent.

Date _____ *Signature of Candidate/Relief agent.*

Signed before me.

Signature of Presiding Officer.

APPENDIX - VII

(See rule 171)
FORM OF BALLOT PAPER

1—CHAWNGTE Council Constitution/03-General
Electoral Roll Part No. .....
Serial No. of Elector. .....
No. 00001

Signature/
Thumb impression

K.K. Chakma.

No. 00001 1-Chawngte Council Constitution/03-General
R.N. Chakma.

APPENDIX - VIII
(See rule 172)

TENDER VOTES' LIST

Name and number of Polling Station :……
Date of Poll ……..

Sl.No.	Name of the elector	Address of the elector	Serial number of elector in electoral roll	Serial number of tendered ballot paper	Serial number of ballot paper issued to the person who has already voted in place of elector	Signature or thumb impression of person tendering vote

Date…….
Place…… Signature of Presiding Officer.

APPENDIX — IX
(See rule 172)
FORM OF TENDERED BALLOT PAPER

Polling Station No. .....
Constituency .....
Name of Voter .....
Number of Voter in electoral roll .....
Name of candidate for whom this is tendered .....

Date ..... *Signature of Presiding Officer*

APPENDIX — X
(See rule 173)
LIST OF CHALLENGED VOTES

Sl. No. in the electoral roll	Name	Signature of voter, if literate, of thumb impression	Signature & address of identifier, if any	Order of the presiding officer	Remarks

APPENDIX — XI
(See rule 175)

CERTIFICATE

Certified that Dangu/Dangubi_____is registered as an elector vide/no. _____ at polling station_____ in the _____ constituency of the _____DistrictCouncil, and as he is prevented from voting at the said station by reason of his employment at the _____polling station in the _____constituency, I hereby authorise him to vote at the last named polling station.

Date _____

Signature of the
Returning Officer.

APPENDIX — XII
(See rule 178)

BALLOT PAPER ACCOUNT

Sl No.	Particulars	Ordinary Ballot Paper	Tendered Ballot Paper

1. No. of Ballot papers received by the Presiding Officer :
2. No. of unused ballot papers returned :
3. No. of spoilt ballot paper :
4. No. of tendered ballot papers used :
5. No. of ballot papers dealt with under rule 176 (2) :
6. No. ballot papers issued :

APPENDIX — XIII
[See rule 181(4)]

Certificate of Election

I,_____ , Returning Officer for the _____MDC Constituency hereby certify that I have on the _____day of _____declared to have been duly elected by the said constituency to be a member of the Chakma Autonomous District Council and that in token thereof, I have granted to him this certificate of election.

*Place*_____ *Signature*
Date _____ *Returning Officer*
for the _____
MDC Constituency

APPENDIX — XIV
[See rule 189(2)]

FORM NO. _____

RETURN OF ELECTION EXPENSES

Election to the Chakma Autonomous District Council

Name of candidate : _____

Name of constituency :_____

Date of election :_____

Sl.No.	Date on which expenditure incurred	Particulars	Amount	Name and address of payer	Particulars of vouchers (copies be enclosed	Remarks if any

Certified that the above statements are true to the best of my knowledge and belief.

Place …….
Date ……..

(Signature of the Candidate/Election Agent)

APPENDIX-XV

[See rule 189(5)]

Report to the Secretary to the Government of Mizoram
District Council Affairs Department
Lodging of Election Expenses Account
Election to District Council

_____District Council.
Serial number and name of constituency_____
Date of declaration of Result_____
Last date for lodging of account of Election Expenses_____
Name of elected Candidate_____

Sl. No.	Name (Party affiliation of candidate) and address of contesting candidate.	Whether account have been lodged	Date of lodging of accounts	Whether lodged in time	Whether lodged in the manner required by law	If not, a brief statement of defect /lapses noticed	Total expense incurred as per the accounts filed	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Place …….
Date ……..

Returning Officer

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (AGRICULTURAL LAND) ACT'1982.

No.DCA/R-8/79/36, the 25th January'1983 : In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act, made by the Chakma District Council under paragraph 3 of said schedule and assented to by the Administrator of Mizoram is hereby published for general information namely :-

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (AGRICULTURAL LAND) ACT,1982.

AN ACT

To provide for the control and allotment of land for agriculture in the Chakma Autonomous District.

PREAMBLE:- Whereas it is expedient to provide for the control and allotment of land and for the improvement of agriculture within the Chakma Autonomous District. It is hereby enacted in the Thirty-third year of the Republic of India as follows:-

1. SHORT TITLE EXTENT AND COMMENCEMENT :-

(1) This Act may be called the Chakma Autonomous District (Agricultural Land) Act'1982.
(2) It extends to the whole of the Chakma Autonomous District.
(3) It shall come into force at once.

2. DEFINITIONS :- In this Act, unless the context otherwise requires :-

(1) **" Administrator "** means the administrator of the Union Territory of Mizoram appointed by the President of India under Article 293 of the Constitution ;
(2) **" Agriculture"** includes any cultivation of land or soil for cereals, fruits and other edible or in-edible plants including flowers and trees for timber and other products ;
(3) **"Allotment"** with the respect to land means allotted in writing by the Executive Committee or any Officer authorised by it in writing and registered in the Chakma District Council Office ;
(4) **" District "** means the Chakma Autonomous District ;
(5) **" District Council "** means the Chakma Autonomous District Council ;
(6) **" Executive Committee "** means the Executive Committee of the Chakma District Council;
(7) **" Farm "** means farms for cattle, poultry, fishery or piggery ;
(8) **" Fishery "** means an area or areas of any stream or water pond suitable for rearing and catching fish ;
(9) **" Garden"** means any land cultivated for fruits, vegetables, sugarcane or other plantations including flowers, bamboos, trees for

timbers and other products ;
(10) **" Land "** means all lands either vacant or occupied within the Chakma District and also benefits to arise out of lands and things attached to the earth or permanently fastened to anything attached to the earth, but shall not include minerals, mineral oil, natural gas or petroleum ;
(11) **"Poundy"** means any land cultivated along the river bank for fruits vegetables and other products ;
(12) **"Prescribed"** means prescribed by rules ;
(13**) "Wet Cultivation"** means and area or areas suitable for permanent cultivation and used for such purpose and shall also include terraces for permanent cultivation and wet paddy cultivation ;
(14**) "Vacant Land"** means any land whish has not been allotted to any one whether occupied or unoccupied and over which nobody has acquired any right.

3. APPLICATION OF THE ACT :- This Act shall apply to all lands within the District. except the following :-
(1) Lands included in the State reserved forest.
(2) The soil of all Government and public roads.
(3) All lands in the Council reserved forest and any other area or areas as may be notified from time to time by the Executive Committee.

4. ALLOTMENT :-
(1) The Executive Committee or any Officer authorised by it in writing in this behalf shall have the power to allot any vacant land for the purpose of garden or wet cultivation, poundy cultivation or any farm.
(2) All such allotment shall be made by issue of period Patta, in a prescribed form in which the location, boundary description and the area in hectares of the allotment shall be clearly and specifically defined.
(3) Permanent Settlement Patta on any plot of land for any purpose to any person shall be issued only after the lapse of 3 (three) years from the date of issue of periodic Patta for that plot of land.

Provide that the land should have been properly reclaimed and brought under regular cultivation or put to use for the purpose for which periodic Patta was issued and tax paid without default.
(4) The Executive Committee may, by rules, impose such conditions and terms as it may deem reasonable on all allotments of land made under sub-sections (1), (2) and (3) of this section in the interest of general public or of scheduled tribes.
(5) The Executive Committee or the Officer authorized by it in writing in this behalf may donate any land for purpose of plantation or garden or farm to the Government.

5. LAND TO BE OCCUPIED UNDER PATTA :- No person shall occupy and take possession of any land unless allotted and periodic patta or patta obtained in accordance with the provisions of this Act.

6. PATTA FOR LANDS ALREADY OCCUPIED :-

(1) All lands already occupied under any pass or permit granted by any authority before the commencement of this Act shall have to be registered and fresh periodic patta or patta obtained from the District Council within such time and in such manner and on payment of such fees as may be prescribed.

(2) Failure to carry out the provisions of sub-section (1) and the rules made there under may entail cancellation of the pass or permit by the Executive Committee. Provided that due notice is served to the person concerned.

Provided further that the Executive Committee shall not refuse fresh periodic patta or patta, as the case may be, in any case where registration is applied for in accordance with the provisions of sub-section (1) and the rules there under.

7. RIGHTS OVER LAND :-

(1) The patta holder shall have heritable and transferable rights of use on or of sub-letting of his land subject to :-

(i) The payment of all revenues and taxes from time to time legally assessed or imposed in respect of the land ;

(ii) Such terms and conditions as are imposed by rules made under this Act.
Provided that periodic patta holder shall have such rights
only during the terms of the periodic patta.

(2) No person shall acquire by length of possession or otherwise any rights over land disposed of, allotted or occupied unless registered and periodic patta or patta obtained in accordance with the provisions of this Act.

8.REGISTRATION :- The Executive Committee or any Officer authorized by it in writing in this behalf shall maintain a register of land records in which all allotments of land shall be registered.

Provided that the Executive Committee or such Officer may refuse to register of any unauthorized garden or wet-cultivation or poundy cultivation or farm and in such case such land shall be deemed to be open for allotment by the appropriate authority.

9.TRANSFER OF LANDS :- Any transfer in respect of any registered garden or wet-cultivation or poundy cultivation due to sale or otherwise shall be reported to the Executive Committee or any Officer authorized by it in writing in this behalf for necessary incorporation in the register, failing which the permit or pass or periodic patta or patta, as the case may be, liable to be cancelled.

10. EVICTION :-

(1) If any person is found to be in possession of land otherwise than in accordance with the provisions of this Act, any Officer authorized by the Executive Committee may evict the person after serving a notice on him requiring him to vacate the land within the period to be specified by the authority and to remove any building fence which may have been

raised on such land, subject to the condition that crops, actually growing on the land may be allowed to remain till they are ripe for ensuing harvest.

(2) Any person aggrieved by an order under sub-section (1) of this section may, within a period of sixty days from the date of issue such order, lodge an appeal to the Executive Committee. Every order passed in appeal under this section shall be final.

11. CANCELLATION OF ALLOTMENT IN PUBLIC INTEREST :-The Executive Committee may cancel or take possession of any allotted land on greater public interest.
Provided that, the land holder shall receive an amount of money to be fixed by the Executive Committee as compensation for the land.

12. PANALTY:-

(1) If any person contravenes any of the provision of this Act or the rules there under, he shall be liable to be fine which may extent to Rs,500/- (five hundred rupees) and in case of continuing breach to a further fine which may extent to ten rupees for each day during which the breach continues.

(2) The Executive Committee may impose fine for the contravention of any provision of this Act or any rules there under to the extent prescribed in sub-section (1) of this section after giving reasonable opportunity for hearing and recording the reasons and finding of all facts on which the order is based.

13.RULES :- Subject to the previous approval of the Administrator, the Executive Committee may make rules for carrying out the provision of the Act.

14. POWER OF ADMINISTRATOR TO GIVE DIRECTION :-

The Administrator may, if he is of opinion that it is expedient in the public interest so to do, give such direction as he may deem necessary to the District Council, regarding the carrying in to execution of the provisions of this Act, and in particular regarding the allotment of land for the purpose of the government or for any
other public purpose and the District Council, shall comply with such direction.

15. REPEAL AND SEVING :-

(1) The Pawi-Lakher Autonomous Region (Agricultural Land) Act.1959 (act of 1960) (here in after referred to as the said Act) is hereby repealed.

(2) Notwithstanding such repeal and subject to the provision of section 6, all actions taken or orders made or directions given under the provisions of the said Act shall be deemed to be taken, made or given under the respective provision of this Act and subsequent action, if any with regard to any such action or direction shall be in accordance with provision of this Act.

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THE CHAKMA AUTONOMOUS DISTRICT (FOREST) ACT, 1992

THE CHAKMA AUTONOMOUS DISTRICT

(FOREST) Act, 1992

AN
ACT

To provide for the management of forests in the Chakma Autonomous District ;

Whereas it is expedient to provide for the management of forests in the Chakma Autonomous District.

It is hereby enacted by the Chakma Autonomous District Council in the Forty-fourth year of the Republic of India as follows :—

1. Short title extend and commencement :–

(1) This Act may be called the Chakma Autonomous District (Forests) Act, 1992.

(2) It shall extend to the whole of the Chakma Autonomous District except :–

(a) Any area which is a State reserve Forest or which may be declared as a State reserved Forest from time to time.

(b) Any area which may be declared from time to time as a sanctuary, National Park, Game reserve or closed area under the Wildlife (Protection) Act, 1972 (Central Act 53 of 1972)

(3) It shall come into force on the date of its publication in the Mizoram Gazette.

2. Definition :-

In this Act, unless the context otherwise requires —

(1) **"Authorised Officer"** in relation to any provision of this Act or the rules made thereunder means the Secretary if he is authorised by the Executive Committee by notification in the Mizoram Gazette, to exercise the power of the Authorised Officer under such provisions.

(2) **"Cattle"** includes gayal, Mithun, Buffaloes, Mules, Asses, Pigs, Rams, Ewes, Sheep, Lambs, Goats and kids.

(3) **"Council Forest"** means any forest in the District other than in any of the areas referred in clauses (a) and (b) of Sub-Section (2 of Sect)

(4) **"Council Forest"** means any person appointed as such by name or as holding an office by or under the orders of the District Council and shall include Deputy Conservator of Forest, Assistant Conservator of Forest, Forest Rangers, Deputy Rangers, Foresters, Assistant Foresters, Forest Guards and any other person appointed to discharge the duties and function of a Council Forest Officer under this Act or any rules thereunder.

(5) **"Council Reserved Forest"** means any forest constituted as such by or under the orders of the District Council.

(6) **"Deputy Commissioner"** means the Deputy Commissioner, Chhimtuipui District, Saiha.

(7) **"District"** means the Chakma Autonomous District and the word 'District Council' shall be construed accordingly.

(8) **"Executive Committee"** means the Executive Committee of the District Council and the terms "Chief Executive Member" and "Member of Executive Committee" shall be construed accordingly;

(9) **"Forest Offence"** means an offence under any provision of this Act or any rule made thereunder;

(10) **"Forest produce"** means forest produce of Council forest and includes—

(a) the following whether found in or brought from, a forest or not, that is to say timber, Charcoal, Catechous, Catechu, woodoil, resin, natural varnish bark, lac, myrabolams, thinoceros and tusks, horns;

(b) the following when found in or brought from a Council Forest that is to say

(i) trees and leaves, and fruits and all other parts of produce, not here-in before mentioned, of trees;

(ii) plants not being trees (including grass, creepers, reeds and moss) and all parts or produce of such plants;

(iii) Wild animals skins and horns, bones, silk cocoons, honey and wax andall other parts or produce of wild animals;

(iv) peats, surface oil, rocks and all other products of quarries;

(11) **"Forest Village"** means a Village established within a Council reserved forest for a specific period to provide suitable source of labour for the purpose of plantation and taungyas;

(12) **"Governor"** means Governor of the State of Mizoram;

(13) **"Land at the disposal of the District Council"** means any land at the disposal of the District Council in respect of which no person has acquired a permanent, heritable and transferable right of use and occupancy under any law for the time being in force or any right created by grant or ease made or continued by, or on behalf of the Government of the State of Mizoram;

(14) **"President"** means the President of a Village Council elected under the provisions of the Pawi-Lakher Autonomous Region (Village Council) Act, 1954;

(15) **"River"** includes also streams, canals, creeks and other channels, natural or artificial;

(16) **"Secretary"** means the Secretary to the Executive Committee of the District Council;

(17) **"State reserved forest"** means the reserved forest as defined in Sub-Paragraphs (2) of paragraph 3 of the sixth Schedule to the Constitution of India;

(18) **"Timber"** includes trees when they have fallen or have been felled, and all wood, whether cut up of fashioned out for any purpose or not.

(19) **"Tree"** includes palms, bamboos, stumps, brushwood and canes;

(20) **"Village Council"** means a Village Council Constituted under the provision of Pawi-Lakher Autonomous Region (Village Council) Act, 1954.

3. Jurisdiction of the District Council :

The administration of Council forests in the District shall be vested in the District Council.

4. Reserved Forest:-

The trees specified in Appendix 1 to this Act, shall be treated as reserved trees- Such trees in Council forest shall not be cut, felled, tapped or injured in any manner without permission of any kind issued in writing by the Executive Committee or the Authorised Officer.

5. Disposal of forest Produce :-

(1) The cutting, sawing, conversion and removal of trees and timbers and the collection, manufacture and removal of forest produce from a Council forest except for purposes of personal use under such condition as the District Council may, by rules made in this behalf allow, are prohibited, except under a permit granted by the Executive Committee or the Authorised Officer.

(2) Trade permit as prescribed in Appendix – II shall be granted for timber reserved or unreserved or other forest produce cut, collected or removed from the Council forest for purpose of trade.

6. Royalties :-

(1) The rates of royalties to be charged on forest produce removed from the Council forest for trade under a trade permit are given in Appendix – III to this Act. The power to increase or decrease any of the rates is vested in the Executive Committee to a limit of twenty five percent of increase or decrease according to distance and difficulties of extraction.

(2) All other forest produce not included in Appendix – III shall be charged at such rates as may be fixed by the Executive Committee.

(3) The Executive Committee is empowered revise whenever necessary the classification of trees mentioned in Appendix – III and such revision whenever made shall be notified in the Mizoram Gazette.

(4) The rate of royalties given in Appendix – III shall remain in force till replaced by such revision rates of royalties as may be ordered by the Governor for the sale of uniformity for the entire State of Mizoram.

(5) No forest Produce shall be extracted for any purpose from any of the Council reserved forest except on payment of royalty and with the written permission of the Executive Committee or the Authorised Officer.

7. Payment of fees and royalties:-

(1) All fees and royalties payable on account of any forest produce collected or removed under the provisions of this Act or rules made thereunder shall be paid for at the time of marking, previous to removal or at the first forest revenue station reached by such forest Produce.

(2) No forest produce shall be removed from the Council forest unless provided with a pass in the form given in Appendix – IV to this Act, such passes shall be obtained from the Officerin-charge of the first revenue station reached by such forest produce.

8. Receipt for forest Revenue :-

All forest revenue shall be received in the form as prescribed in Appendix – V

9. Registration of property marks :-

All persons trading in or conveying timber not belonging to State Reserved forest shall annually register their property marks at the revenue station, and shall pay a fee of Rs. 20/- for a certificate of registration for the first time and Rs. 5/- (five) for each registration thereafter.

10. Honey and Wax :-

No person shall remove honey and Wax for purposes of trade from the Council forest, save under and subject to, the condition of purchasing licenses granted by the Executive Committee or the Authorised Officer. Such licenses shall be in the form contained in Appendix – VI to this Act and the amount of the fee for the same, which may, from time to time, be prescribed by the District Council shall be printed on such license.

11. Application of section 188 of Indian Penal Code to breach of the provisions of some sections of the Act :-

Breach of the provisions of sections 4, 5, 6, 7 and 10 of this Act shall lead to punishment under section 183 of the Indian Penal Code (Central Act 45 of 1860)

12. Town Station reserve :-

(1) The District Council may, by notification in the Mizoram Gazette or by publication in any other manner it deems suitable, constitute any Council forest into Town Station reserve and may, in like manner very or cancel any such notification.

(2) Every such notification shall specify the limits of such Town Station Reserve of Reserves.

(3) No forest produce within a Town Station Reserve shall be removed, collected, cut felled, tapped, or injured in any manner, without permission in writing which will be subject to such condition as may be imposed, by the Executive Committee or the Authorised Officer.

(4) Anyone contravening the provision of this section shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

13. Power to constitute Village forest Reserve :-

(1) The District Council shall, by order, constitute in every village, not less than twenty five percent of the land at the disposal of the District Council into a Village forest Reserve for the collective benefit it of any Village community or group of Village communities and may, in like manner, every any such order.

(2) Every such order shall specify the limits of such Village forest Reserve.

14. Village forest Reserve :-

The village forest reserves constituted under section 13 may be of two classes, namely :—

(a) a Village Safety Reserve, that is a reserve for the protection against fire from without or reserve constituted in the interest of health and water supply, no one shall

utilise for any purpose, any portion of land inside this reserve and no trees shall be cut in this reserve except with the permission of the Executive Committee. The President of the Village Council, in consultation with the other members of the Village Council, may dispose of any dead tree in the manner considers most beneficial for the Village.

(b) Village supply Reserve, that is reserve for supply of the need of the Village or Villager. Any person belonging to any Village communities for whose benefits such reserve is constituted may cut trees and bamboos from this reserve for his household needs.

15. Power to distribute land for jhums :-

(1) The Village Council shall have the power to distribute land for jhums within the Council forest other than the following reserve, namely :—
   (a) the Village Safety reserve,
   (b) the Village Supply reserve,
   (c) town Station Reserve,
   (d) the Council Reserve Forest, and
   (e) the State Reserved Forest.

(2) No Village Council shall have power to distribute dense forest without the permission of the Executive Committee.

16. Power to constitute protected Forest Reserve :-

The District Council may constitute any land at the disposal of the District Council as a protected Forest Reserve for protection of valuable forest from destruction for the interest of the Village communities. No one shall utilize for any purpose any portion of land inside the protected forest reserve and no trees hereof shall be cut except with the permission of the Executive Committee or the Authorised Officer.

17. Certain punishment with fine :-

(a) Any person doing anything in contravention of the provisions of section 14, 15 and 16 shall be punishable with a fine not exceeding rupees two hundred.

(b) Subject to clause (a) above, any person doing anything in contravention of any provision of this Act shall be punishable with a fine according to the amount of damage caused.

18. Power to constitute Council Reserved Forest :-

The District Council may constitute any land at the disposal of the Council as a Council Reserved Forest in the manner hereinafter provided.

19. Forest Notification proposal to constitute a Council Reserved Forest :-

Whenever it is proposed to constitute any land as a Council reserved forest the Executive Committee shall publish a notification—

(a) declaring that, is proposed to constitute such a land as a Council Reserve Forest, and
(b) specifying, as nearly as possible, the situation and limits of such land, and
(c) inviting claim of rights and objections.

20. Survey of the proposed Council reserved Forest :-

The Executive Committee, as soon as a notification is issued under section 19, it shall cause the area to be surveyed and demarcated by one or more of the Council Forest Officers not below the rank of Forester or any other Officer authorised in this behalf, who shall also enquire into any right of any person in area and shall also submit reports to the Executive Committee and such report shall seal with all points including compensation involved or alteration of the recommended.

21. Disposal of claims and objections :-

All claims of rights on the land and all objections against the proposed Council Reserved Forest shall be submitted in writing to the Executive Committee within 60 days from the date of publication of the notification under section 18.

22. Council Forest Tribunal :-

The Executive Committee shall appoint a Council Forest Tribunal who shall decide all claims of right on land and all objection against the proposed Council reserved forest. The orders of the Council Forest Tribunal shall be published in the Mizoram Gazettee.

23. Appeal :-

All appeals against the decision of the Council Forest Tribunal shall be submitted to the Executive Committee within 30 days of the order issued by the Council Forest Tribunal. The Executive Committee shall review the case as it deems necessary and pass order which shall be final.

24. Jurisdiction of High Court not affected :-

Nothing in section 22 and 23 of this Act shall bar the jurisdiction of any Court including the High Court and the Supreme Court of India as provided in Sub-Paragraph (2) of paragraph 4 of the Sixth Schedule to the Constitution of India.

25. Final Notification constituting Council Reserved Forest :-

The Executive Committee shall, after disposal of all appeals, publish in the Mizoram Gazette or in any other manner it deems, suitable, the final notification specifying the limit of the Council reserved forest incorporating therein any change and modification made from the preliminary notification under section 19 of this Act, and declaring the same to be a Council Reserved Forest from the date fixed by such notification.

26. Right in or over the Council Reserved Forest :-

No person shall have right of any nature in or over the land within the area of the Council reserved forests, except those that may have been conceded in the final notification referred to in section 25. The Executive Committee or the Authorised Officer may permit or grant rights of any nature to any individual or a community for the benefit of a community or communities.

27. Penalties for trespass or damage :-

Any person who, in a Council reserved forest :

(1) trespasses or pastures cattle or permits cattle to trespass, or
(2) causes any damage by negligence in felling any tree or cutting or dragging timber, shall be punished with fine which may extend to fifty rupees, or when the damage resulting from his offence amounts to more than twenty five rupees to double the amount of such damage.

29. Jhumming in Council Forests :-

The right to jhumming or any shifting cultivation in the unclassed Council Forests in conceded subject to any regulation, rules and orders made or prescribed or any other body granted by the District Council.

30. Collection of timber tree of royalties or permit for private use :-

Any inhabitant of the District Council is permitted to collect free of royalty or permit such timber and other forest product other than reserved trees as may require for his own use within the unclassed Council forest, including the Village supply Reserve, but not for sale, trade, mortgage gift for which purposes either permit or royalty or both may be imposed by the Executive Committee as it deems fit.

31. Forest offence :-

(1) When there is reason to believe that a forest offence has been committed in respect of any forest produce, together with all tools and other articles used in the commission of such alleged offence, may be seized properly in safe custody and report the matter to the appropriate Court, after trial of the case, shall dispose of the confiscated articles according to the merit of the case in addition to any punishment as may be awarded to the offender or offenders.
(2) When the offender is not known or traceable, such seized article shall be confiscated and District Council.

Provided that any claim for such confiscated articles within a period of one month from the date of confiscation shall be heard and disposed of in such manner as the Court may order.

32. Presumption that the forest produce belong to the District Council :-

When in any proceeding taken under this Act or in consequence of anything done under this Act, the question arises whether forest produce is the property of the District Council, such produce shall be presumed to be the property of the District Council until the contrary is proved.

33. Power is compound offences :-

(1) (a) The Executive Committee may accept from any person against whom reasonable suspicion exist that he has committed any forest offence specified in sections 27 and 28 of this Act, a sum of money by way of compensation for the offence which such person is suspected to have committed.

(b) When any property has been seized as liable to confiscation, the same may be released on payment of the value thereof estimated by the Executive Committee with or without a fine.

(2) On the payment of such sum of money or such value or both, as the case may be, the suspected person if in custody, shall be discharged and no further proceeding shall be taken against such person or property.

34. Procedure for disposal of perishable property :-

Notwithstanding anything herein before contained, the court concerned may direct the scale of any property seized under section 31 if it is subject to speedy and natural decay, and may dealt with such property as if it has not been sold.

35. Power to arrest without warrant :-

(1) Any Council Forest Officer not below the rank of Assistant Forester or a Police Officer may, without order from a magistrate and without any warrant arrest any person reasonable suspected of having been connected with or concerned in any forest offence punishable with imprisonment for one month or upwards, if such person refuse to give his name and residence or given a name or residence of which there is reason to believe to be false or if there is reason to believe that he will abscond.

(2) Every Officer making an arrest under this section, shall, without delay, take or send the arrested person before a magistrate having jurisdiction in the case.

(3) No Officer shall detail in custody a person arrested under this section for a period exceeding twenty four hours exclusive of the time necessary for the journey from the place of arrest to the court of the Magistrate concerned.

36. Power of the Executive Committee to evict unauthorised occupant from reserved forest :-

(1) The Executive Committee or the Authorised Officer may evict any person from any land in a Council reserved forest unless such person has been allowed to settle.

(2) Such person may evicted or ordered to vacate forth with, and the Executive Committee or Authorised Officer may, sell, confiscate or destroy or other construction erected without authority.

37. Penalty for counterfeiting or defacing marks trees and timbers etc :-

Any person, who with the intention to cause damage or injury to the public or to any person or to cause wrongful gain as defined in the Indian Penal Code—

(a) Knowingly counterfeits upon any tree or timber a mark used by Council Forest Officers to indicate that such tree or timber is the property of the District Council or some person, or that it may lawfully be felled or removed by some persons, or

(b) unlawfully affixes to any tree or timber a mark used by Council Forest Officer, or

(c) alters, defaces or oblige rates any such mark placed on any tree or timber by or under the authority of a Council Forest Officer, or

(d) alters, moves, destroys or defaces any boundary mark or any forest to which this Act applies, shall be punished with imprisonment for a term which may extend to two years, or with fine or with both.

38. Compensation for damage used by commission of offences :-

(1) When any person is convicted of falling, cutting, girdling, lopping or tapping trees, or of injuring them by fire or otherwise in contravention of this Act, or of any rule made thereunder, the convicting Court, may in addition to any other punishment which it may award, order that person to pay to the

District Council such compensation according to the amount of damage caused.

(2) If the person convicted of the offence committed it as the agent or servant of another person, the convicting Court may, unless after hearing that other person, it is satisfied that the commission of the offence was not a consequence of his instigation or of any neglect or default on his part, order him, instead of the person who committed the offence, to pay the compensation referred to in sub section (1)

(3) Any appeal from any order under sub-section (1) or sub-section (2) shall lie to the Court to which orders may by the convicting Court are ordinarily appealable and the orders passed on the appeal shall be final.

39. Forfeiture of lease :-

When the holder of any lease, license or contract whatsoever granted or continued by, or on behalf of the District Council for any of the purpose of this Act or any rule made thereunder, or when any such offence is committed by any agent or servant of the holder of any such lease, license or contract and the District Council is satisfied that the commission of the offence was a consequence of the instigation of such holder or of any neglect or default on his part, the District Council may, by order, in writing declare the lease license, or contract to be forfeited in whole, or in part with effect from a date to be specified in the order not being prior to the date of the Commission of the offence.

40. Council Forest Officer not to trade -

No Council Forest Officer shall, as principal or agents, trade in forest produce, or be or become, interested in any lease or mortgage or any forest, or in any contract for working any forest.

41. Persons bound to assist Council Forest Officer :-

Every person who exercise any right in any class of Council Forest, or who is permitted to remove any forest produce from, or ti pasture cattle or practice jhum cultivation in such forest, and every person who is employed by such person in such forest and every person in any village continuous to such forest shall be bound to furnish, without unnecessary delay, to the nearest Council Forest Officer any information which he may possess respecting the occurrence of a fire in or near such forest, or the commission of or intention to, commit any forest offence, and shall any Council Forest Officer demanding his aid,

(a) in extinguishing any fire occurring in such forest;

(b) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;

(c) in preventing the commission in such forest of any forest offence, and

(d) when there is reason to believe that any such offence had been committed in such forest, in discovering and arresting the offenders.

42. Recovery of money due to District Council :-

All money, other than fines, payable to the District Council under this Act, or under any rule made thereunder or on account of the price of any forest produce, or of expenses incurred in the execution of this Act or rule made thereunder in respect of any forest produce may, if not paid when due, be recovered as an arrear of land revenue.

43. Lien of forest produce for such money :-

(1) When any such money is payable for or in respect of any forest produce, the amount thereof shall be deemed to be a first charge of such produce may be taken possession of by a Council Forest Officer specially empowered in this behalf by him until such amount has been paid.

(2) If such amount is not paid when due, such Council Forest Officer may sell such produce by public auction and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within two months from the date of sale by the person entitled there – to, shall be forfeited to the District Council.

44. District Council an its Officer not liable for laws of damage in respect of certain forest produce :-

The District Council shall not be responsible for any loss or damage which may occur in respect of any forest produce while at the revenue stations established under this Act or rules made thereunder or while collected or detained elsewhere for the purpose of this Act, and no Council Forest Officer shall be responsible for such loss or damage unless he shall have cause the same negligently.

45. Recovery of penalties due as land revenue :-

When any person, in compliance with any rule under this Act, blinds himself by any instrument to perform any duty or Act or covenants by any instrument that he, or that he and his servants and agents will abstain from any Act, the whole sum mentioned in such instruments as the amount to be paid in case of a breach of any condition thereof maybe recovered as an arrear of land revenue.

46. Distribution of jhum :-

(1) The extent of area to be allotted for distribution for jhum under section 15 shall be notified by the Village Council, in the manner of it deems fit and submitted to the District Council, and the District Council may issue any direction in this regard.

(2) Except for any special privilege granted under this Act to any person, distribution of jhum to a village shall rest with the Village Council.

(3) No jhum shall be permitted within one hundred feet on either side of all Government roads, except with the written permission of the Deputy Commissioner in consultation with the Chief Executive Member of the Executive Member concerned.

47. Opening wet cultivation :-

No new cultivation shall be opened of the Council Forest except under a pass granted by the Executive Committee on such conditions as it may deem fit to impose. In granting such pass, the Executive Committee shall take into consideration the recommendation of the Village Council.

48. Establishment and control of forest villages :-

(1) For the purpose of providing a source of suitable local labour for forming and maintaining plantations and taungyas, the District Council may establish forest village within the limit of any Council reserve forest on such sites as may be selected for such period (not exceeding three years) as may be laid down, by the Executive Committee, with an allotment of 1.5 acres of land for homestead or 'bari' for each resident household.

(2) The boundaries of all forest village shall be demarcated by boundary pillars and shown in maps together with all interior details such as fields, homestead and the like and a register shall be maintained of the houses in each village.

(3) Jhum in the Council reserved forest shall not be allowed to the forest village except on the following conditions, namely :

(a) The site of the village will be selected by the Council Forest Officer with the approval of the Executive Committee and full information as in sub-section (2) shall be supplied by such officer to the Deputy Commissioner;

(b) An allotment of maximum (3) three acres of jhum land shall be allowed annually for each resident household by the Council Forest Officer for cultivation and cultivation in particular jhum land shall be at intervals of not less than five years;

(c) The villagers themselves will sow or plant with their crops the seeds or plants of such forest trees in such a manner as the Council Forest Officer may direct.

(4) Building materials and fuels will be given to the villagers free of charge but they will be liable to render ten days free labour, if called upon, in the next instance at a rate of wages to be fixed by the Council Forest Officer.

(5) The sub-letting of land by a forest villager is not permissible.

(6) The forest villager admitted into reserved forest shall execute an agreement in such form as maybe prescribed from time to time by the Executive Committee.

(7) The Executive Committee may appoint a person among the forest villager as a Headman and prescribe his duties.

(8) The Executive Committee may evict summary from a forest village without payment of compensation, anyone who does not comply with the provisions of the Act, or who refuses to carry out the orders of the Council Forest Officer so far as they are consistent with provisions of this Act, or whose conduct in the opinion of the said officer, impair the harmonious working of the village.

49. Penalties :-

If any person infringes any of the provisions of section 45, 46 and 47, he shall be punishable with a fine not exceeding two hundred rupees.

50. Appeal from decision of Authorised Officer :-

All appeals against the decision of the Authorised Officer shall be submitted to the Executive Committee within 30 days of the order issued by the Authorised Officer, the Executive Committee shall review the case as it deems necessary and pass order which shall be final.

51. Power to make rules :-

Subject to the approval of the Governor, the District Council may frame rules for carrying out the provisions of this Act.

52. Power of Governor to give direction :-

The Governor may, if he is of opinion that it is expedient in the public interest so to do, give such directions as he may deem necessary to the District Council, regarding to the carrying into execution of the provisions of this Act, and in particular regarding distribution land for jhum, re-afforestation of jhum land and prohibition of jhumming in specified areas, and the District Council shall comply with such directions.

53. Repeal and savings :-

(1) With the commencement of this Act, the following Acts shall stand forth-with repealed namely :
   (a) The Pawi-Lakher Autonomous region (forest) Act, 1954;
   (b) The Pawi-Lakher Autonomous region (forest amendment) Act, 1957;
   (c) The Pawi-Lakher Autonomous region (forest amendment) Act, 1960.

(2) Notwithstanding such repeal, all actions taken, orders made or directions given under the provision of the Acts, so repealed shall be deemed to be taken made or given under the corresponding provision of this Act and the subsequence action, if any with regard to any action, order or direction, shall be accordance with the provisions of this Act.

APPENDIX—1

Reserved Trees
(See Section 4)

All trees or the undermentioned kinds standing on any at the disposal of the District Council shall be reserved trees :

Sl. No.	Vernacular name	Botanical name
1.	Tita Sopa/Champ	Michelia Champaca
2.	Nahor, nage sear	Mesua ferrea
3.	Chaulmugra	Taraktogenos/Kurxii
4.	Makria sal, Nagable	Schima Wallichii
5.	Hollong	Dipterocarpus,Marcrocapus
6.	Sal	Shorea Robusta
7.	Mekai	Shorea Assamica
8.	Simul	Samalio Malabarica
9.	Amari	Ammoora Wallichhi
10.	Bogipaoma	Chikrasa Tabularies
11.	Sissoo	Balbargia Sisson
12.	Sonaru	Cassia fistula
13.	Khair	Acacia catechu
14.	Koroi	Albizzia procera
15.	Jusuli	Altingia Excelsa
16.	Hollock	Terminalia, Myriocarpa
17.	Jamuk	Eugenia jamnolana
18.	Sida	Lagerstroemia parvi
19.	Ajhar	Lagerstroemia flosreginac
20.	Kikhan	Dyabanza, Sonnaratioides
21.	Kadam	Anthociphalus cadamo
22.	Haldu	Adina Cordifolia
23.	Mohidal	Cardia fragrantiesima
24.	Ahoi	Vitex pardancularis
25.	Gomari	Gnelina Arborea
26.	Bonsum	Phoeba Coalparensis
27.	Agar (Sasi)	Aguilaria Agallocha
28.	Kuhir	Bridelia Retusa
29.	Uriam	Bischofia javanica
30.	Indian Rubber	Ficus elastica
31.	Sasm	Artocarpus chaplasha
32.	Bola	Morus leevigata
		including all medicinal plants.

APPENDIX—II

Trade Permit for timber and other forest Produces to be collected from Chakma Autonomous District.

See Section 5 (2)

Name .....
Residence .....

Forest Date of Expiry	Description of timber & other produce	Number Quantity	Rate	Amount	Remarks

Date..... Signature and designation of the Issuing Officer.

Conditions under which this permit is issued :-

(1) This permit must be in the possession of the person removing forest produce under it, and must be produced by such person whenever called upon to do so by the Council Forest Officer.

(2) Only trees marked with the District Council Hammer may be felled. No log or Sawn timber may be removed from felling sites unless it has been measured and marked with the prescribed hammer i.e. passing hammer, if royalty is to be paid at site.

NOTE : Logs may not be converted at sites unless they have been measured and unless the sale is at converted timber rate.

(3) All timber and other Forest produce must be removed from the forest within the time granted in the permit.

(4) This permit must be returned to the nearest forest office within one month of the date of its expiry.

(5) Any advance royalty paid at the time of taking out a permit will lapse to the District Council will the lapsing of the permit unless application for extension has been made to the Executive Member in-charge Forests within one month from the date of expiry and the Executive Member i/c Forests, Chakma District Council exercising his discretion, has granted an extension which may not exceed a further period of one year after realisation of an extension fee not exceeding twenty five percent of the royalty on the forest produce to be removed under permit.

(6) Breach of any of the above conditions will render this permit liable to be cancelled and the forest produce confiscated, notwithstanding any other penalties incurred by the permit holder under the Chakma Autonomous District Forest Act, 1991 or Rules made thereunder.

Signature of the Council Forest Officer.
I understand and accepted the above conditions.

Signature of the permit holder.

APPENDIX—III

RATE OF ROYALTIES ON FOREST PRODUCE
(See Section 6 (2)

Timber and trees are Classified as follows :

1. CLASSIFICATION OF TIMBERS :-

BOTANICAL NAME	HINDI NAME
A-I	
Tectona grandia	Teak
A-II	
Michelia Champaca	Titasopa/Champ
Shorea robusta	Sal
Phoebe gaolparensis	Bonsom
Morus leavingate	Bola
Balbergia Sissoo	Sissu
Pinus insularis	Pine
B. CLASS	
Diptarocarpus marctocrapus	Nekai
Albizzia adoratissima	Hiharu
Artocarpus Chaplasha	Sam/cham
Chikrassia Tabularis	Conserai
Gmelina arborea	Gamani
Messua forrea	Nahar, Hoseswar
Talauma myriocarpa	Tita so-pa
Terminalia myriocarpa	Hollock
C-CLASS	
Bombax ceiba	Simul
Acrocarpus fraxinifolius	Mendhania
Adina cordifolia	Haldu, Tarak sopa
Albizzia procara	Kiroi
Alseodapne Owdednii	Noricha sundi
Ammora wallichhii	Amari
Actocarpus integrifollia	Kthal
Castanopsis species	Hingori
Cynometra polyandra	Ping
Eugenia jambolana	Jumuk
Largerstroemia folscreginoe	Ajhar, Jarul
Magnelia species	Sopa
Pheobe cooperina	Makhahi
Pterospermum acerifolium	Hatipoila
Schima wallielii	Makria sal
Albizzia lebbek	Kiko, siris

Bischfia janvanice	Urium
Cassia nodosa	Sonari
D-CLASS	
Galophylum	Kuta
Cinnamomum obtusifolium	Meduridiama, parati
Cordia fragrantissima	Modidal
Durbanga conneratoides	Khokan
Garuga pinnata	Thutmela, himala
Sappium baccatum	Sellong
Podacarpus nerifolia	Jimari
Ammora species	Rata, Bandordima
Anthocebhalus cadamba	Kadam
Bursera Serrata	Mirtenge, Newkheru
Canarium bengalense	Dhunarata
Kydia calycina	Pichala
Nysa sessiliflora	Gaharisopa
Mangifora indioa	Am
I-CLASS	
Cedrela toona	Jatipoma
Aldizzia stipulate	Saw, Harish
Alstonia Scholaris	Satiana, stai
Bombax insigne	Dumboil
Tetrameles nudiflora	Bhalu, Tula
Trewia nudiflora	Bhelkor, Bhura
Vitex penduncularis	Ahoi
Zanthoxylum budrunga	Bajrong, Bojoani
Echynocarpus assamicus	Jabahingoria, seta
Ficus nervosa	Khipan, Khaiiapan
Heritiera acuminate	Bharoidhamin
Hibiscus macrophylla	Chamia
Sterculia Villosa	Udal

II. SCHEDULED RATES OF ROYALTY OF TIMBER :-

Class girth	Rate per log below 1 meter in girth	Rate per log for cubic meter 1 meter in girth	Rate per log above 1.5 meter in girth
A-I	Rs. 85.00	Rs.175.00	Rs.350.00
A-II	Rs. 35.00	Rs.55.00	Rs. 75.00
B	Rs. 17.00	Rs.30.00	Rs.42.00
C	Rs. 10.00	Rs.17.00	Rs.24.00
D	Rs.7.00	Rs.12.00	Rs.16.00
E	Rs.5.00	Rs. 7.00	Rs.10.00

2. The classification will be based on didgirth measurement. The cubic contents of logs will be calculated by multiplying the square of the quarter girth taken in the middle of the logs by the length of the log.
3. The above rates are for girth measurements taken over bark. For barked and dressed logs rates will be 20 percent more than the above rates :

Over 11 meter	A-	Rs. 150.00
	A-II	Rs. 100.00
	B-	Rs. 70.00
	C-	Rs. 35.00
	D-	Rs. 25.00
	E-	Rs. 20.00

Above rates are for each dugout.

III. RATES FOR MINOR FOREST PRODUCE :-

Bamboos :

Bamboosa vilgeris (Barliala)	`	7.50 percent
Bambusa Tulda (trati mirtega)	”	5.00 ”
Bambusa Balcuua (Barus)	”	7.00 ”
Bambusa palliada (Jati)	”	3.00 ”
Dendro Calamus Hamiltonii (Kako)	”	7.50 ”
Dendrocalamus Strictus (Katabans)	”	5.00 ”
Melocanna bambusoides (Muli)	”	3.00 ”
Bajal Bamboo	”	1.00 ”
Dalu Bamboo	”	1.50 ”

Above rates as per hundred in each case.

IV. SUN OR THATCHING GRASS :-

30m girth	Rs.	3.75	per bundles
45m ”	Rs.	8.60	-do-
60m ”	Rs.	15.00	-do-

V. CANE :-

Calamus Gurruba (Sundi) Rs. 1.00 per 10m
Calamus tenuis (Jati)
Calamus Flagellum (Raidang)
Calamus latifolius (Horna)
Galla Cane
All above rates are for whole cane.

VI. EKCA AND OTHER REEDS :-

Upto 15m girth	Rs.	1.00	per 100 (hundred)
Over 15 to 30m girth	Rs.	3.00	-do-
Over 30m to 45m girth	Rs.	6.00	-do-

VII. SAND AND BOULDER :-

Rs. 1.00 and 2.00 per cubic meter 5Quintals respectively

VIII. GRAVEL, BROKEN STONE AND SHINGLE :-

Rs. 16.00 per cubic meter

IX. SQUAREL STONE AND CLAY :-

Rs.2.00 and Re. 1.00 per cubic meter respectively.

X. ROOFING LEAVES :-

Take at Rs. 1.00 per 1,000 leaves jang and other leaves Rs. 0.75 per 1,000 leaves.

XI. RATE FOR FIRE WOOD :-

(1) Fire wood removal by head load on monthly permit.
(2) Fire wood removal by head loads on yearly permit.
(3) For removal by buffalo cart Rs. 2.00
(4) For removal by Bullock cart/Pony Cart Rs.1.50
(6) For removal by 3 ton truck Rs.9.00
(7) For removal by 5 ton truck Rs.15.00

XII. Increase and decrease or any of the rates is vested in the Executive Committee to a limit of 50% of increase according to distance and difficulties of extraction.

XIII. All other minor forest produce not listed above will be charged royalty at 12.5% advalorem.

APPENDIX—IV

Forest Department, Chakma District Council Transit Pass.

(See Section 7(2))

Station.....Lane/Beat.....Revenue

1. Name and residence of permit or agreement .....
2. Number and date of permit or agreement .....

Kind of forest produce	Number of places or handles	Measurement contents or weight	Marks Hammer or others	Rate	Amount
(3)	(4)	(5)	(6)	(7)	(8)

(9) Locality from where collected.....
(10) Place from which to be transported.....
(11) Destination.....
(12) Route of transport.....
(13) Date of expiry.....
(14) Date of issue .....

Signature and designation of issuing officer.

Conditions :-

1. Any person removing timber or other forest produce without a transit pass in this form in contravention of any rule made under section 50 of the Chakma Autonomous District Forest Act, 1991 is liable for punishment.
2. The transit pass must be produce whenever call upon to do so by the Council Forest Officer.

APPENDIX—V
LICENCE TO PURCHASE HONEY AND WAX FROM
COUNCIL FOREST IN THE AUTONOMOUS CHAKMA DISTRICT
(See section 8)

No. of book No. of License

Subject to the provisions of section 9 of the Chakma Autonomous District Council Forest Act, 1991 this Licence of purchase honey and Wax has been granted for one year from ..... (both days inclusive) under the conditions specified on the reserve.

To.....
of.....
Circle .....
District/Region .....
The.....

Signature and designation of
the Officer granting the License

The conditions under which this License is granted are :-
(1) That the License is not transferable.
(2) That the License shall always be in the personal possession of the License whenpurchasing honey and wax.

APPENDIX—VI
(See section–10)

RECEIPT BOOK IN TRIPLICATE

Forest Department receipt ..... Chakma District Council No……..
Date …… receipt from …….....the sum ofRupees ..... in cash on account of .....payment……
..... Rs. .....

Designation.

FOREST (CONSERVATION) ACT, 1980 WITH AMMENDMENT MADE IN 1988.

An Act to provided for the conservation of forests and for matters connected therewith for ancillary or incidental thereto.

Be it enacted by parliament in the Thirty-first year of the Republic of India as follows :—

1. i) This Act may be called the forest (Conservation) Act, 1980
   ii) It extends to the whole of India except the state of Jammu and Kashmir.
   iii) It should be deemed to have come into force on the 25th day of October 1980.

2. Notwithstanding anything contained in any other law for the time being in force in a state, no state government or other authority shall make, except with the prior approval of the Central government, any order directing :
   i) That any recovered forest (within the) meaning of the expression "reserved forest" in any law for the timber being in force in that state) or any portion thereof shall cease to be reserved :
   ii) That any forest land or any portion thereof may be used for any non forest purpose;
   iii) That any forest or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government.
   iv) That any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, or the purpose of using it for reforestation.

   Explanation : For the purpose of this sanction, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for :-
   a) The cultivation of tea, coffee, spices, rubber, palms, sil-bearing plants,horticultural crops of medical plants;
   b) Any purpose other than reforestation but does not include in
any workrelating or ancillary to conservation development
and management of forestand wildlife, namely, the
establishment of check-post, fires lines, wirelesscommunication and construction of fencing bridges and culverts, dams,waterholes, trench marks, boundary marks, pipelines or other like purpose.

3. The Central Government may constitute a Committee consisting of such number of person as it may deem fit to advice that Govt. with regard to :-
   i) The grant of approval under section 2 and
   ii) Any other matter connected with the conservation of forest which may be referred to it by the Central Government.
   Whichever contravenes or averts the contravention of any of thesions of Section 2 shall be punishable with simple imprisonment for a period which may extend to fifteen days.

3. 1) Where any offence under this Act has been committed :-

a) By any department of Government, the head of the department or
b) By any authority, every person who, at the time the offence has committed, was directly in-charge of, and was responsible to the authority for the conduct of the business of the authority as well as the authority shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall under the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence

was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

2) Notwithstanding anything contained in sub-section (i) where an offence punishable under the Act has been committed by a department of Government of any authority preferred to in clause (b) of sub-section (i) and it is prove that the offence has been committed with the consent or connivance of ; or is attributable to any neglect on the part or any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (i), such officer or person shall also be deemed to be guilty of that offence & shall be liable to be proceeded against and punished accordingly.

4. i) The Central Government may, by notification in the Official Gazette, makes rules for carrying out the provisions of this Act.

ii) Every rule made under this Acts shall be laid as soon as may be after it is made before each house of parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and it, before the expiry of the session immediately following the session of the successive sessions aforesaid, both houses agree in making any modification in the rule or both house that rule not be made, the rule shall thereafter have effect only in such modified from or be of no effect, as the case may be; so however that any such modification from or annulment shall be without prejudice to the validity of anything done under that rule :

1) The forest (conservation) Ordinance, 1980 is hereby replaced.

2) Notwithstanding such repeal, anything done or any action taken underthe provision of the said ordinance shall be deemed to have been done ortaken under the corresponding provision of this Act.

APPLICATION OF FOREST (CONSERVATION) ACT, 1980

1. 1 **Definition :-**

i) The term **'Forest'** land mentioned in section 2 of the refers to reserved, protected or any area recorded as forest in the Government records. Lands which are notified under section 4 of also the Indian Forest Act would come within the purview of for diversions of such areas to any non-forest purpose. Even if the area is privately owned, would require the prior approval of the Central Government.

ii) The term **"tree"** for the purpose of this Act will have same meaning as defined in section 2 of the Indian Forest Act, 1927 or any other Act which may be in force in the forest under question.

1. 1. Clarification :
The case in which specific orders for the de-reservation or diversion of forest areas in connection with any project were issued by the state Government prior to 25.10.1980, need not be referred to the administrative approval for the project was issued without specific orders regarding the reservation and/ or diversion of forest lands, a prior approval of the central Government would be necessary.

1. 3 Investigation and survey :
Investigation and surveys carried out in connection with development projects such as transmission lines, hydro-electric, projects, seismic survey, exploration for oil drilling etc. will not attract the provisions of forest or

cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches after purpose of sighting.

ii) If, however, investigations and surveys involve clearing of forest areas or felling of trees, prior permission of the central Government is mandatory.

iii) Notwithstanding the above, survey, investigation and exploration shall not be carried out in wildlife sanctuaries, national parks and simple plots demarcated by the forest Department without obtaining the prior approval of the central government, whether or not felling of trees is involved,

iv) The work of actual construction would however, fully attract the provisions of the Act and prior clearance of the central government must be obtained even if such work does not require felling of trees.

v) It is clarified that the permission to survey exploration or prospection would not also facts imply any commitment on the part of the central Government for diversion of forest land.

1. 4 Explanation regarding Non-Forest purpose :

i) Cultivation of tea, coffee, species rubber attracting and palm is a non-forestry activity, the provisions of the Act.

ii) Cultivation of fruit-bearing trees or oil bearing plants or medicinal plants would also require prior approval of the central Government except when :

a) The species to be planted are indigenous to the area in question; and

b) Such planting activity is part of an overall afforestation programme forthe forest area in question ;

1. 7 Clarification on sub-clause 2 (III) of the Act :

i) The sub-clause shall not be attracted when any forest land or any portion thereof is assigned to any authority, corporation, agency or any other organisation wholly owned, managed or controlled authority/corporation/agency which has been assigned such forest land shall not reassign it or any part thereof to any other organisation of individual.

ii) Any scheme or project which involves assignment of any forest land by way of lease or similar arrangement, for any purpose whatsoever, including afforestation, to any private person or to any authority/agency/organisation not wholly owned, managed or controlled by the Government (such as private or joint sector ventures) shall attract the provisions of this sub-clause.

1. 8 i) Sub clause 2 (4) of the Act prohibits clearing of naturally grown trees in forest land for the purpose of using it for reforestation. The provisions of this sub-clause will be attracted if the forest area in question bears naturally grown trees and are required to be clear-felled, irrespective of their size, for harnessing existing crop and/or raising plantation through artificial regeneration techniques which may include coppicing, pollarding or any other made of vegetative propagation.

ii) All proposonal involving clearing of naturally grown trees in any forest area, including for the purpose of reforestation, shall be by send the concerned state/UT Government in the form of management, plants/working plans to the Regional Chief Conservator of Environment and Forests.

iii) All proposonals in respect of sanction of working plans/management plans shall be finally disposed of by the regional office, under section 2 of the Act. While examining the proposal, the Regional Office would ensure that the final decision is in conformity with the National Forest Policy, working plan guidelines issued by the central Government from time to time. The Regional office will however invariably seek prior clearance of the Ministry whenever the proposal involves clear felling of forest area saving density above 0.4 irrespective of the area involved. Also, prior clearance would be required when the proposal is for clear felling of an area of size more than 20 hectare. in the plains and 10 hectare in the hilly region, irrespective of density.

1. 9 Clarification on Section 3 of the Act.

ii) The report of violation shall be described in a self-contained note and supported by requisite documents, including particularly the same and designations of the officials/persons who prima-facts responsible for the contravention of the Act.

iii) In case it is not possible to fix the responsibility for commission/commission of any action leading to the violation of the Act, a full explanation with relevant supporting documents shall be appended to the report.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (MANAGEMENT AND CONTROL OF PRIMARY SCHOOL) REGULATIONS, 1993.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (MANAGEMENT AND CONTROL OF PRIMARY SCHOOL) REGULATIONS, 1993.

A
Regulation

To provide for the management and control of primary schools in the Chakma Autonomous District and for certain other matters connected therewith.

Whereas it is expedient to provide for the management and control of the primary schools in Chakma District and certain matters connected therewith.

And whereas, sub-paragraph (1) of paragraph 6 of the Sixth Schedule to the Constitution has empowered the District Council of an Autonomous District to make regulation for the management and control of Primary Schools in the District and for certain other matters connected therewith.

Now, therefore, in exercise of the said powers and of all other powers enabling it in that behalf , the District Council of the Chakma Autonomous District with the previous approval of the Governor, hereby makes the following regulations namely:-

CHAPTER - 1
PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT :-

(1) These regulations may be called the Chakma Autonomous District Council (Management and Control of Primary Schools) Regulations, 1993.

(2) They shall extend to the whole of the Chakma Autonomous District.

(3) They shall come into force on the date of its publication in the Mizoram Gazette.

2. DEFINITIONS :- In these regulations unless the context otherwise requires :-

(a) "Appointed date" means date appointed by the Executive Committee with the previous approval of the Governor;

(b) "Constitution" means the Constitution of India;

(c) "District" means the Chakma Autonomous District constituted under the Sixth Schedule to the constitution;

(d) "District Council" means the Chakma Autonomous DistrictCouncil;

(e) District Primary Education Board" means the Board constituted under regulation 3;

(f) "Education Officer" means the Education Officer Chakma Autonomous District Council;

(g) "Executive Committee" means the Executive Committee of the Chakma Autonomous District Council;

(h) "Government" means the State Government of Mizoram;
(i) "Governor" means the Governor of the State of Mizoram;
(j) "Primary School managing Committee" means the Committee formed under regulation 5.

CHAPTER II

3. THE DISTRICT PRIMARY EDUCATION BOARD :

(1) (a) The District Council shall constitute a District Primary Education Board for management, control and improvement of Education in the District.

(b) The District Primary Education Board shall be a body whose term of membership shall be for a period of threeyears. The Executive Committee shall appoint members after every three years.

(c) The District Primary Education Board may sue and be sued in the name of the Chairman of the District Primary Education Board. It shall be competent to do all necessary acts for carrying out its duties and functions under this Regulation and the rules made thereunder.

(2) The District Primary Education Board shall be constituted with the following members :-

(a) The Executive Member in-charge of Education, by virtue of his office, shall be the Chairman of the District Primary Education Board.
(b) The Education Officer,by virtue of his office,shall be the Secretary of the District Primary Education Board.
(c) Three persons shall be nominated by the Executive Committee from among the well known Educationists in the District.
(d) One member representing the Primary Teachers to be nominated by the Executive Committee.
(e) Two representatives nominated by the Government, one from the Education and Human Resources Department and the other from the Mizoram Board of School Education.

(3) No person appointed by virtue of one's office under sub regulation (2) shall continue to be member of the Board if he ceases to hold that office.
(4) Two third of the member shall form a quorum.
(5) A casual vacancy may be filled up for the remaining period of the term in the same manner in which the membership isoriginally filled up.
(6) Any member who is not appointed by virtue of one's office may be removed from office, if he id absent for five consecutive meetings and failed to offer reasonable ground or if he acts against the proceedings of the Board.
(7) Any member may resign from his membership at any time by writing to the Secretary who shall put it up to the Chairman for acceptance.

(8) The District Primary Education Board shall meet not less than twice in a year. In case of emergency. Secretary of the Board may call a special meeting at the request of not less than three members.
(9) In the absence of the Chairman,the meeting itself may select one of the members present to preside over the meeting.

4. POWERS AND FUNCTIONS OF THE DISTRICT PRIMARY EDUCATION BOARD :-

The District Primary Education Board shall have the following powers and functions, namely :-
(a) to recommend non-Government and non-District Council Primary School for financial help for maintenance and improvement of the School Buildings, furniture and other equipments;
(b) to supervise and regulate the activity of the Primary schools Managing Committee ;
(c) to constitute committee, or committees for the purpose of conducting examinations;
(d) to levy such examination fees as may be necessary from time to time.
(e) to constitute a syllabus committee for the purpose of drawing up syllabi for the different subjects for the primary schools;
(f) to constitute text books committee for primary schools for the purpose of rendering text books for primary schools in Chakma languages, for approval by the Government and arrange for their publication and supply to the schools;
(g) to hold such test or examination at such stage or primary education as may be deemed necessary.

5. PRIMARY SCHOOL MANAGING COMMITTEE :-

(1) The Primary School Managing Committee shall be formed by the Executive Committee which will look after the welfare of the school teachers and of the school children.
(2) It shall have such a number of members as may be determined by the Executive Committee.
(3) The Chairman and other members of the managing Committee shall be nominated by the Executive Committee.
(4) The Head Teachers of the Primary Schools shall be the Secretary to the Primary School managing Committee.
(5) Term of the Office of the Committee shall be for three years.
(6) The Committee shall function on behalf of the District Primary Education Board in their respective Schools in all the matters connected with the affairs of the Primary Schools.

CHAPTER – III

6. MEDIUM OF INSTRUCTION :

The Chakma languages shall be the medium of instruction.However, the Bengali language shall be the temporary medium of instruction till the books in the Chakma language are printed.Provided that, the minority communities from the region under the jurisdiction of the Chakma Autonomous District Council whose mother tongue is other than Bengali or Chakma language, shall continue to use the language of their choice for their medium of instruction, of this purpose all the necessary provisions in terms of teachers,syllabi and text books shall made by this District Council ;

Provided that, if any Primary School within the area of Chakma Autonomous District Council decided or desire to adopt English or Mizo as medium of instruction, the District Primary Education Board may give permission or approval, and extend all facilities and privileges to such Primary School without any discrimination from other Primary Schools.

CHAPTER –IV

7. POWERS AND FUNCTIONS OF EDUCATION OFFICER :

The Education Officer shall have the following powers :-

(a) to render transfer and posting of teachers with the approval of the Executive Committee;

(b) to grant leave to the Teachers;

(c) such other powers as may be delegated to him by the Executive Committee from time to time;

8. FUNCTIONS OF THE EDUCATION OFFICER :

Subjectto over all control of the District Council :-

(a) The Education Officer shall be the supervising authority of financial accounts of the Education Department of the District Council and shall maintain proper account of all financial transaction ;

(b) He shall be the overall supervisor of the Primary Education of the District :

(c) He shall execute all orders of the Executive Committee relating to Primary Education.

CHAPTER –V

9. POWER TO MAKE RULES :

Subject to the previous approval of the Governor, the Executive Committee may make rules for carrying out any of the provision of these regulations .

10. POWER TO REMOVE DIFFICULTIES :

If any difficulties ,arises in giving effect to any provision of these regulations, the Government may make such order or do such thing, not inconsistent with the spirit of the regulations as it appears to it to be necessary or expedient, for removing the difficulty.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (PROFESSION,TRADES, CALLINGS AND EMPLOYMENT TAXATION) REGULATION, 1995.

No. C. 31018/3/90-DCA ----------In pursuance of Paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulations made by the Chakma Autonomous District Council under Para 8 (3) of the said Schedule and assented to by the Governor of Mizoram is hereby published for general information.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (PROFESSION, TRADES, CALLINGS AND EMPLOYMENT TAXATION) REGULATION, 1995.

A

Regulation

to provide for the levy and collection of tax on Profession, trades, callings and employments within the Chakma Autonomous District Council.

Whereas it is expedient to impose taxes on Professions, trades, callings and employments within the Chakma Autonomous District Council.

It is hereby enacted by the Chakma Autonomous District Council in the Forty sixth year of the Republic of India as follows :

CHAPTER—1

PRELIMINARY

1. **SHORT TITLE, EXTENT AND COMMENCEMENT** :

(1) This Regulation may be called the Chakma Autonomous District (Professions, Trades, Callings and Employment Taxation) Regulation, 1995.

(2) It shall extend to the whole of the Chakma Autonomous District.

(3) It shall come into force on such date --------- the District Council may by notification in the Official Gazette appoint.

2. **DEFINITIONS** :

In this Regulation, unless the context otherwise requires :—

(1) "Appointed date" means the date to be appointed by the Executive Committee for commencement of the operation of this Regulation;

(2) "Assessing authority" means the Secretary to the Executive Committee or any other officer authorised or appointed by the Executive Committee in this behalf;

(3) "Chief Executive Member" means the Chief Executive Member of the Chakma Autonomous District Council;

(4) "District" means the Chakma Autonomous District;

(5) "District Council" means the Chakma District Council;

(6) "District Fund" means the Fund of the Chakma District Council;

(7) "Employment" includes a service rendered on regular or monthly salary or emolument or contract service;

(8) "Executive Committee" means the Executive Committee of the Chakma District Council;

(9) "Executive Member i/c Revenue" means the Executive Member of the Chakma District Council authorised by the Chief Executive Member to perform the functions and duties pertaining to Revenue matters;

(10) "Governor" means the Governor of Mizoram;

(11) "Person" includes a company, firm or business centre or other Association of persons;

(12) "Prescribed" means prescribed by rules made under this Regulation as amended from time to time;

(13) "Principal Officer" means with reference to –

(i) a Government, the head of an office or Disbursing Officer;

(ii) a local authority, company, firm or other association of persons, the proprietor, or the Chairman, or Secretary, or Manager or Agent of such local authority, company, firm or other association of persons;

(14) "Previous Year" means the financial year preceding the year in which the assessment is to be made;

(15) "Salary" means any emolument paid or drawn for any work or service;

(16) "Schedule" means the Schedules appended to this Regulation;

(17) "Secretary to the Executive Committee" means the Secretary to the Executive Committee;

(18) "Taxation Year" means a financial year in which a tax is assessed under this Regulation;

(19) "Total Gross Income" means aggregate of income derived from all sources by a person;

(20) "Year" means a financial year commencing from the 1st April of a calendar year to the 31st March of the year following or a part hereof.

3. **LIABILITY TO TAX** :-

As from the appointed date and subject to the provisions of Sub-regulation (2) of this regulation, every person who carries on a trade either by himself or by an agent or representative or who follows a profession, trade or calling or who is in employment, either wholly or in part within the Chakma Autonomous District shall be liable to pay for each financial year a tax in respect of such profession, trade, calling or employment and in addition to any tax rate, duty or fee which he is liable to pay under any other enactment for the time being in force to the District Council or to the Government.

Provided that for the purpose of this regulation a person on leave shall be deemed to be a person in employment;

Provided further that the provisions of this Regulation shall not apply to a member of the Armed Forces of India.

4. **RATES OF TAX** :-

The Tax shall be levied at the rates specified in the Schedule to this Regulation.

5. **DETERMINATION OF TAX** :

The tax payable by any person under this Regulation shall be determined with reference to his total gross income during the previous year from his profession, trade, calling or employment;

Provided that a person liable to tax under the Assam Professions, Trades, Calling and Employment Act, ---------- the Mizo District (Profession, Trades, Calling and Employment ---------- 1963 and who has paid to the Government such tax due upto ----- which this Act came into force shall be ----------from the liability of the ----------the extent of the amount paid on ---------- of valid receipt signed by competent authority.

CHAPTER-II

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6. **ASSESSING AUTHORITIES** :

(1) The Secretary to the Executive Committee or such other Officer as may be appointed or authorised by the Executive Committee shall be the assessing authority and shall be ---------- of this Regulation.

(2) The persons appointed under Sub-Regulation (1) shall exercise such duties as may required by or under this Regulation.

(3) All persons appointed under Sub-Regulation (1) shall be deemed to be public servants within the ---------- of section 21 of the Indian Penal Code.

7. **RETURNS** :

(1) Every person liable to pay tax under this Regulation shall submit to the assessing authority a return in such from and within such time as may be prescribed.

Provided that a person in respect ---------- whom the tax has been deducted under the provisions of Regulation ----------subject to the provisions in sub-regulation (3) thereof, be extended ----------liability to submit a return under this sub-regulation.

(2) In the case of any person who has not furnished a return under sub-regulation (1) inspite of his liability to pay tax under this Regulation for any financial year, the assessing authority may serve in that year a notice, in the prescribed form on such person requiring him to furnish the return and such person shall thereupon furnish the return within the period specified in the notice :

Provided that any person ---------- to pay tax at the highest rate specified in the schedule to this Regulation shall not be required to submit any return or to produce any evidence.

8. **ASSESSMENT** :

(1) If the authority is satisfied that a return furnished under regulation is correct and complete or if satisfactory evidence of assessment, admissible under the Indian Income Tax Act, 1961 (Central Act 43 of 1961) is produced, he shall, by an order in writing, assess the person and determine the tax payable by him on the basis of such return or on the basis of such assessment, as the case may be.

(2) If the assessing authority is not satisfied that a return prescribed under section 7 is correct and complete, he shall serve on the person concerned a notice requiring him, either to attend in person or to produce or cause to be produced evidence in support of the return on the date and at the hour and place to be specified therein.

(3) On the day specified in the notice under sub-regulation (2) above, or as soon afterwards as may be the assessing authority, after hearing such evidence as may be produced and such other evidence as he may require, shall, by an order in writing, assess the person and determine the tax payable by him.

(4) If any person fails to make a return as required by section 7 or having made the return fails to comply ----------issued under sub-regulation (2) the assessing authority shall, by an order in writing, assess to the best of his judgment the person and determine the tax payable by him.

Provided that before making assessment, the assessing authority may allow the person such further time as he thinks fit to make the return or comply with the terms of the notice issued under sub-regulation (2).

9. **ASSESSMENT OF EVADED TAX** :

If for any reason, any person has been under assessed or has not at all been assessed for any financial year, the assessing authority may, notwithstanding anything contained in sub-regulation (2) of regulation ---------- anytime within 3 years after the end of the financial year ----------

10. **RECTIFICATION OF** ----------

(1) The authority which made an assessment or passed an order ----------

Provided that on such rectification having adverse effect upon the assessee shall be made unless the assessee has been given a reasonable opportunity of being heard.

(2) Where any such rectification has the effect of reducing the assessment, the assessing authority shall order any refund which may be due to such person.

(3) Where any such rectification has the effect of enhancing the assessment or reducing the refund, the assessing authority shall serve on the person a notice of demand in the prescribed form specifying the sum payable and such notice of demand shall be deemed to be issued under regulation 16 and provisions of this Regulation shall apply accordingly.

11. **DEDUCTION OF TAX AT SOURCES** :

(1) The tax payable under this Regulation by any person in the employment of any local authority company, firm or other association of persons shall in the manner prescribed, deducted by the principal Officer thereof from any amount payable to such person on behalf of such local authority,

company, firm or other associations of persons and the amount so deducted shall be credited to the District Fund in accordance with the procedure as laid down in the Mizoram Autonomous District Councils (Fund) Rules, 1996 as applicable to the District Council and as may be amended or revised from time to time.

(2) The Principal Officer making any deduction under sub-section (1) shall submit to the assessing authority such returns and within such time as may be prescribed :

Provided that when action is taken under sub-regulation (2) and (3) of regulation 22 no such action may be required.

(3) The assessing authority may take action if he thinks fit, in the manner provided by sub-regulation (2) of regulation 7 and by regulation 8 in the case of any person in the case of any person in respect of whom he is satisfied that no return furnished under that sub-regulation (2) has been furnished or the return so furnished is inaccurate and deficient.

(4) Where any Principal Officer fails to deduct any tax or after deduction fails to pay if as required by or under this regulation he shall, without prejudice to any other consequences he may incur under this regulation, be deemed to be person in default in respect of the tax not deducted or paid and all the provisions of regulation 18 shall apply to him;

Provided that the assessing authority shall not make a direction under sub-regulation (2) of regulation 18 for the recovery of any penalty from such person unless it is satisfied that such person has willfully failed to deduct or pay the tax.

12. **REQUISITION FOR DEDUCTION OF TAX** :
The assessing authority may require a Principal Officer to deduct from any payment of the person any tax or penalty due from him and the Principal Officer shall comply forthwith such requisition.

13. **INDEMNITY** :
The Principal Officer deducting or paying any tax under provisions of this Regulation is hereby indemnified for such deduction or payment thereof.

CHAPTER-IV

APPEAL

14. **APPEAL** :

(1) Any person aggrieved by an order of assessment passed by an assessing authority under this regulation may prefer and appeal within 45 days of receipt of such order, to the Executive Member in charge of Revenue.

(2) The Executive Member in-charge of Revenue shall, on receipt of such appeal, dispose of the same as if it were an appeal from a civil case.

Provided that the appellate authority may admit an appeal after the expiration of 45 days, if it is satisfied that for reasons beyond the control of the appellant or for any other sufficient cause if could not be filed within time.

Provided further that no appeal shall lie against an order of assessment under sub-regulation (4) of regulation.

15. **POWER OF REVISION** :

Subject to such rules as may be prescribed and for reasons to be recorded in writing, the Chief Executive Member may, on an application by a person aggrieved by any order filed within ninety days of that order or on his own motion revise any order passed under this Regulation by any Officer or by the Executive Member in-charge, Revenue.

Provided that no order prejudicial to a person shall be passed without giving him reasonable opportunity of being heard.

Provided further that no application under this regulation shall lie against the order, no appeal against which has been provided for in this regulation or rules made hereunder.

CHAPTER-V

DEMANDS, PAYMENT AND RECOVERY

1. **NOTICE OF DEMAND** :
Where any tax or penalty is payable in consequence of any order passed in pursuance of this regulation, the assessing authority shall serve on the person concerned a notice of demand in the prescribed form specifying the amount so payable.

2. **DUES WHEN PAYABLE** :
(1) The tax or penalty payable under this regulation shall be assessed in a financial year following the year for which it is payable and shall be paid in the assessing year in the manner hereinafter provided.

(2) Every person except those indicated in sub-regulation (1) of regulation 11 pay his due tax or penalty as may be the case, as soon as may be after assessment to the Revenue Officers of the District Council or otherwise as may be directed by the assessing authority or the Executive Committee.

(3) The Principal Officer deducting any tax under regulation 11 shall pay the amount to the District Council Fund, within 45 days of such deduction and shall furnish along with the returns required to be made under sub-regulation (2) thereof a receipt in token of such payment.

(4) The amount of tax or penalty due under this regulation (a) in excess of payment already made, or (b) where no payment has been made, shall be paid by such date is specified in the notice of demand and where no such date is specified, and it shall be paid within 45 days of service of the notice of demand.

18. **MODE OF RECOVERY** :
(1) Where any tax or other dues payable under this regulation is not paid on or before the due date, the person shall be deemed to be in defaulter.

Provided that where a person has presented an appeal or petition for revision and such appeal or petition for revision has been admitted, he shall not be deemed for so long as the appeal or petition for revision remains pending to be in default in respect of the portion of the dues in dispute.

(2) Where the person is in default, the assessing authority may, in his discretion direct that, in addition to the amount due a sum not exceeding that amount shall be recovered from the defaulter by way of penalty.

(1) Where the person is in default, the assessing authority shall, unless action has been taken under section 12 order that amount due shall be recoverable as an arrear of land revenue and shall proceed to realise the amount ----------such.

19. **REFUNDS** :
Any person who has paid any tax or penalty in excess of the amount due under this regulation may within ninety days of the payment of such excess amount apply for a refund and the amount paid in excess shall be refunded accordingly, as soon as may by an order passed by the Executive Member in-charge of Revenue.

CHAPTER-VI

OFFENCES AND PENALTIES

20. **FAILURE TO MAKE RETURN** :
Whoever —

(1) fails, without reasonable cause, to submit in due time any return required by or under provision of the regulation or submit a false return; or

(2) fails or neglects, without reasonable cause to comply with any requirement made of or any obligation laid on him under the provision of this regulation; or

(3) Fraudulently evades payment of any tax due under this regulation or conceals his liability to such tax shall, on conviction before a Magistrate and in addition to any tax or penalty, of both, that may be due from him, be punishable with imprisonment which may extend to six months or fine not exceeding five hundred rupees, or with both.

CHAPTER-VII

MISCELLANEOUS

21. **POWER TO COMPEL ATTENDANCE, ETC.—**
(1) The assessing authority may be written notice require any person to attend before him and to give evidence or produce documents as the case may be, for the purpose of determining the liability of himself or of any other person to this regulation.

(2) Such person shall on such requisition, he legally bound to attend and give evidence or produce documents, if in his power and possession as the case may be, at the place and time as specified in such notice, and whoever is required to produce a document shall either attend to produce it or cause it to be produced.

22. **INFORMATION TO BE FURNISHED BY THE PRINCIPAL OFFICER** :

(1) The assessing authority may demand from the Principal Officer of any Govt. Local Authority, Company or firm or other association of persons the names and complete addresses of all or any of the persons who have been or are in the employment of such Government, local authority, company or firm or other Association of persons;

(2) The assessing authority may also require the Principal Officer to furnish the rates of monthly emoluments paid to their all or any particulars employee and the period of employment of such employees.

(3) The Principal Officers on being required under sub-regulation (1) and (2) shall thereupon furnish the assessing authority with the particulars so required.

23. **PROSECUTION, SUITS AND OTHER PROCEEDING** :

No suit shall be brought in any civil court to set aside or modify any assessment made or order passed under the provisions of this regulation and no prosecution, suits or other proceedings shall lie against any officer or Executive Member of the District Council for anything, done or intended to be done in good faith under this regulation or rules made thereunder.

24. **PLACE OF ASSESSMENT** :

Any person liable to pay tax under this regulation shall ordinarily be assessed by such assessing authority and at such places as may be prescribed by the Executive Committee from time to time.

25. **POWER TO MAKE RULES** :

The Executive Committee may with prior approval of the Government of Mizoram make rules for carrying out the provisions of this regulation.

26. **EXPLANATION TO THE LIMITATION OF TIME** :

In computing the period of limitation prescribed for an appeal or revision, the day on which the order of complaint was made and time required for obtaining a copy of such order shall be excluded.

THE SCHEDULES

(SEE REGULATION - 4)

RATE OF TAX

A. Salary and wages earned where the total amount of tax gross annual income

Annual Income	Per annum
1. Does not exceed 15,000	Nil
2. Exceeds 15,000/- but not more than ` 20,000/-	` 100/-
3. Exceeds 20,000/- but not more than ` 25,000/-	` 150/-
4. Exceeds 25,000/- but not more than ` 30,000/-	` 200/-
5. Exceeds 30,000/-but not more than ` 35,000/-	` 250/-
6. Exceeds 35,000/-but not more than` 50,000/-	` 300/-
7. Exceeds 50,000/- but not more than 75,000/-	` 500/-
8. Exceeds 75,000/-but not more than 1,00,000/-	`750/-
9. Exceeds 1,00,000/-but not more than1,50,000/-	`1,000/-
10. Exceeds 1,50,000/- but not more than2,00,000/-	`1,500/-
11. Exceeds 2,00,000/-but not more than`2,50,000/-	`2,000/-
12. Exceeds 2,50,000/-but not more than`3,00,000/-	`2,500/-

B. Any dealer whose annual gross turnover or income or income on all sales is :

Sales	Amount of tax per annum
1. Less than 20,000/-	Nil
2. 20,000/- or more but not exceeding 50,000/-	100/-
3. Above 50,000/- but not exceeding 2,00,000/-	250/-
4. Above 2,00,000/- but not exceeding 5,00,000/-	500/-
5. Above 5,00,000/- but not exceeding 10,00,000/-	700/-
6. Above 10,00,000/- but not exceeding 20,00,000/-	1,000/-
7. Above 20,00,000/- but not exceeding 25,00,000/-	1,500/-
8. Above 25,00,000/-	2,500/-

C. Persons other than mentioned at serial No. A and B are engaged in any profession, trades, calling or employment ` 500/-

EXPLANATION :

For the purpose of this entry "Annual gross turnover" shall mean the turnover of sales made during the year immediately proceeding the year of assessment.

Notwithstanding anything contained in this Schedule where person is covered by more than one entry in the schedule, the highest rate of tax specified under any of these entries shall be applicable in this case.

STATEMENT OF OBJECT AND REASON

There is no such rule or regulation for imposition, collection and administration of the matter connected with taxation on professions, trades, callings and employments in the Chakma Autonomous District. Hence, the Bill is adopted for the purpose.

B.K. Chakma
Executive Member, i/c Revenue
Chakma Autonomous District Council
Kamalanagar

Certified that the above Bill i.e. the Chakma Autonomous District (Professions, Trades, Callings and Employments Taxation) Regulation, 1995 was unanimously passed in the First Sitting of the Winter Session of 1995 of the 5th Chakma Autonomous District Council on 29.12.95.

AND

In authentication signed on this day of thirteenth day of May nineteen hundred ninety six Anno Domini.

R.M. Chakma
Chairman
Chakma Autonomous District Council
Kamalanagar.

As proposed

A.P. Mukherji
Governor
Government of Mizoram

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (PROFESSION, TRADES, CALLINGS AND EMPLOYMENTS TAXATION) (AMENDMENT) REGULATION, 2011.

No. C. 31016/3/2005 - DCA (C), the 7th December, 2011. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Amendment Regulations passed by the Chakma Autonomous District Council, which was assent by His Excellency the Governor of Mizoram on 28.11.2011.

"THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (PROFESSION, TRADES, CALLING AND EMPLOYMENTS TAXATION) (AMENDMENT) REGULATIONS, 2011."

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (PROFESSION, TRADES, CALLINGS AND EMPLOYMENTS TAXATION) (AMENDMENT) REGULATION, 2011.

A

REGULATION

to amend the Chakma Autonomous District Council (Profession, Trades, Callings and Employments
Taxation) Regulation, 1995 (hereinafter referred to as Principal Regulations).

Be it enacted by the Chakma Autonomous District Council in the Sixty Second Year of the Republic of India as follows :-

1. Short title and commencement :-

(1) This Regulation may be called the Chakma Autonomous District Council (Profession, Trades, Callings and Employments Taxation) (Amendment) Regulations, 2011.

(2) It shall extent to the whole of the Chakma Autonomous District Council.

(3) It shall come into force on such date as may by notification in the Official Gazette appoint.

2. Amendment of the Schedule :-

In the Schedules of the Principal Regulations, a new clause (C) clause (D) and clause (E) shall be
added namely :

"(C) Estate Agents or promoters or brokers or commission Agents or del credere Agents or Merchantile Agents : Rs. 500/- per annum.

(D) Directors (other than nominated by Government) of companies registered under the companies Act, 1956 : Rs. 500/- per annum.

(E) Contractors/ Suppliers of all description/ classes engaged in any work whose gross business in a year is :

(a)	Less than Rs. 50,000/-	NIL
(b)	Rs. 50,000/- or more but less than Rs. 2,50,000/-	Rs. 200/-
(c)	Rs. 2,50,000/- or more but less than Rs. 5,00,000/-	Rs. 500/-
(d)	Rs. 5,00,000/- or more but less than Rs. 10,00,000/-	Rs. 1,000/-
(e)	Rs. 10,00,000/- or more but less than Rs. 20,00,000/-	Rs. 1,500/-
(f)	Rs. 20,00,000/- and above.	Rs. 2,500/-

The existing clause 'C' shall be read as 'clause (F)'
Clause (C), (D), (E), (F) will be added after existing clause (B).

Explanation :- For the purpose of this entry, "gross business" shall mean for aggregate of the amount of the valuable consideration or part thereof receivable during the immediately proceeding year in respect of a contract or supply works executed wholly or partly during such year".

STATEMENT OF OBJECT AND REASON

The Principal Regulation, 1995 namely the Chakma Autonomous District Council (Profession, Trades, Callings, Employments Taxation) Regulation, 1995 does not provide the provision to levy profession tax and the rates of taxes to be levied from the

(1) Estate Agents or promoters or brokers or commission Agents or del credere Agents or Merchantile Agents.
(2) Directors (other than nominated by Government) of companies registered under the companies Act, 1956 and
(3) Contractors (Suppliers of all description).

Hence the Bill.

(**Buddha Lila Chakma)**
Executive Member,
i/c Land Revenue & Settlement (Taxation) Department,
Chakma Autonomous District Council,
Kamalanagar.

THE CHAKMA CUSTOMARY LAWS CODE, 1997.

THE CHAKMA CUSTOMARY LAWS CODE, 1997

PRELIMINARY

Preamble :- Whereas the Chakma Customary Law is yet a lex non-scripts and whereas it is expedient to collect the same and to provide for Administration of the said Law.

Be it enacted in the Twenty fifth year of the Chakma Autonomous District in exercise of the power conferred under the paragraph 3 of the Sixth Schedule to the Constitution of India as under :

1. SHORT TITLE :- This shall be called the Chakma Customary Laws Code, 1997, hereinafter referred to as the Law or the Customary Law.

2. COMMENCEMENT :- This will come into force from the date of notification in the Mizoram Gazette.

3. EXTENT AND APPLICATION :- This shall extent to the whole of the Chakma Autonomous District and shall apply to any person whoever may be, involved in any social or Customary case or matter arising or occurring within the said District area in particular, and shall also be applicable to all Mizoram Chakma in General.

4. SCOPE FOR AMENDMENT :- This may be amended from time to time by the District Council with Gazette notification.

5. SAVINGS :-

(i) If any difficult in regulating any provision or any question as to the interpretation of any rule or provision of this _____ arises, the matter shall be referred to the Court President _____

Recorder or the Chief of the District Council Judicial Officers for interpretation in a full Bench of 3 (three) Judicial Officers including himself at the head, and the interpretation made by this Bench shall be the final.

ii) If anything not contained and not repealed anywhere in this Customary Law occurs in regard to any matter or subject relevant to social and Customary practices or usage of the Chakma and other tribes of the District. This will be disposed of by a competent Court in accordance with the Lex-non-scripts of the social and Customary practices of the concerned tribe.

iii) In the event of any provision of any part of this Customary Law Code being repugnant to any provision of any other rules or regulation or Law made by the District Council or other authorities relating to any subject embodied in this Customary Law Code such paragraph of this Law shall, unless revoked, prevail.

iv) All masculine terms appearing in this Law shall similarly mean the respective feminine genders.

6. DEFINITIONS :— For the purpose of this Customary Law Code unless the context otherwise expressly requires.

1) "Governor" means the Governor of Mizoram.

2) "Chakma" means the Chakma Community and includes the Tongchangya, which is a group or section of the Chakma Community.

3) "Constitution" means the constitution of India.

4) "Chief Executive Member" means the Chief Executive Member of the District Council of the Chakma Autonomous District and the terms "Executive Member" shall be construed accordingly.

5) "District" means the Chakma Autonomous District constituted under sub-paragraph (1) of the paragraph 4 read with sub-paragraph (1) of para 20 of the Sixth Schedule.

6) "District Council" means the District Council of the Chakma Autonomous District Council.

7) "Executive Committee" means the Executive Committee of the District Council.

8) "Gazette" means the Mizoram Gazette.

9) "Government" means the Government of Mizoram.

10) "Murubbi" means an elder or a leading person.

11) "Samaj" means the Chakma Society.

12) "Schedule" means the Sixth Schedule to the Constitution of India.

13) "Schedule-Tribe" means a tribe declared as by such by the President of India as amended from time to time.

14) "Tongchongya" means a section of the Chakma Tribes.

15) "Offence" means a wrong in commission or commission of an act in contravence of any rules or regulation and includes morale offence effecting the norm of a social custom or a custom yet unwritten, but does not include a mistake committed in good faith or by accident.

16) "Punishment" includes a corporal or pecuniary, or mental or reputationary or humiliating punishment.

17) "Damage" includes a physical or financial, or mental or reputationary damage.

18) "Compensation" includes a cost, a solatium, a requital or anything payable in kind or cash to make good a damage or loss.

19) "Section" means a section or rule of this Law.

20) "Custom" means the social customs of the Chakma Samaj and includes a social customer practice or usage in prevalence but yet left unwritten.

EXPLANATION :-

1) The expression defined in this part shall also apply to other parts, of this Law, and vice versa.
2) Any expression not defined in this Section or ----------
in any other part of this Law, but occurring anywhere in any part of this law, shall be deemed to have the same meaning which they are used in the constitution of India, or the Indian Penal Code, or the Code of Civil Procedure, 1908, or the Code of Criminal procedure 1973, as amended from time to time, or customarily or socially or linguistically meant by the Samaj, as may be the case, in so far as they consistent with the particular case or matters.

PART—2
BIRTH RITES

7. DEFINITION :- For the purpose of this unless the context otherwise expressly requires.
   1) "Bhatmaja" means a rich meal given to a woman after child delivery in token of greeting and to help her take her nourishing food.

   2) "Kojoipani" means a purifying performance by a woman after a child.

   3) "Padhu-Ajha" means a female village mid-wife.

8. A WOMAN CARRYING A QUICK CHILD NOT TO BE TORTURED :-
   A woman carrying a quick child shall not be engaged in hard physical labour or subject to physical torture to such extent that is likely to cause a miscarriage.

9. CHILD DELIVERY :-
   1) A child delivery shall, except with the permission of the house holder, not take place in any house other than that of the husband or guardians of the woman giving birth.

   2) During the delivery of a child the neighbours are bound to render necessary assistance to the woman giving birth or to house holder or family in respect of the delivery affairs.

   3) After the delivery of a child, the neighbours and close relatives should give a "Bhatmaja" to the mother as a token of greeting and co-operative assistance or nourishing of the mother.

4) After each child delivery "Kojoipani" must be taken by the mother and before taking this "Kojoipani" the mother shall not be allowed to visit any other dwelling house without the permission of the house holder.

5) During performance of "Kojoipani" the "Padhu-Ajha" shall be given a cock, one piece of new cloth a cash not exceeding ` 100/- plus the value of 1 bottle of wine.

Provided that an additional cash equal to the materials may be given in lieu of the materials.

Provided further that the "Padhu-Ajha" may exempt the woman ---------- from giving any of the aforesaid materials or the cash.

A woman after child delivery shall not engaged in heavy physical or labourious works till she recovers her lost energy.

10. OFFENCES AND PENALTIES :-

1) Anybody who violates rule no. 3 shall be punished (a) if the miscarriage does not takes place, with a fine ranging from ` 100/- to ` 250/- and (b) if the miscarriage takes place with a fine which may extend to ` 1,000/- or imprisonment which may extend to 3 months, or both.

2) Violates the rule No. 9 (1) shall be punished with a fine ranging from ` 10/- to ` 25/- apart from payment of a compensation to the house holder concerned ranging from ` 50/- to ` 100/- plus the expenditure required by him to perform a "BUR".

3) Violates the rule no. 9 (5) shall be punished with fine which may extend to ` 50/-

4) Creates trouble during a delivery of a child or obstructs to rendering aid to delivering mother, shall be punished with a fine from ` 200/- to ` 500/-

PART—3
MARRIAGE
CHAPTER—1
GENERAL PROVISION

11. DEFINITIONS :- In the meaning and for the purpose of this part unless the context otherwise requires :

i) "Chumulong" means the main ritual performance required in a marriage.

ii) "Chumulong Pani" means a Jarful of fresh water personally fetched by the bride for use in the Chumulong.

iii) "Garba" means an uneven relation i.e. not in the brother-sister line and includes one that can be not be married though in the even line.

iv) "Jara Andik" means the pair of rings used by the groom & bride during their marriage but it does not include the pair of rings may be exchanged by the couple before their marriage.

v) "Garba Kudum" means a relation that cannot be married and includes all such relations in the status of parents offspring or uncle/niece relation i.e. the parent like or child like relation and in all matrimonial lines and generations and also a step-brother, or step-sister, a Jegot, Bhonjamej, Bhijur, Bheibao in all lines though they are in even relation.

vi) "Mukbala Kudum" means a so called relation practically having no blood relation in any lines by such relation in course of association or living together may develop.

vii) "Mukbala Garba Kudam" means a Garba Kudum out of the Mukbala Kudum.

viii) "Khelya Kudam" relation in even line or sept or agnate i.e. a person paternally related predicessors or successors.

ix) "Gotti" means a sept or agnate i.e. a person paternally related predecession or succession.

x) "Purus" or "Polla" means a generation of the same Gatti.

xi) "Sadanga" means a step or adopted relation.

xii) "Byani" means the mother-in-law of a son or daughter or nephew and niece.

xiii) "Bhuji" means the wife of an elder brother.

xiv) "Mod" (Mawd) means a wine and includes all types of alcoholic liquors or drinks, country or foreign.

xv) Mad Pillang means the offering mawd in a pair of bamboo vessels or bottles by the groom's party to the bride's party during negotiation of a marriage.

xvi) "Sangu Duar Bandha Kara" means closing the door for negotiation of a marriage by other party.

xvii) "Dabah" means bride's price payable by the groom's party to the brides party in cash or kind as an assistance for the expenditure required to be incurred on the marriage the occasion.

xviii) "Ajha" means a village priest who conducts marriage in accordance with customary system.

xix) "Vikkhu" means a Buddhist Monk, and includes a Shraman or Chamini.

xx) "Jadan" or "Jora" means the system of tying the couple with new cloth before the performance of the chumblong as a token of approval to the marriage.

xxi) "Biyasud Bhanga" means the first visit, immediately after marriage by the couple to the bride's house and vice versa if the marriage takes place in the bride's house.

xxii) "Biju" means the Chakma Social festival falling on the last day of the month of Choitra (Bengal month).

xxiii) "Biju Beran" means the visit by the newly married couple to the bride's parents or guardians during the Biju of the same year in which the marriage takes place.

xxiv) "Chhep" means taking Asirbad or blessing by the newly married couple during the marriage from the invitee guests.

xxv) "Bur" means a purifying performance.

xxvi) "Bya Bur" means a purifying performance after a marriage takes place by the newly married couple.

xxvii) "Gotti Bur" means a Bur by the family members alongwith the bride to make her a Gotti member.

xxviii) "Khana Sirani" "Khana" means a feast and "Sirani" means completion, and this "Khana Sirani" means completion of the feast in relation to the marriage and observed as a token of witness to marriage.

xxix) "Approval marriage" means a marriage formally performed with a chumulong and approved by the samaj.

xxx) "Ghar Jamei" means a groom who undertakes his marriage in Service system in lieu of giving a Dabah by rendering free labour to the bride's parents for a certain period and moves to the house of the bride.

xxxi) "Court marriage" includes a marriage performed before a marriage registrar.

xxxii) "Lajabhar" or "Lajaban" means a compensation for lowering the face of or putting to shame another person or for breach of a contract.

xxxiii) "Dabha" means the payment received by the parents/guardian of the bride from the groom side either in cash or in kind as a token of nursing the girl. But it does not includes the ornament and cloths claimed for the bride by her parents/guardians.

xxxiv) "Dubhali Tenga" means payment made from the groom side to the bride's mother as a token of gratitudes.

12. JARA ANDHIK :—

1) The Jara Andhiks are considered to be sacred for the wedded couple and cannot be parted with during their conjugal life.

2) These rings shall be used in the Jadan and chumulong.

3) Wilful damage of any of the Jara Andhiks by anybody is a punishable offence.

13. CONSENTS REQUIRED IN FIXING UP A MARRIAGE :—

1) No marriage shall be performed in absence of the consent of both the bride's and groom's parties.

Provided that an approvable marriage may take place without the consent of either or both parties in which case the disgruntled party shall have the right to abandon the relation with such married couple.

2) Similarly the practice of exercising absolute discretion by the parents or guardians of the brides or grooms in fixing up a marriage without the consent or even against the will of the bride or the groom, is irregular and the consent of both the bride and the groom shall be required in fixing up their marriage.

14. CHILD MARRIAGE :—

The minimum age for marriage is 16 years for a girl and 20 years for a boy and a marriage of any one below such age is deemed to be a child marriage which is prohibited.

15. AN APPROVABLE MARRIAGE NOT TO BE OBSTRUCTED :—

1) Permissible marriage cannot be obstructed to by anybody except that the opposition, if any to such marriage, shall be brought verbally or in writing before the guardians of the bride or the groom as may be the case, before the marriage is fixed up.

2) The opposition if brought before the Village Council, shall be treated as a plain or suit and dealt with accordingly.

3) Such a genuine marriage shall not ordinarily be postponed, but when the village council is satisfied that there is reason to believe that a great disturbance or breach of peace and order out of the dispute is likely to exist, the marriage may be postponed, if the sub-section (1) & (2) are satisfied.

16. CONCUBINANCE DOES NOT ESTABLISH A MARRIAGE :—

A concubine in the meaning of a female co-habi-ting with a male not her husband, shall not be deemed to be a wife of the said male and such concubinage is prohibited.

17. MARRIAGE IN CONTRAVENTION OF A RULE TO BE VOID :—

Any marriage including a Court or intercaste marriage not fulfilling any of the provisions laid down in chapter I & II, or is contradictory to any other rule prescribing an approvable marriage shall be void.

18. NO RESTRICTION TO A MARRIAGE ON ANY DAY :—

A marriage may be performed on any day of the week or during any period except on the religious ground.

Provided that nobody shall be compelled to perform a marriage on a day or during a period believed to be inauspicious for the marriage occasion.

19. DOWRY PROHIBITED :—

Receiving and giving a dowry as defined in clause XVIII of section 11, is prohibited and punishable offence.

20. DABAH :—

(1) Dabah may be received in a marriage but there shall remain no compulsory payment or receipt of a Dabah.

(2) The Dabah amount shall in no case exceed ` 2,500/- in cash and kind;

Provided when a woman married a person who is considered unsuitable or anywise undesirable by her guardians, or against the will of her guardians, the guntled guardians may claim a heavier amount of Dabah not exceeding ` 5,000/- in cash and kind.

Provided further that when the claim for double payment of Dabah under the first proviso is found not proper, the first proviso shall not operate in such a case.

(3) Realisation of a Dabah bigger than ` 5,000/- shall be deemed to be a human trafficking and shall be punishable under the human trafficking (Prohibition) Act, or I.P.C. or other relevant rules.

(4) Dudhali Tenga shall be paid to the mother of the bride. But it should not exceed ` 25/-

Provided that the groom side may give more than ` 25/- if they so wishes.

21. POLYANDRY AND POLYGAMY :—

(1) Polyandry is prohibited.

(2) Polygamy may allowed on the following conditions, viz.

I. The number of the living wives must not exceed two at a time.

II. Prior consultation with the existing wife shall be required.

Provided in absence of any child, the objection of the wife, if any, to the second marriage of the husband shall be liable to be rejected.

III. The grounds for the polygamy shall be :-

(a) Want of child, or

(b) Physical or mental handicappedness of the existing wife.

(3) In all cases the polygamy the husband must take care of both the wives equally in all respects, and neither of the wives shall be deprived of anylegitimate right or facility as a house wife, and the children born of both the wives, if any shall enjoy the equal facility in regard to inheritance or Bhoranposan or all other matters.

CHAPTER—II

RELATIONSHIP FOR APPROVABLE MARRIAGE

22. RELATIONSHIP FOR APPROVABLE MARRIAGE :-
The appropriate marriages are as follows :

(1) A couple in even line i.e. in the brother sister relation except those prohibited under section 23, can marry each other.

(2) A divorced couple may get remarried together except where the marriage was disapproved or cancelled for the reason of the marriage being not approvable under any rule or otherwise expressly debarred by a competent Court.

(3) A Rana (widower) or a Rani (widow) can re-marry.

(4) A marriage in Ghar jamai system is permissible.

23. RESTRICTION TO CERTAIN MARRIAGE :
A marriage between the following relations is strictly prohibited viz. —

(1) A Garbakudum.
Provided that a Mukbala Garbakudum i.e. such a person having no blood relation in the paternal or maternal lines, or who is in other way related as a Khelya-Kudum, may be married.

(2) A member of his own Gotti.
Provided that a Khelyakudum of own Gotti may be married after seven purus or generations have elapsed.

(3) Sadanga i.e. Step relation or adopted relation.

(4) A minor girl i.e. a girl below 16 years of age.

CHAPTER—III

NEGOTIATION FOR MARRIAGE

24. Several visits with a marriage proposal not necessary :-
The system of running up to Tinpur (3rd visit) by the groom's party with the marriage proposal to the bride's pans is not compulsory and the final action in fixing up the marriage or refusal thereof may take place in a single trip.

25. SANGUDUAR BONDHAKARA AND MARRIAGE CONTRACT :

(1) If the marriage proposal is not turned down by the bride's party at the first visit, the groom's party shall acquire the right to claim a Sanguduar Bondhakara and the bride's party shall not be at liberty to accept any other marriage proposal of the said bride unless the Sanguduar Bondhakara is revoked.

Provided that the bride's party shall have the right to turn down the marriage proposal at any subsequent time before it is finally settled in positive and thereby the right to claim Sanguduar Bondhakara shall lapse.

(2) Unless the proposal of a marriage is settled in positive, the bride's party shall not bind itself to marry the girl to the groom under proposal though invited for further negotiation, and when it is so settled, the bride shall bethrothed and neither of the parties can refuse the marriage unless the marriage contract is anywise dissolved.

26. MODPILANG TO BE REPLACED :
Offering a Mawd (Mod) pilang as a token of agreement to the marriage proposal by the groom's party may be replaced with offering an ornament or other material suiting the occasion to the bride or to the parents or guardians of the bride.

CHAPTER—IV

MARRIAGE SUDAM (SYSTEM)

27. MANNER OF MARRIAGE PERFORMANCE :

A marriage may be performed as follows :-

(a) Generally the bride shall be fetched to the groom's house for performance of the marriage.

(b) The groom will go to the bride's house only for the purpose of performing the marriage if so desired and settled by both the parties, and

(c) In Gharjamai system, i.e. by servicing by the groom to the father or guardians of the bride for a certain period instead of giving Dabah or for other reason.

28. JADAN OR JORA :-

(1) The Jadan shall be performed before the chumulong as token of approval to the marriage in presence of some village elders as witness to the same and before binding the Jadan permission for the Jadan from audience shall be required without which the Jadan can not be conducted, and if so conducted, it shall be void.

(1) The audience shall not simply keep silent and shall either give permission or shall raise objection to the Jadan on the ground that the marriage is notapprovable under any provision of the customary or other law, and the person raising the objection shall have to prove at once that the marriage is not approvable failing which he shall be liable to sumonary punishment.

(3) The Jara Andhik shall be worn during the Jadan.

29. CHUMULONG :-

(1) The chumulong is the only required performance or puja to complete a marriage but it can not be conducted in absence of a valid Jadan.

(2) The chumulong may be performed immediately after the Jadan or later according to convenience either in accordance with the customary practice or in the Buddhistict manner.

(3) The required chumulong pani shall be fetched by the bride herself if the chumulong is conducted by an Ojha in the customary manner.

30. BYASUD BHANGA :-

As soon as possible after the performance of the marriage, the Byasud Bhanga shall be performed in the house of the bride's father or guardians if the marriage takes place in the house of the groom, and vice-versa in the event of the marriage being performed in the house of the bride's father or guardians, or in absence of the above opportunities, or for other reason, under a tree having a green foliage.

31. BIJU BERAN :-
The newly married couple shall visit the house of the bride's father or guardians during the first Biju succeeding their marriage to perform the Biju Beran, that is to say that the bride shall be given the opportunity to enjoy said Biju in her father's or guardian's home.

Provided that this is not necessary in the case of widow marriage.

EXOGAMY AND COURT MARRIAGE

CHAPTER—V

32. EXOGAMY :-
A Chakma woman may marry a Non-Chakma and such marriage shall be governed as provided hereinafter.

(1) Chakma woman whoever marries a Non-Chakma shall cease from the date of her such marriage to be a Chakma and a tribal if her such husband is a non-tribal, and a resident if said husband is not resident of the District, and resultant upon her such marriage she shall also be is entitled from the same date to make or acquire by any means any property except a cash through service orbusiness, within the District area, or to inheritance of ancestral property or to enjoyment of any other facility as a Chakma or a tribal, or a resident of the District.

(2) All properties already made or acquired by or in the name of such woman before her such marriage within the District area by any means or source, shall develop to the parents or relatives of the woman from the date of her such marriage in the manner as if she were not a member of her father's family, or as if she were dead from the date of her such marriage.

(3) If any immovable property is made or acquired or in the name of such woman, her non-Chakma husband or her children after her such marriage within the District in violation of sub-section (1), such property shall be liable the confisc ation to the District Council.

(4) Subject to the sub-section (5), (6) F (10) the provisions of sub-section (1), (2) & (3) shall equally apply to a marriage of Chakma woman and Non-Chakma which took place before this law coming into force.

(5) Notwithstanding anything contained in sub-section (1), (2) or (3) the Non-Chakma husband of a Chakma woman who married before this law coming into effect may, by an affidavit in the form set up in Annexure-II

before a magistrate or a Judicial Officer, renounce his parent caste or tribe as may be the case, and embrace the Chakma Scheduled Tribe, and may apply with the affidavit Annexure to the District Council Court praying for approval to his embracing the Chakma Community, and may also renounce his parent religion and take to the Buddhism at his own accord.

(6) On a petition being received by it, under sub-section (5), the District Council Court may approve the prayer on the following conditions, viz -

(a) That the Executive Committee shall have absolute right to revoke such approval at any time when found necessary in the intersect of social integrity and communal harmony, or in the event of breach of any condition of the affidavit annexure write the petition, and

(b) That the application must observe the conditions of his affidavit.

(c) Any other condition that may be found necessary to be imposed on a particular case.

(7) On the Non-Chakma husband being officially declared to have been a Chakma, his Chakma wife shall resume to be a Chakma, or a resident and her rights lost for her marriage, shall be deemed to have been restored, and the ancestral line-age of the family shall transmute into a new one with a new Goja called Nua Goja and the Gotli name shall follow that of the Chakma wife.

(8) A Chakma may also marry Non-Chakma woman and his such wife shall automatically become a member of the Goja and Gotti of her such Chakma husband from the date of her such marriage, and she also shall, unless otherwise pre-settled before their marriage, follow the religion of her such husband.

(9) The provision of sub-section (1), (2), (3), (4), (5), (6), (7) and (10) shall mutatis mutandis apply to an exogamy between a tribal woman or man of the District with one other than such tribals.

(10) Nothing contained in sub-section (1), (2), (3), (4), (5), (6) and (7) shall preclude the District Council from exercising discretion.

(a) to allow the Chakma woman in the event of either absence of or her Judicial separation with her Non-Chakma husband, to come back to Chakma Community, or

(b) to allow the children of such couple in the event of absence of both of their parents coupled with the condition that they are minor and rendered to be destitute, or

(c) to allow in an exceptionally deserving case a non-tribal husband married before this law coming into force, to become a Chakma in the manner prescribed for a tribal husband in sub-section (5) & (6).

Provided that in exercise of any of such discretion the social integrity or communal harmony or peace and order should not be jeopardized and the objection if any, of the parents or guardians should not be neglected.

33. COURT MARRIAGE :

(1) A Court marriage of whom either or both partners are Chakma, may be allowed by a Court not below a Subordinate District Council Court or a Govt. recognised marriage Registrar, and such marriage shall be subject to the regulation hereinafter prescribed.

(2) On receipt of the petition accompanied by an affidavit to the effect that their marriage is approvable but guardians of any party are not allowing it, and praying or Court marriage, the Court or the Registrar as may be the case, shall issue a notice calling a objection to the proposed marriage within a reasonably time, and when no objection is received within the time schedule, the Court or Registrar, as may be the case, shall warn the couple praying for the marriage about the consequence of the section 34, before granting the marriage.

(3) If any objection to the marriage as indicated in sub-section (2) is received, this shall be considered in the light of the nature of the objection and the necessary or grounds for proposed marriage is approvable.

34. COURT MARRIAGE FOUND NOT APPROVABLE TO BE VOID :-

A Court marriage subsequently found not approvable under any provision of the Customary Law, or found to have been granted through false identification or personation, shall be void, and the couple shall be liable to punishment for the Sinali, or falsification of identity if it is proved to have been so done.

CHAPTER—VI

MISCELLANEOUS

35. REGULATION OF GHARJAMEI MARRIAGE :-

(1) The term of the service of the groom to the family of his bride shall not exceed 12 months.

Provided the groom may stay with his bride's family shall more than this period at his own accord.

(2) During the separation of the couple from the family, the parents or the guardians of the ---------- shall give a reasonable share of food grains or other earnings made during the service period of the Gharjamei and shall also render reasonable assistance in construction of a separate dwelling house of the couple.

36. MARRIAGE REGISTER :-

All marriages including the Court marriages, shall be recorded in a register to be maintained by each Village Council in the form set up in Annexure-III, and a Certificate of a marriage shall be issued by the Village Council presidents in the form prescribed in Annexure-IV.

Provided this Section shall not apply to those already taking place before this laws coming into force.

37. ACTS NOT COMPULSORY :-

The following Acts may be done but not compulsory, viz.

(1) Performance of Bya-Bur or Gotti-Bur.
(2) Taking chep on a marriage occasion from the invitees.

38. REPEAL :-

The following Acts are abrogated :-

(1) Khanasirani for a marriage.
(2) The Bhuji marriage i.e. the practice of marrying a Bhuji.
(3) The marriage of the girl or woman with the person by or for whom she is abducted (Dharinejana).
(4) The compulsory payment of a Dabah.
(5) The child or Juvenile marriage.
(6) Realisation of Sigoli on a Mela (marriage occasion).
(7) Exchange marriage.

39. OFFENCE AND PENALTIES :-

The commission of following Acts shall constitute an offence punishment as noted against each of them :

(I) Violation of any provision of section 13 :-The parents or other person responsible shall be punishable with a fine which may extend to ` 500/- and the marriage shall be liable to annulment.

(II) Violation of Section 14 shall be punishable with :
- (a) A fine of the guardians upto ` 500/-
- (b) Annulment of the marriage.
- (c) The husband shall be deemed to have committee Balatkar when the girl was married against her will, or she is copulated by force or against her will, and shall punishable under section 117 (5) except that there shall be no giving Sukar in such case.

(III) Violation of Section 15 (1) shall be punishable with :
- (a) A fine for the ring leader which may extend to ` 500/- and
- (b) A fine for other offenders which may extend to ` 200/- each.

(IV) Violation of Section 16 shall be punishable with a fine which may extend to ` 500/- for each, or an imprisonment for a term which may extend to 1 month, or both.

(V) Violation of Section :
- (a) The disgruntled wife or wives shall be entitled to a Surkagaj or a Bhoranposan in a separate establishment at the cost of the husband under Section 125 of the Code of the Criminal procedure, 1973 or otherwise, and
- (b) The husband shall be lose the claim over the children.

(VI) Violation of Section 19 : The amount of the Dowry shall be liable to confiscation to the District Council apart from a fine which may extend to ` 1,000/- for the receiver.

(VII) Violation of Section 20 (2) : The amount realised as Dabah in excess of the prescribed amount shall be liable to refund and a fine which may extend to ` 1,000/- or an imprisonment which may extend to 3 months, or both.

(VIII) Violation of Section 22 :
- (a) The marriage shall be annulled.

(b) The offenders or their guardians shall be liable to a fine which may extend to ` 500/- each according to the nature of the prohibition to relations of the couple.

(IX) Entertaining marriage proposal in violation of Section 25 (1) : Payment of Lajobhar to the aggrieved party amounting to ` 200/- to ` 500/-

(X) Marrying the bethrothed girl to another in violation of Section 25 (2) :
(a) Payment of Lajabhar upto ` 500/-
(b) A compensation for the cost incurred in connection with the marriage by the other party.

(XI) Failure to tie the Jadan as required in Section 28 (1) :
The marriage shall be disapproved.

(XII) Unnecessary objection to the Jodan. A fine which may extend to ` 200/- for each person raising invalid objection.

(XIII) Failure to conduct the chumulong as required under Section 29 (1) :
The marriage shall be disapproved.

(XIV) Spreading or giving false information or bad name against a marriage party to the other with intent to dissolve a settled marriage or being the cause thereof :

Punishable with a fine which may extend to ` 500/- plus payment of compensation equivalent to the expenditure incurred in connection with the marriage or negotiation thereof, if the marriage is dissolved.

(XV) Obstruction to a bridal party and demand of "DOSTORI"—

Punishable with a fine ranging from ` 200/- to ` 500/- plus refund of the cost incurred by the bridal party to get rid of the obstruction for the time being.

(XVI) Compelling a person to perform or to agree to a marriage against his will, or to abandon a settled marriage : Punishable with (a) a fine which may extend to ` 500/- and (b) payment of compensation to the aggrieved party.

(XVII) Eloping a betrothed Bride :-
Punishable with a fine which may extend to ` 1,000/- plus a compensation for the expenditure incurred in connection with the settled marriage and other punishment for the --------- offence.

(XVIII) Force marriage i.e. marrying a woman against for will or by means of any coercion or compulsion on her or her guardians in any manner shall be an offence punishable.

(a) If said woman is adult with fine which may extend to ` 2,000/- or an imprisonment may extend to 6 (six) months, or both, and the marriage shall be liable to be annulled, and

(b) If she is a minor with a fine which may extend (X) to ` 5,000/- or imprisonment for a term which may extend to 2 years, or both, or under the I.P.C. for the offence of rape, and the marriage shall be annulled in all such events.

PART—4 (FOUR)
CHHARACHHARI (DIVORCE)
CHAPTER—I
GENERAL

40. DEFINITION :- For the purpose of this part and unless the context otherwise requires.

I. "Chharachhari" means divorce and includes a judicial separation of married couple.

II. "Surkagaj" means a document in support of a divorce to be given by the husband or both.

III. "Rissua" means suspicious on the chastity or jealous of association of the conjugal partner with other person on no reasonable ground.

41. A Chharachhari is permitted in the Chakma samaj and

(1) If (a) the husband is found guilty of being rissua, or breach of trust, or negligence in earning and maintenance of the wife and children, or habitual gambling, or habitual heavy drinking and browling, or conversion to other religion, or being impotent or any otherwise failure to satisfy natural sexual desire of his wife, or commission of crime, for having a venereal or other contagious disease, and

(b) The husband or any other family member is guilty of cruelty and mercilessness towards the wife or unnecessary harassment or physical or mental torture, or beating the wife, or denial or lowering personal fame and honour of the wife, or unnecessary humiliating or such behaviours before others or denial or deprival of any legitimate right of the wife, or anywise endangering the safety of life of the wife, or

compeling her to close relationship or communications with her parents family, or compeling her to take to any unsocial or illegal act, or to give or to bring any type of Dowry, the wife shall have the right to divorce her husband.

(2) If the wife is found guilty of breach of trust, or disobedience, or negligence to household affairs, or damage of personal or family prestige and fame of the husband or being a rissua, or commission of crime, or drinking, or gambling, or failure to perform his natural sexual active as of failure to produce a child, or anywise unfaithful or endangering the safety or life, or unnecessary humiliating or such behaviour before others, the husband shall have the right to divorce.

42. INTERPRETATION OF SUB-SECTION (1) & (2) OF SECTION 41 :—

In the meaning and for the purpose of Sub-Section (1) & (2) of Section 41.

(a) A contagious or stinking disease, or a physical abnormal development giving a horrifying appearance likely to arouse a natural feeling of distent or eversion or a panic in having bodily close contact with such effected person shall be a competent cause of failure to perform the natural sexual activities, and

(b) A failure to work due to physical handicappedness on account of an accident or a disease other than one specified in cause (a), shall not amount to be a negligence in earning or maintenance, or household affairs, and

(c) A false incrimination shall not constitute a crime.

43. SUKAGAJ IN A DIVORCE :-

A divorce shall be supported by a Surkagaj to be given by the husband.

Provided in a Judicial, no Surkagaj shall be required.

44. NO DIVORCE WITHOUT FAULT :-

No divorce shall be allowed without any fault of the other party.

Provided that where there is sufficient reason to believe that an apprehension of a fatal damage is likely to exist should the wedlock continue, a competent Court may allow a persistent divorce in absence of any fault of the other party in which case the said other party shall be entitled to a reasonable compensation or other cost.

45. FAILURE TO SATISFY SEXUAL DESIRE :-

In the event of the husband being important, or either of the couple failing to satisfy natural sexual desire of the other party, there shall remain no leniency in granting the divorce.

46. ABSENTEE DIVORCE :-

If the husband :

(a) leaves his and his whereabout is not known or no money is sent to his wife for a consecutive period exceeding twelve, or

(b) is confined under law for a period not less than 30 months when the wife has no means of her support and for a period not less than 5 years when she has source of income for her support, the wife shall have the right to divorce him in his absence.

CHAPTER—II

47. REGULATIONS OF CHILDREN AND PROPERTY ON SEPARATION :-

In case of divorce, the following shall be followed in regard to the children of the separated couple :-

(1) In all cases except under the Sub-Section (2) & (3).

(a) The children above 3 years will choose either of their parents in presence of the authority deciding the matter.

Provided that no inviting or temptation with signal or showing materials to the children by (d) any of the parents or other will be allowed.

Provided further that the children shall be given to understand clearly that their parents going to be separated and their choice or option shall be the final, and

(b) The right over the children of below 3 years of age will be given to the mother.

Provided that if the mother agrees to part with any one of them, the father may have that particular child or children at once or if so settled, after attaining the age of survival without the mother, in which case the father shall have to beat the Bharanposan of the said

or children till they remain with the mother, else he will lose the future claim over them.

(2) When the husband is divorced or he is compelled to divorce the wife for no reasonable fault of the husband but simply because she is totally unwilling to stay as his wife, she will not be entitled to any children.

(3) In a mutual separation, the children also shall be mutually shared by the husband and the wife.

(4) In all cases of divorce, the mother of inheritance by the children shall be regulated under the inheritance rules provided in parts 7 & 8 of this law.

48. In the event of divorce, the wife shall be entitled to share of properties made or acquired during the period of their married life as follows :-

(1) In the event of a divorce of the husband by the wife for his fault, all the Buali goods and other personal property, the landed property inheritable by her children, who goes with her.

(2) In the event of divorce of his wife for no reasonable fault of her own, she shall be entitled to the Buali ornaments also.

(3) In the event of divorce of the wife for her default, her personal properties only, specified in Sub-Section (5) of Section 74.

(4) In the event of a mutual divorce, 25% or as may be settled mutually plus the Buali goods and her other personal properties, and landed property inheritable by the children getting possession of by the mother, or a cash in lump sum amounting to the extent of requirement for at the least twelve months.

Provided that the wife or husband may relax this provision at her or his own accord.

CHAPTER—III
MISCELLANEOUS

49. NO PERSON TO CREATE A SEPARATION :-
No person shall create or shall be the cause of the separation of a married couple with intent to satisfy own interest or personal grudge on any of the couple.

Provided that where it is deemed to be no other alternative except the separation of the couple for the sake of saving fatal damage or trouble, an open advice to

any of the couple to seek for divorce, or an open demand for the separation of the couple before a competent court shall not be deemed as creation or being the cause of the separation.

50. OFFENCES AND PUNISHMENT :-
Any body who —

(1) Creates or be the cause of the separation of a married couple except as provided in the provision to the section No. 49, shall be punishable as prescribed for Grihali Shantibhanga under section 123.

(2) Abandones his wife without a divorce or refuses or prolongs to give the Surkagaj after a divorce, shall be punishable with a fine which may extent to ` 200/- in addition to the giving the Surkagaj.

(3) Divorces his wife but does not comply with the provisions consistent to such particular divorce, shall be liable to a fine rending from ` 100/- to ` 200/- in addition to compliance with the provisions to the divorce.

PART—5
DEATH RITES

51. DEFINITION :- In the meaning of this part unless the context otherwise requires :-

I. “Satdinnya” means the obsequy (Shradh) of deceased performed on the seventh day after the funeral.

II. “Harbhaja” means death ritual of immersion (bisarjan) of the remnants of the burnt substances of the death body as offering to the Gonga.

III. “Garitana” means a sacred death ritual performed in honour of a demised and in wish of Uddhara of his soul and obtaining the sarra (heaven).

IV. “Tanggon” means a holy white cloth streamer of not less than 5 cubics in length flown on the occasion of a funeral or Satdinnya or other religious occasion.

V. “Marah” means the observation of profanity after a death of a family member or a Gotti member.

VI. “Uddhara” means a salvation adeceased’s soul.

VII. “Ruba Kur” means a heap of fire billets for burning a corpse.

VIII. "Chabasal" means a grave yard or a cremation ground.

IX. "Gonga" is derived from the word Gonga i.e. the Ganges and means the water deity.

X. "Kanjaba Bhat" means a rice meal specially cooked in the late evening of the day of the funeral (Kastakarma) of the deceased and preserved for the deceased's soul to come and eat it.

XI. "Fanusbatti" means a paper balloon filled with gas with a flaming material hung from the centre of the balloon for constant gas and light flown on religious or death occasion.

XII. "Hazarbatti" means thousand candles offered and lit in a religious occasion.

XIII. "Bhat Poi" means a meal plate containing cooked rice and all components offered to the soul of a deceased.

52. NO AMUSEMENTAL PERFORMANCE IN A DECEASED'S HOUSE :-
No amusemental or musical performance, beating Dhole (drum) or playing a monumental instrument except as required in kirton (Carol) or other religious prayers, in the premises of the house of the deceased shall be allowed till the Satdinnya is over.

Provided that with the permission of the householder playing cards, pasha or chess or other indoor games may be allowed during the period from the death to disposal of the corpse to enable the persons attending the death occasion to kill time.

Provided further that no sort of gambling shall be allowed.

53. NO BELIEF OF THE HOUSE TO BE DISHONOURED :-
Any restriction, customary or out of sheer blind belief observed by the householders after a death taking place, must not be dishonoured by anybody and under no circumstances.

54. ASSISTANCE ON A DEATH :-
After a death takes place, the neighbours and the relative shall render to the family of the deceased all necessary assistances in giving company in guarding the corpse, arranging funeral, or arranging food for the family member till the disposal of the corpse.

55. DISPOSAL OF THE CORPSE :-

1) The death body shall be disposed of as soon as possible and there shall be no restriction to the removal of the corpse on any day of the week from the house;

Provided that if under any unavoidable circumstance the disposal of the corpse is not possible, or it is so needed for absence of somebody whose presence on the occasion is needed must, the body may be preserved in such a way or at such a place that this shall not arouse a question of insanitation or a public nuisance.

2) The death body may either be burnt or engraved accoring to convenience at an approved Chabasal (Graveyard).

3) When the death body is burnt, the Rubakur shall be prepared :-

a) In 5 layers in the case of the death body being a male and

b) In 7 layers in the case of a female.

4) Setting fire on the face of the death or the Rubakur shall not be done by others before it is first done by the family members of the deceased, and the first setting shall be done as per sequence.

a) When the deceased is a husband or a wife i.e. when there is no competent son available, by the wife and the husband, as may be the case.

b) When the deceased is a son or daughter, by the father of the mother.

c) When the deceased is brother or sister i.e. when no son or father of the deceased is available, by brother.

d) In absence of any of the father, mother, husband, wife, brother or sister, by a paternal uncle or a son of such uncle.

e) In absence of any persons specified in clause (a), (b), (c), (d) & (e) by a Gotti member.

Provided that a deviation from the sequence by the family members shall not amount to be an offence and anti-ritual.

(5) In the event of engraving the corpse, fire on the face may be set by a person as per as sequence shown in Sub-Section (4) before covering the body with earth.

(6) In all cases, the death bodies shall burnt or engraved at an approved Chabasal.

56. KANJABA BHAT :- In the later part of the evening takes place, Kanjaba Bhat shall be prepared and preserved the soul of deceased to come and eat.

57. HARBHAJA TO BE PERFORMED :- If the death body is burnt, Harbhaja shall be performed on the morning next to the date of the burning by the sons or in their absence, by brother or in their absence, also, by the sons of a paternal uncle or close Gotti member.

58. SATDINNYA AND HOW TO PERFORM IT :-

1) On the seventh day after the disposal of corpse, the satdinnya shall be performed for the Uddhara (salvation) of the deceased's soul.

2) On the Satdinnya occasion, the following principles shall be observed, viz. :

(a) No killing and drinking on the occasion of a Satdinnya shall be followed.

(b) Dharmadeshana by Bikku Sanga.

(c) Tanggon Hoisting for the deceased.

(d) Offering Syong (food offered to Lord Buddha and Monks).

(e) Offering Dana (offers of various materials suiting the use by Monks).

(f) Offering Bhatpoi to the soul of the deceased.

(g) No seductive show or music shall be displayed.

3) Also the followings may be performed on a Satdinnya, viz. :

(a) Illumination with Hazarbatti.

(b) Offering Dana to the poor in cash or kind.

(c) Sankirton (Carol) or dhapkirtan (religious drama) in the evening or night may be allowed.

4) If the soul of the deceased is believed to have failed to obtain Uddhara the Satdinnya shall report.

5) A death anniversary may be performed in similar way of the Satdinnya.

59. MUBAH :-

The family members of the deceased shall observe Mubah from the date of disposal of the corpse to the date of Satdinnya, and the close Gotti relatives also shall observe the same for at least 3 days if not up to the Satdinnya.

Provided that if the death body is preserved as provided in the provision to Section 55, the observation of Mubah may cease after seven days of the removal of the corpse from the house.

60. SHAVING HEAD BY SONS AFTER DEATH OF PARENTS :-

In the event of death of any of the parents, the sons shall completely shave their heads immediately after the disposal or removal of the corpse and may become Chamini after the Satdinnya is over.

61. GARITANA :-

Whether or not Garitana was performed on the death of any progenitor, or husband, there shall be no restriction to such performance on the death of any progeny or wife, nor there shall be any compulsion to do it on the occasion of death of a progeny to follow a previous one performed on the death of a progenitor, that is to say that Garitana can be performed on the death or in the honour of any deceased and at the same time there is no compulsion to do it on any occasion.

62. DEATH BODY OR TOMBS NOT TO BE DISHONOURED :-

No human death body or a funeral site i.e. a grave or burning place or any tomb constructed thereon in honour of the deceased shall be dishonoured or defied in any manner by anybody.

63. OFFENCE AND PENALTIES :- Anybody who —

(1) Violates Section 52 & 53 shall be liable to a fine which may extend to ` 500/-

(2) Resorts to any killing or drinking in violation of sub-section (2) of Section 58 shall be liable to a fine which may extend to ` 500/-

(3) Violates Section 62 shall be deemed to have committed a Fojdari of defilement and sacrileges, and shall be punishable with a fine which may extend to ` 500/-, or imprisonment for a term which may extend to one month, or both, and if the tomb is deliberately damage, with a fine which may extend to ` 1,000/- or imprisonment for a term which may extend to 3 months or both.

CHAPTER—I

PART—6

RELIGIOUS RITES

64. DEFINITION :- For the purpose of this part :-

1) "Vikku" means a Buddhist Monk and includes a Chamini or Sharamana i.e. a Monk at the very beginning stage of his such life.

2) "Pitaka" means a Buddhist Mythology and Tripitaka means the 3 pitakas viz. Binaya, Suttra and Abhidhamma.

3) "Sile" means a precept or a mair Buddhist Principles.

4) "Panchasila" means 5 precept or Principles to be observed by all Buddhists.

5) "Vikku Sangha" means the whole clergy in general and a group or bench or gattering of not less than 4 such clergy in particular.

6) "Dharmakam" means a religious function to such a festival and includes a Satdinnya (Obsequie) or a funeral.

7) "Ghyghyag" means a sacred shrine made mainly for the initiation or ordination of Vikkus.

8) "Chamini" means a Buddhist Shramana at the very beginning stage of such life.

65. FREEDOM IN RELIGION :- Everybody shall have the right to enjoy the freedom in taking to religion of his choice and nobody can be prosecuted in this regard in any manner.

Provided discourging a superstitious belief shall not amount to persecution.

66. RIGHT TO TAKE ACTION FOR ANTIRELIGIOUS ACT :- The Vikku Sangha or the samaj shall have the right and competence to take action on any antireligious act.

67. OBSERVATION OF SILA :- As a Buddhist, everybody shall observe Panchasila and anybody may choose to take Asthasila occasionally.

68. DHARMA KAM :-

1) In all Dharma Kam, everybody should co-operate and render all possible assistance except where unable under any unavoidable circumstances.

2) Within the vicinity of any Dharmakam, drinking alcoholic liquor, gambling, displaying a seductive show or playing on such music shall be a punishable offence.

3) Causing a disturbance or disruption to a Dharmakam shall be deemed to be a Fojdari of desecration or sacrilege and hurt to religious feeling.

4) In a Dharmakam, the observation of the Principles shall be as specified in Sub-Section (2) & (3) of Section 58.

5) Notwithstanding the Sub-Section (2) or (4), Sangkirtan (Coral) or Dhapkirtan (religious dharma showing and singing the greatness and glorious achievements, or life history of Lord Buddha), and other religious show may be allowed at a place away from the Kyong.

69. ICON OR SHRINE NOT TO BE POLLUTED OR DISHONOURED :-

1) Dishonouring or polluting in any manner an icon or a sacred shrine or other element believed to be sacred, shall be a Fojdari offence.

2) An icon once installed for worship can not be negligently handled or left without the daily Puja (worship).

70. VIKKU NOT TO BE HUMILIATED :-

1) Under no circumstances a Vikku can be dishonoured or behaved in any disparaging or humiliating manner violation of which shall be deemed to be sacrilege and humiliation of the Buddhism and shall be punishable accordingly, and addressing or behaving with a Vikku in dishonouring or disgracing manner shall be deemed to be a disparaging and humiliating act.

2) Similarly if a Vikku breaks his Sila or any provision of the Binaya Tripitaka or others, it shall be no business of any person not a member of the Bikku Sangha, to take any direct action except reporting to the Vikku Sangha if the circumstances so required, and the Vikku Sangha shall be the competent authority to take any action against a Vikku relating to a religious affairs.

71. THE BIJU AND FIRST BAISAKHA FESTIVAL :- The Biju festival being the Chakma Social Social cum-religious festival, it may be observed and enjoyed in two aspects as under :-

1) In view of the religious side, killing drinking alcoholic liquor, gambling or any other act affecting the religious norms or principles, shall not be allowed on the Biju day and the first Baisakha as well, except as provided in sub-section (2).

2) In view of the social side, drinking may be allowed in the afternoon of the Biju day but never in the premises or vicinity of a Kyog.

Provided that nobody can be compelled to offer any type of alcoholic drink on the Biju day nor anybody can resent any other person for failure to offer drink.

CHAPTER—III

MISCELLANEOUS

72. OFFENCES AND PUNISHMENT :- The following acts shall be punishable as indicated against them below :

1) Violation of Section 65 : A fine which may extend to ` 500/- or under I.P.C.

2) Violation of Section (2), (3) or (4) of Section 68 : Punishable with fine which may extend to ` 1,000/- or an imprisonment which may extend to 6 months, or both.

3) Violation of Sub-Section (1) of Section 69 : Punishable with a fine which may extend to ` 1,000/- or Jail which may extend to 6 months, or both.

4) Violation of Sub-Section (1) of Section 70 : shall be punishable with a fine which may extend to ` 500/- or an imprisonment for a term which may extend to 6 months, or both.

5) Violation of any provision of Section 71; shall be punishment with a fine which may extend to ` 500/- or a humiliating corporal punishment.

PART—7
PROPERTY
CHAPTER—I
GENERAL

73. DEFINITION :- For the purpose of this part :—

I) Property includes cash or savings, Insurance, Jewellery, Business Centres, Land and assets thereon, other dead stocks; and livestock of all kinds and heirlooms of all types and all other matters having financial bearing.

II) "Ismali" means a joint property accumulated in a common pool and the share thereof is vested in a group of members or families who may be separated or in a joint family.

III) "Share" means a propersonate share of a property.

IV) "Chhaga" means a token mark put on a place or thing to show or notify the occupation of the said land or things.

V) "Kabala" means a written deal executed in connection with a property affairs like gift, sale or otherwise transfer of the ownership of a property.

VI) "Registrar" means a registrar or a Judicial Officer or Magistrate authorised by the Executive Committee to function as such.

VII) "Benami Sampatti" is a property made or registered in the name of another person other than the maker of actual owner of the property but does not include a gift or a property specially made for or by such a person or acquired by inheritance.

VIII) "Buali Goods" means the ornaments and other materials given to the bride during the marriage for her adornment.

74. CLASSIFICATION OF PROPERTY :-

1) Properties are classified as :- (a) Ismali or joint and (b) Individual or personal.

2) The Ismali properties are those which are inherited or acquired jointly by the family members and accumulated in a common pool.

3) The individual properties are those which are made or acquired by an individual member of the family or expressly made for or gifted to such member, and it includes the personal property of a bride or wife as defined in sub-section (5).

4) For the purpose of sub-section (3) a property made or acquired at any cost of the joint family shall be deemed to be a joint property and a free labour of any other family member or the cost of feeding the member while making the property at the cost of the joint family, shall be deemed to be a cost of the joint family in the meaning of this sub-section.

5) Whatever may be contained anywhere in this section or anywhere else in this law, the Buali goods exclusive of the Gold or Silver ornaments, given as Buali by the husband or his guardians to the bride or otherwise given subsequently by the husband, and all properties given in cash or kind to the bride or wife by her parents or relatives or others as a gift or presentation or any else expressly made for or gifted to her, shall be her personal properties.

6) Subject to Sub-Section (2) of section 48, the Gold or Silver ornaments given as Buali or otherwise by the husband or his parents to the bride or wife shall be joint property of the couple and in absence of the wife by decease or judicial separation, the husband, and in absence of the husband, the wife shall acquire the full rights over the same unless she leaves the family of her deceased husband, in which case her such right shall lapse.

75. RIGHT OF THE FATHER OVER THE JOINT PROPERTY :-

1) The father shall be the owner of the ancestral properties inherited by him and shall have the right to dispose of such property in way of, gift or distribution among the progency during his lifetime and unless it is so

done, the property shall accumulate in the common pool of the family after his death.

Provided a property cannot be gifted to any person other than a progency except with prior express consent of the heirs entitled to inheritance of the same.

2) During his lifetime the father shall be custodian of an Ismali property and without his consent, the shareholders of the property shall not be competent to dispose of any property.

3) A shareholder or his legal heir or proportionate legal heir shall be entitled to enjoyment of the benefit of the Ismali property but he cannot dispose of his share without the consensus of all the shareholder or their legal proportionate heirs, and if any such share is disposed of in contravention of the provision, the other partners of the property shall have the right to claim the restoration of the property so disposed of.

4) On separation of share a holder of an Ismali property, his share shall be divided to him.

Provided that the separating shareholder may retain his share as Ismali in which case he will be entitled to enjoyment of the benefit of the property proportionately.

5) An Ismali property shall be accumulated in the common pool of the family.

Provided that the father or the head of the family may exercise his discretion to gift to and register such a property in the name of an individual family member who is considered deserving under reasonable criteria.

76. REGULATION OF IMMOVABLE PROPERTIES :- Though the owner of a property has the full right over his property, yet he cannot mishandle or dispose of the same at his whims, and the following regulations shall govern the management and control of the immovable properties.

1) No landed property can be disposed of by the owner in way of sale or otherwise except with the prior approval in writing from the Executive Committee on the specific grounds of either supporting the family members or saving a family member from dangerous and devastating clutch of misfortune, or bearing the educational expenses of a promising

student of the family, and disposal on any other vague grounds shall be void.

Provided that the Executive Committee may allow the disposal of such property when it is satisfied that the owner of the property is unable to utilise it due to reasonable adversity and there is no change of his getting rid of the same within a reasonable period.

2) If a person dies leaving behind some landed property, this shall be regulated as follows :-

(a) The widow or in the case of widow, the first i.e. the elder in respect of their marrying the same husband if both of them have sons or their legal heirs, or the one has sons or legal heir but the other has sons, shall be custodian of the property till hger remarriage or attainment of adult age by the minor, whichever is earlier.

(b) If the widow who took possession of the property as the custodian as provided in sub-section (I) dies or remarriage or otherwise leaves the family, the other widow, if any, shall replace her and the provision of the said sub-section shall apply to her also.

(c) In absence of any widow or if the Executive Committee or the Village Council is satisfied that a property is likely to be the damaged in the hand of widow, the Executive Committee or the Village Council may entrust the responsibility of the property to a close relative of the minor till he attains his adult ages.

(d) The guardian of a minor or the custodian of a property shall not be authorised to disposed of the property.

(e) No provision of sub-section (1), (2) shall apply if a “Will” is left by the deceased in respect of a property.

3) The consent of a minor on disposal of a property in way of sale or otherwise is legally not acceptable and such consent, if taken or given, shall unless the Executive Committee expressly accepts such a consent to be valid, be void.

4) An immovable property shall not be so used as to cause harm to an abutter, and in the case of sale of an immovable property, the abutter shall get the first preference to purchase it provided the terms of sale are fulfilled.

Provided that if the necessity of the sale of the property occurs due to the bad behaviour or harmful or undesirable activities of the abutter and it is desired to keep him of by disposing of the property, the abutter's claim shall lapse.

77. CHHAGE :- A Chhage indicates that there is someone who took possession of the material on which it is put and the same material shall not be occupied or taken possession of by any other nor the Chhage shall be damaged, removed or until the matter, if disputed, is finalised.

78. BENAMI SAMPATTI :-

(1) A Benami Sampatti shall be the joint property of the benami holder and the actual maker of the property and neither of them can dispose of without the consent of the other so long both are alive or not separate when they are in a family.

(2) In the event of separation of the Benami holder and the maker of the Benami Sampatti, the party who is guilty of, or responsible for the separation, shall lose his right over his share of such property and the right of the whole of the same shall inherently develop to the other party if not already divided before the separation.

(3) If the Benami holder is a minor, the sole authority over such property shall remain vested in the maker of the said property till such minor attains 18 years of age.

PART—8
SAMPATTI UTTARADHIKAR (INHERITANCE)

CHAPTER—I

GENERAL

80. DEFINITIONS :- For this purpose of the part :-

I) "Sampatti Kabala" means a will in the meaning of a testamentory document.

II) "Testator/Testatri" means a person who makes or leaves a valid sampatti Labala at his/her death.

III) "Executor/Executress" means a person who is authorised in a sampatti Kabala to carry the function as authorised by the said Kabala.

IV) "Estate" means a landed property whereupon some assets are standing or established and includes firm, business centres and land and the assets thereof.

V) "Provate" means the copy a sampatti Kabala certified under the seal and hand of a competent Court with grant of administration or ownership of the Estate or property of a testator/testatress.

VI) "Court" means a Court constituted by district Council except the village courts and includes a Court of Law having jurisdiction.

81. MODEL OF INHERITANCE :-

1) The Chakma community belonging to the patriachal family, the patrimonies are inherited by the sons who are the legal heirs or legal proportionate heirs, but since the Dabha system is in practice, the daughters also shall be entitled to a portion of the patrimonies.

2) In absence of a Sampatti Kabala (Will) and unless otherwise expressly prescribed in any provision of this Law the properties shall be inherited as prescribed hereinafter.

In all cases 10% and in the event of there being only one son, 25% of the total properties shall be reserved for the eldest son respectively, and the rest shall be divided among all sons including the eldest one and the daughters and the widow in the ratio 50:50 i.e. a son 50 units and a daughter or widow having no issue of her own 50 units each.

Provided that the father may in exercise of his discretion divide the properties equally among all children.

Provided further that if a son or daughter is abandoned by the father such son or daughter shall not be entitled to any share of property.

3) The right of the land inherited by a widow having no son or daughter of her own for her own support as provided in clause (b) of Sub-Section (2) shall cease from the date of her entering into re-marriage or otherwise leaving the family of her deceased husband.

Provided that the widow may give the land in question to any or all the sons of her deceased husband before her leaving but can not claim the value thereof.

4) In absence of any son or legal heir of a son of the deceased, the property will be inherited by the daughters and surviving widow equally will be inherited by the daughters and surviving widow equally and the widow's such share shall not be affected in the event of her re-marriage or otherwise leaving the family.

5) In absence of any daughters also the widow or the widows shall acquire right to inheritance of the property.

82. SPECIAL PROVISIONS FOR INHERITANCE :-

1) Whatever may contain anywhere in part 7 & 8, the parents shall have the right to reserve a portion of the property, or whole of it is a small one, for their support, and the person who supports them in their sinile condition shall inherit the same.

2) Notwithstanding anything contained in this part or on part 7, the widow of a deceased husband who left behind no son or daughter, shall inherit theproperties made or acquired individually by her such husband, and her right over such properties is absolute.

3) If a daughter married anybody against the will of her parents or any otherwise goes against them, she shall be disentitled to any inheritance.

4) The sons shall have the right to predempt the landed properties inherited by the daughter wishes on payment or value, if the daughter wishes to part with it.

5) Regulation of the properties of a Chakma woman marrying a non-Chakma shall be regulated under section-32.

CHAPTER—II

SAMPATTI KABALA (WILL)

83. INHERITANCE BY MEANS OF A WILL :-

Inheritance by means of a Sampatti Kabala (will) shall be regulated by the rules provided hereinafter.

Provided that when there is no will, the property shall devolve in accordance with the rules provided in the chapter-I of this part.

Provided further that in absence of a written will, an orally expressed one on the eve of the death of a testator or testatrix in presence of not less than 3 witnesses, shall be deemed to be a Will (Sampatti Kabala).

84. COMPETENCE OF A TESTATOR :-

1) A person of sound mind not below the age of 25 years may by means of a Will dispose of his property which he could alienate during his life.

2) The testator may revoke or amend a Will made by him at any time when he is competent to dispose of a property by means of will.

85. PROCEDURES AND CONDITION :-

1) A Will shall be prepared quite legible and without any cutting or correction or over writing or erassing specially in writing the names of the legatee or legatees, executor or executress, the amount of quantity of the legacy and area of boundary description of the Estate provided in the legacy.

2) The Will shall contain the devotional transitional or manage mental conditions of the property meant for a minor or otherwise invalid legatee.

3) If more than one will is left by a same person, the one bearing the latest date or time shall prevail and the rest shall be void.

4) The testator may or not disclose the contents of the will to the witnesses or the legatee.

5) A will shall take effect only after the death of the testator.

6) The writer of the will, if written by someone other than the testator oneself, shall sign as writer at the left hand bottom of the Will.

86. WITNESS :-

1) A witness to will shall be of a sound mind and not below the age of 21 years adn a person not fulfilling any of the conditions prescribed in this section shall not be competent to be a witnesses to Will.

2) The Executions of a will shall be done in presence of not less than 3 witnesses.

87. ATTESTATION :-

1) The testator of will must give his signature or the thumb impression if he is unable to write his signature, in presence of the witness.

2) The witnesses to the will also must give their signatures or thumb impressions, if they are illiterate or otherwise unable to write their names, in presence of the witnesses and the testator as will.

88. INVALIDITY :-

1) Any will not fulfilling any of the conditions laid down in section 84, 85, 86, 87 shall be void.

2) Any will or part thereof, the making of which has been caused by fraud or correction, or by such importunity as takes away the free agency of the testator, shall be void.

3) Any thing not the property of the testator/testatrix but included in the will, shall not be a part of the legacy, and the inclusion shall be void.

89. PROBATE :-

1) A probate shall be granted only to the Executor/Executress if appointed by the will or to the legatees if there be no executor/executress.

2) Probate on a will when granted, shall establish the will from the death of the testator, and render valid all intermediate acts of the Executor or the legatee, as may be the case.

3) Probate shall have effect over the legacy which may be the property, movable or immovable, or Estate of the deceased person i.e. the testator throughout the District or area in which this is granted, and shall be conclusive as to the representative tile in the case of an Executor, and ownership title in the case of the legatee, against all belonged to the deceased, and shall afford full indemnity to all debtors paying their debts, and all persons delivering up such property to the person whom such probate has granted.

90. APPLICATION FOR A PROBATE :- Application for a probate with the will annexed, shall be made by a petition distinctly written in the language generally used in the proceedings before the Court having competence and jurisdiction stating :-

a) The time of the testator's/testatrix's death.
b) That the testament annexed is the last will of the testator/testatrix.
c) That it was duly executed.

d) The amount of assets which are likely to come to petitioner's hand.
e) That the petitioner is the Executor or the legatee named in the will, and
f) That the deceased at the time of his death had a fixed place of abode or had some property situated within the jurisdiction of the court concerned.

91. WHEN A PROBATE MAY BE GRANTED :- Probate of a will may be granted by a Court having jurisdiction under seal of the Court and duly certified by the Court president or judicial Officer or Magistrate of such Courts if it appears by a petition of the person applying for the same that testator at the time of his decease has fixed place of abode or any property movable or immovable, situated within the jurisdiction of the Court.

92. RESTRICTION TO CERTAIN ACTS :-

1) The Executor or the care taker of the Estate or properties, as may be the case, as appointed by the will shall not dispose of any permanent or immovable property or precious jewellery by way of sale or otherwise except with prior sanction of a competent Court having jurisdiction.

2) Disposal of property specified in the sub-section (1) may be allowed only when it is deem unavoidable for the purpose of maintenance of or bearing the educational expenditures of the legatee or his independent family members, and the reason thereof shall be recorded in writing.

3) Disposal of any other material may be made only in the interest of the legatee or the estate, and all such returns or out turns received, shall be the accounted.

93. JURISDICTION OF COURTS TO THE HEARING THE INHERITANCE MATTERS :

1) The District Council Court or a subordinate District Council Court, or a Judicial Court constituted by the District Council, or a Civil Court shall have the competence and jurisdiction over all matters relating to a will or otherwise inheritance and the persons holding the charge of or presiding over these Courts shall be competent to deal with the affairs relating to inheritance by means of a will or otherwise.

(2) As regard receiving and disposal of any suit or appeal relating to inheritance, the procedures laid down in the Administration of justice Rule made by the District Council shall be followed except where expressly otherwise prescribed in customary Law.

94. JURISDICTION OF COURTS IN GRANTING AND REGULATING A PROBATE :-

(1) All Courts specified in section 93 shall have jurisdiction in granting and revoking probates in all cases within respective jurisdiction.

(2) All such Courts shall have like powers and authority in relation to the granting and revoking probates and matters connected therewith as by Law vested in them relating to any Civil Court or proceeding pending herein.

95. POWER TO ORDER PRODUCTION OF TESTAMENTARY PAPERS :-

(1) A Court having jurisdiction may order any person to produce and bring in the Court any paper or writing or instrument being or purporting to be testamentary, which be shown to be in the possession or under custody or control of such person.

(2) If it is shown or not believed that any such paper or writing or instrument is in the possession of or under custody or control of such person but there is reason to believe that he has the knowledge of any such paper or writing or instrument, the Court may direct such person to attend the Court for the purpose of being examined respecting the same.

(3) A person being directed under Sub-Section (1) & (2) shall be bound to attend the Court to answer truely such questions as may be asked by the Court, and if so ordered, to bring in and produce such paper or instrument, and shall be subject to the like punishment under the I.P.C. in case of default in not attending the Court or is not answering such question or not bringing or producing such papers or writing or instrument as he would have been subject to in case he had been a party to a suit or case and had made such default.

(4) The costs of the proceeding shall be decided in the discretion of the Court.

96. WHEN AND HOW A COURT TO INTERFERE FOR PROTECTION OF PROPERTY:-

Until a probate of will of a deceased is granted, a Court having jurisdiction is authorised and required to interfere for the protection of such property at the instances of any person claiming to be interested therein and in all other caseswhere the Court considers that the property incurs any loss or damages and for that purpose, if it thinks fit, to appoint an officer or a caretaker to take and keep possession of the property.

97. POWER OF THE COURT TO EXAMINE PETITION ETC. :-
In all cases receipt of petition specified in rule 95 the Court may, if it thinks proper.

a) Examine the petitioner in person upon oath or affirmation.
b) Require further evidence of due execution of the Will.
c) Issue citations calling upon all persons claiming to have any interest in the estate or property of the deceased or any objection to the grant of the probate to come and see the proceeding before the grant of the probate is made.

98. TIME FOR GRANT OF PROBATE :-
No probate of a Will shall be granted until after the expiration of clear seven days from the day of the testator or testatrix's death.

99. FILLING OF THE WILL :-

1) The Court shall file and preserve the original Will of which probates with the Will annexed have been granted by it among the records of the Court.

2) A legal practitioner or agent on behalf of either of the parties in connection with any dispute respecting to the properties related to a Will, may with prior sanction of the Executive Committee or the Court trying such dispute, inspect the original Will so filed and take note of the points required, but no copy of the Will can allowed.

3) The legatee or the Executor may be granted a probate for a subsequent time if he can satisfy the Court concerned that the one already granted has been missing or not traceable or otherwise damaged.

100. APPEAL FROM THE ORDERS OF A SUBORDINATE DISTRICT COUNCIL COURT:-

An order made or a decision taken by a subordinate District Council Court by virtue of the powers conferred upon it by any provisions of these rules, shall be subject to appeal to the District Council Court in accordance with the provisions of the Administration of Justice Rules made by the District Council.

101. SURRENDER OF REVOKED PROBATE :-

1) A probate granted to an executor or legatee when revoked, shall for with be surrendered and delivered by the person to whom it was granted to the Court granting the same.

2) If such person willfully or without reasonable ground omits so to deliver up the probate, he shall be punishable with a fine which may extend up to ` 500/- or with an imprisonment for term which may extend up to one month, or both.

102. PAYMENT BEFORE REVOCATION OF THE PROBATE :- When the grant of a probate is revoked, all payments bonafide made by or to the executor under such grant before the revocation of the probate, shall notwithstanding such revocation or legal discharge to the person making the same and the executor who acted any such revoked grants, retain and re-imburse to himself in respect of any payment made by him which the person to whom the probate may afterwards be granted, might have lawfully made.

103. OFFENCE AND PENALTIES :-False testification by a witness to a Will or personation as a witness, shall be punishable offence.

PART—9
SINALI (COQUETRY)
CHAPTER—1
GENERAL

104. DEFINITIONS :- In this part unless there is anything repugnant to the context :

I) “BALATKAR” means forceful intercourse and includes a sexual intercourse against the will of the victim.

II) "BHIJUR" means the elder brother of the husband.

III) "BHEI-BO" means the wife of younger brother.

IV) "EBHONJAMEI" means the husband of younger sister.

V) "BESHYA" means a prostitute and includes a woman having sexual connection with a man not her husband.

VI) "DHURINEJANA" means a forcible kidnapping and abduction of a woman.

VII) "EKK-GORONI" "PAGALGORONI" both are spiritual methods or exorcism of sub-dueing and having full control over a person by making him madly fall for the person for whom any of these is exercised.

VIII) "FARAK GORONI" means creation of separation between some person in general and a married couple in particular by spiritual methods or drugs (Daru).

IX) "JEGAT" means an elder sister of the wife.

X) "JHENDERAFIRA" means a corporal and humiliating punishment inflicted forserious type of Sinali Offence or for breach of social norm or custom.

XI) "PURUS" "BOLLA" both means a generation of a Gotti.

XII) "RADAKURA" means a cock given by a female offender of a sinali as a punishment.

XIII) "DHEINEJANA" "DHEIJANA" both means an elopement on usual agreement.

XIV) "SEXUAL CONNECTION" includers sexual intercourse, wilful touching or pressing or playing with sexual organs or sexual parts in the way or other activity that may awake the concupiscence or may breed sexual opportunity or encourage sexual intercourse.

XV) "SINALI" means a coquetry and includes all sexual crime and any act of illegal sexual connection and such sexual intercourse, concubinage in the meaning of a woman co-habiting with a man not her husband all type of elopement, Dharinejana Dheijana arousing concupischence EK! Coroni,

Parak Goroni, unrestricted association and movements of young girls and boys obscence or want only and ineligent behaviour in respect of sexual offence.

XVI) "SINALI KHATIPURAN" means a compassion payable in cash for Sinali in lieu of the sukar or Radakura.

XVII) "SUKAR" means a pig given by the offended of a Sinali as a punishment.

XVIII)"MHUT" means a clinched first use in measuring a pig.

105. JURISDICTION OVER SINALI CASES :-
The samaj has and reserves the rights in Sinali affairs as under :-

1) It is competent to try any offence defined as Sinali that may be committed within the territorial limits of the concerned court or area with a Chakma by anybody whoever or whensoever that anybody may be.

2) It is also competent to award two folds punishments in the social sides according to the custom for the social offence of sinali apart from the punishment for offence of Fojdari in the criminal side.

106. RIGHT TO RESTORATION OF ELOPED GIRL :-

1) In all cases Dheinejana or Dheijane (Elopement) the parents or the guardians of the girl shall have the right to her restriction except after consecutive 3 such elopements by or with the same person in which case the said right shall cease and subject to sub-section (2) the couple shall acquire the right to get married.

Provided that above claim or right to restitution of the girl may be disallowed when she is sufficiently grown up to be able to decide her own future and (b) there is sufficient reason to believe that couple is really in deep love.

2) Notwithstanding anything contained in sub-section (1) the couple can not be allowed to get married where the marriage is prohibited under any provision of these rules or by a competent Court.

107. MARRIAGE OF SINALI ACCUSED NOT PERMITTED :-
Under no circumstances the couple accused of a Sinal offence can get married together until the case is finalised by a competent court.

108. ADULTERANT FATHER RESPONSIBLE FOR THE CHILD AND MOTHER :- The person impregnating a woman in a sinali shall be responsible for the Bharanposan of the adulterant child till it attains the age of 18 years wherever may the said child remain during this period or to marry the woman, so impregnated if such marriage is allowed and in all cases the right over the child shall be vested in the mother.

109. GIVING SUKAR REPLACED WITH PRICE :- The present practice of giving a Sukar or Radakura shall be replaced by the Sinali Katipuran and fine or punishment in lieu of the Sukar or Radakura shall be replaced by payment of the Sinali Katipuran in lieu of the Sukar or Radakura as may be the case, in cash the extend depending on the nature of the Sinali.

110. REPEAL :- The Act of giving Sukar and Radakura is abrogated.

111. FAILURE TO IDENTIFY THE SINALI OFFENDER :- In the event of failure to identify the male Sinali culprit by the female offender, she shall inflictable to her and the male offender as well.

112. JUVEENNEI SINALI OFFENCES :- Sexual copulation of a premature girl by anybody, whoever and of whatsoever age may he be, shall be deemed to be a rape as defined in the Indian Penal Code and shall be punishable accordingly under the I.P.C. or the Customary Law as may appear fit.

Provided that where such premature girl is duly married, such an event shall be treated as a child marriage as provided in Section 14, and punishable accordingly.

113. UNNATURAL SEXUAL INTERCOURSE :- Anybody who commits a Sexual intercourse with any person against the nature or with an animal, is said to commit an unnatural Sexual intercourse, and shall be punishable under this Law or the Indian Penal Code, as may appear fit.

114. BESHYAGIRI OR PROSTITUTION :- Prostitution or Beshyagiri is prohibited and a woman who co-habits with a man not her husband shall be deemed to be a Beshya (Prostitute) and shall be punishable accordingly.

115. OFFERING OR SUPPLYING WOMAN FOR SEXUAL INTERCOURSE :- Anybody who offers or compel family woman or girl or compels her to offer herself to any other person, or procures any other woman or girl forother families or place and offers her to such person for sexual intercourse, shall be deemed to take to human trafficking and shall be punishable accordingly under the Indian Penal Code or this Customary Law, as may appear fit.

CHAPTER—II

116. CLASSIFICATION OF SINALI OFFENCES & PENALTIES :-
Sinali offences are classified as Group A, B & C as under :-

1) Group A :
I. Dharinejana in the meaning of forceful abduction or kidnapping.
II. Sexual intercourse with a Garbakudum or a close agnate or a current own pupil.
III. Sexual copulation of premature girl.
IV. Sexual copulation of a mentally handicapped woman.
V. Balatkar.
VI. Juvenile Sinali.
VII. Unnatural Sexual intercourse.
VIII. Besygiri i.e. prostitution.
IX. Offering or supplying woman for illegal sexual intercourse
X. Sexual intercourse with a woman having her husband alive.
XI. Elopement of a betrothed bride.

2) Group B :
I. Sexual intercourse between a man and a woman not husband and wife except those falling under ‘A’.
II. Elopement i.e. Dheijana or Dheinejana.
III. Ek Goroni.
IV. Parak Goroni.

3) Group C :
I. Kissing or touching the breasts or a Sexual organs.
II. Be-Adobi i.e. Inelegant and wantonly behaviours indicating sex or arousing sexual desire.

III. Unrestricted association or movements of Young woman and men.

117. PUNISHMENT FOR THE GROUP 'A' SINALI OFFENCES :- Sinali offences of group 'A' shall be punishable as under :-

1) Dharinejana i.e. forcible abduction :-

(a) The culprits shall be punishable with —

I. a fine which may extend to ` 10,000/- or a term of imprisonment which may extent to 5 years of both.
II. a Sinali Khatipuran which may extend to ` 1,000/-
III. a compensation to the affected woman which may extend to ` 1,000/-

(b) Each of the accomplices shall be punishable with —

I. a fine which may extend to ` 1,000/- or a term of imprisonment which may extend to 6 months, or both.
II. a compensation to the affected woman which may extend to ` 200/-

(c) The affected woman shall not be subjected to any punishment.

EXPLANATION :

(a) The word "Culprits" appearing in Sub-Section (1) means the person by or poor whom the woman is abducted and includes the leader of the Gang on hehalf of the person aforesaid.

(b) The compensation to the affected girl shall not be exempt even if the offenders are imprisoned.

2) Sexual intercourse between Garbakudum or a close agnate, or a current pupil :-

(a) The male offender shall liable to be punished with :-

I. a fine which may extend to ` 7,000/-

II. a humiliating punishment of Jhenderafira for a period which may extend to half hour to one hour.
III. atonement before a Vikku.

(b) The female offender shall be punished with :-

I. a fine which may extend to ` 500/-
II. watering a benion tree with 2 to 30 jarsful of water to be fetched by herself in public or mud plastering or thorough washing a Kyong with all materials required in the works to be fetched or collected by herself in public.

III. Atonement before a Vikku.

(c) If the sexual intercourse takes place by force, this shall be treated as a Balatkar and dealt with accordingly.

3) Sexual copulation with a premature girl :-

I. The offender shall be punishable with —

(a) giving Sinali Khatipuran which may extend to ` 2,000/-

(b) a fine which may extend to ` 5,000/- or a Jail for a term which may extend to 5 years, or both.

(c) a compensation to the affected girl which may extend to ` 1,000/-

II. The affected girl shall not be subjected to any punishment.

4) Sexual copulation of a mentally handicapped woman or Girl :-

I. The culprit shall be punishable with —

(a) a fine which may extend to ` 2,000/- or an imprisonment for a term which may extend to 2 years, or both.

(b) a compensation to the affected girl or woman which may extend to ` 500/-

(c) a Sinali Khatipuran which amount to ` 500/-

(d) giving Bharanposan of the mother and the adulterant child, if any born of such copulation, till it attains the adult age.

II. The female shall not be subjected to any punishment.

5) Balatkar :-

I. The culprit shall nbe liable to be punished with —

(a) a Sinali Khalipuran which may range upto ` 2,000/-

(b) a fine which may extend to ` 10,000/- or a Jail for a term which may extend to 5 years or both and if the victim is premature, with an imprisonment for a term which extend to 10 years or both.

(c) a compensation to the affected girl which may extend to ` 1,000/-

II. Each of the associates or helpers in the offence shall be punishable with —

(a) a fine which may range upto ` 1,000/- or an imprisonment fora term which may extend to 6 months or both.

(b) compensation which may extend to ` 2,00/-

III. The female shall not be punishable.

6) JUVENILE SINALI :- A juvenile Sinali shall be punishable as under —

I. The offender shall be treated as to have committed a rape as defined inthe Indian Penal Code, and shall punishable with —

(a) a fine which may extend to ` 5,000/-, or an imprisonment for aterm which may extend to 2 years, or both.

(b) giving Sinali Khatipuran which may extend to ` 2,000/-

Provided if the girl copulated is his married wife, he shall not be requiredto give Sinali Khatipuran.

II. The female shall be punishable with —

(a) a fine which may extend to ` 2,000/- or a corporal punishmentof 5 to 10 whips, or both.

(b) giving Sinali Khatipuran which may extend to ` 300/-

Provided that if the girl is married wife of the male culprit, she shall notbe required to give the Sinali Khatipuran.

Provided further that if the girl is sufficiently immature to understandthe consequence of a Sinali, or when she is compelled by force to agreeto the sexual intercourse, she shall not be liable to any punishment, but
shall be entitled to a compensation which may range upto ` 1,000/-

III. The parents or guardians of the girl shall be responsible for the maintenanceof the adulterant child, if any born of such Sinali, till itattains the adult age.

7) UNNATURAL SEXUAL INTERCOURSE :- Any unnatural sexual intercourse shall be punishable with a fine which may extend to `10,000/- or an imprisonment for a term which may extend to 5 years, or both.

8) BESYAGIRI OR PROSTITUTION :- A woman offering herself for sexual intercourse in exchange of money or other gain shall be deemed to be a Beshya (Prostitute) and shall be punishable with —

I. a fine which may extend to ` 500/-
II. a Sinali Khatipuran which may extend to ` 500/- or a corporal punishment of 5-10 whips or both.

9) OFFERING OR SUPPLYING WOMAN OR GIRL FOR SEXUAL INTERCOURSE:

Anybody who offers any of his family woman or procures any other woman and supplies her to any other person for sexual intercourse shall be punishable with a fine which may extend to ` 5,000/- or a term of imprisonment which may extend to 2 years or both.

10) ADULTERY :- Sexual intercourse with a woman having her husband alive shall be an adultery in the meaning of the Indian Penal Code or the Code of criminal procedure and shall be punishable accordingly or with —

I. a fine which may extend to ` 1,000/- or a term of imprisonment which may extend to 6 months or both.
II. a Sinali Khatipuran which may extend to ` 1,000/-
III. another fine for causing Grihali Shanti Bhanga which may extend to ` 500/-

11) ELOPEMENT OF A BETROTHED BRIDE :- Elopement of a betrothed bride or a wife shall be treated as a criminal offence (Fojdhari) and shall be regulated as under —

a) The male shall be punishable with —

I. a Sinali Khatipuran who may extend to ` 2,000/-
II. a fine which may extend to ` 1,000/- or an imprisonment for a term which may extend to 3 months, or both.
III. a compensation to make good the expenditures incurred in connection with the settle marriage in the event of elopement of a betrothed bride.

b) The female shall be punishable with —
I. a Sinali Khatipuran which may extend to ` 3,000/-
II. a Sinali Khatipuran which may extend to ` 200/-

118. PUNISHMENT FOR GROUP 'B' SINALI OFFENCES SHALL BE AS UNDER :-

1) Sexual intercourse between a male and female not husband and wife excepting those of Group 'A' —

(a) The male offender shall be liable to punishment with —
(i) giving a Sinali Khatipuran which may extend to ` 1,000/-
(ii) a fine which may extend to ` 500/-

(b) The female shall be punishable with —
(i) giving Sinali Khatipuran which may extend to ` 100/-
(ii) a fine which may extend to ` 200/- or ` 500/- when the female is proved to have taken to initiative in the Sinali.

(c) if the female is proved to be pregnant of such sexual intercourse, the male offender shall be punishable with —

(i) a fine which may extend to ` 2,000/-

(ii) to marry the girl if he is proved guilty in the Sinali.

Provided that the willingness of the girl shall be sought.

or

A compensation or Sinali Kathipuran to relief the girl which may extend to ` 5,000/- and the expenditure for the maintenance of the adulterated child till he/she attains maturity i.e. 18 years.

2) In the event of Ek-goroni, each of the person whom such Ek-goroi is applied and the Ojha or Boidya (Village Physician) or exorcist shall be punishable with—

(a) fine may extend to ` 500/-

(b) compensation for the expenditure required for removing the effect of such Ek-goroni

Provided that application of Ek-goroni to one of the married couple by the other for the purpose of maintaining the wedlock, shall not amount to a punishable offence.

3) Farak-Goroni :- As provided for Ek-Goroni provided the application of the Farak-Goroni to either of the married couple to avail him rid of other person who is believed to be responsible for family trouble likely to lead to a separation, shall not amount to punishment.

119. SINALI OF GROUP 'C' :- In these case the male and female offenders shall be punishable with a fine of ` 50/- to ` 200/- and ` 25/- to ` 100/- respectively or corporal punishment, according to the nature of offence.

120. PUNISHMENT FOR ABEDMENT :- An abettor in a Sinali case shall be punishable to the extend not less than the one-fourth inflictable to the main offender except in the case where the punishment is expressly prescribed for the abettor or associate.

Provided that the trial Court may mitigate this extent of punishment.

PART—10

MAINTENANCE, FOSTERING AND ADOPTION

CHAPTER—I

MAINTENANCE

121. DEFINITION :- Maintenance (Bharanposan) includes :- Clothes, Shelter, Education, Medical treatments in illness and protection from other elements.

122. ENTITLEMENT TO MAINTENANCE :- The parents in their old age, the handicapped, the minors, the orphans, the widow are entitled to enjoyment of Bharanposan as a fundamental right, and this shall be regulated as provided in the following rules :—

(1) The sons are equally responsible to support the parents unless otherwise expressly settled either by mutual agreement among the sons or as desired by the parents.

Provided that the parents may exercise their option to live with certain son in case of separation of the sons during their lifetime, in which case the said sons shall be responsible for the maintenance of the parents.

Provided further that the other sons cannot escape the responsibility of maintenance of the parents in the event of failure by the son with whom the parents like to live to provide adequate maintenance to the parents.

(2) If the parents do not like to live with any of the sons but like to live in a separate establishment of their own, they shall bear the living costs of the parents in equal share or as arranged according to their respective capacity.

(3) A physically or mentally handicapped or any orphan shall be entitled to maintenance by the family members and the father or the head of the family shall be responsible for the same.

(4) A widow shall be entitled to maintenance of self and her minor children, if any, unless she leaves the family of her deceased husband, and this will be the common responsibility of the family members to support the widows and her minor children till they attain adult age.

(5) In absence of any son, the daughters shall be responsible to maintain the parents in their old age.

123. RESPONSIBILITY FOR MAINTENANCE OF CHILDREN :-

(1) The maintenance of minor children is the responsibility of the parents but the other members of the family also cannot escape this responsibility

(2) The orphans shall have the right to maintenance under the common responsibility of all family members with equal treatment in all respects with these having parents, as a fundamental right to maintenance and support.

(3) Negligence of supporting a minor or orphan shall be a Fojdari offence and punishable accordingly.

124. POWER TO COMPEL A PERSON TO GIVE BHARANPOSAN :-

The village council and the Executive Committee or a Court having jurisdiction shall be competent to compel a person to give the Bharanposan as prescribed in these rules, and to take measure to recover the same.

125. NOBODY TO BE RENDERED TO FACE DEATH WITHOUT FOOD :-

Nobody shall be rendered to a condition of facing a death without food and if on any unavoidable or reasonable ground an orphan or motherless child cannot be supported by the guardian or family, such child must be given for fostering adoption as to save the life of such child, and violation of this rule shall be a punishable offence.

126. Notwithstanding any provision laid down in this chapter or elsewhere, a wife and her dependent children shall be entitled to maintenance on monthly basis not exceeding ` 500/- for each from the husband or father, as may be the case, when the following conditions are satisfied :-

(a) The wife is divorced or otherwise deserted without her capable fault or she is unwilling to stay with her husband on reasonable ground.

(b) She is unable to earn the livelihood of self or her children.

(c) The husband or the father, as may be the case, has responsible source of income or a sound physique to be able to earn.

(d) Any otherwise tracts the section 125 of the Code of Criminal procedure, 1973.

127. OFFENCE AND PENALTIES :- Anybody who :-

(1) Violates any of the provision of section 122, 123 and neglects to support his parents in their senile condition or other dependents, shall be punishable with a fine ranging from ` 100/- to ` 500/- in addition to taking up their support.

(2) Violates section 125 shall be punishable under the Indian Penal Code or the Customary Law as may appear fit.

CHAPTER—II

(FOSTERING) (PALEIDENA)

128. FOSTERING OBSOLETE :- An orphan or motherless child ought to be fostered till it attains the capacity of living on solid food and the father or head of the family shall be the person responsible to arrange the fostering of such child.

129. WHO AND HOW TO FOSTER A CHILD :-

(1) Any of the family woman shall have the right to foster a child and in absence of such willing woman the child may be fostered by any of relative woman of the mother of the child or any other woman who stops forward voluntarily or in exchange of payment of foster the Child.

(2) A fostered child is returnable to its father of family after it attains the capacity of living on solid food and the fosterer shall not be entitled to any cost for the fostering unless so settled during the time of giving the child to fostering.

(3) Feeding by own breast by the fostering woman, whoever may she/he is permissible.

130. FOSTERED CHILD NOT TO BE A MEMBER OF THE FOSTERER'S FAMILY :-

The fostered child shall not be a member of the fosterer's family nor shall it be a Palak (Adopted) of the fosterer unless it is duly adopted as provided in chapter-III.

CHAPTER—III

PALAKLANA (ADOPTION)

131. WHAT IS AN ADOPTION AND PURPOSE THEREOF :-

(1) Palaklana (Adoption) is a social grafting of child of another family and it is open to all subject to serve requirement and availability of adoptes for either maintenance of the continuity of the family line in absence of any issue of adopter or adding to the adopter's status in the Society.

(2) In an adoption the socialisation precase in the family of the Palak (Adopter) is transferred to that of the adopter in order to fit in with the tradition and norms of adoptive family and Gotti as well of the adopter.

132. ENTITLEMENT AND RESPONSIBILITY OF THE PALAK :-

(1) The Palak shall be entitled to inheritance of property and all other rights as a member of the family of the adopter unless he leaves this family or otherwise he is abandoned by the adopter.

(2) The Palak shall at the same time be responsible for maintenance and support of the Palak Bap and Palak Ma (Adopted father and mother) and other family members as if he is natural born member of the family.

133. SELECTION OF PALAK :- In selecting a Palak there is no restriction to take a Palak from a community other than the own, and there is also no age limit of the child to be adopted.

134. REQUIRED CONDITION FOR ADOPTION :-

(1) An unqualified approval of both parties i.e. adoptee's family and adopter's family is required to take to an adoption.

(2) The parents or the guardians or family of the Palak shall cease to claim any right ever such Palak father virtually made ever to the adopter.

(3) If the Palak fails to satisfy the adopter or otherwise it is desired and with the consent of the other party, the Palak may be sent back to his parent family.

135. COMMON PROCEDURES IN ADOPTION :-

The following procedures shall be followed in adopting a Child :-

(i) After the final settlement of the adoption, both the parties i.e. the parents or the legal guardians of the child to be adopted and the adopter, shall accompany with the said child before a Vikhu and will respectively promise before the Vikku that the child shall not be claimed back from the adopter and shall be treated and maintained like his own child.

(ii) After the promise mentioned in sub-section (i) the Vikku shall recite Mangalsutra or other necessary sutra and shall bless for the welfare of the child and a happy domestic life or the adopter with the child.

(iii) The adopter may arrange a gathering of the village elders or murrubbee to publicise the adoption who may give ashirbada (Blessing) to the child.

(iv) A "Gotti Bur: may be performed by the family of the adopter in which the child shall be the indispensible member but without any such performance the adoptee shall automatically become a family member and Gotti of the adopter.

PART—II
MISCELLANEOUS SOCIAL CUSTOMS AND PRACTICES

136. DEFINITION :- For the purpose of this part :-

(i) "Khuma" means a strict restriction to certain act, the breach of which is believed to cause a deadly harm to such violator or to his Gotti Member.

(ii) "Pijore" means the inner portion of a dwelling house.

(iii) "Mulugaber" means the partition or fencing raised in between the "Pijore" and "Singaba" or a dwelling house.

(iv) "Singaba" means the outer portion of a dwelling house meant for the guest i.e. where the guests are to sit and rest.

(v) "Gudhi" means a private sleeping chamber of the family members specially the wedded couple.

(vi) "Jadu"
(vii) "Tona"
(viii) "Chalan"
(ix) "Banmara"
} are different types of witch creating believed to be deadly

(x) "Resident" means a person who made his permanent abode or has acquired the right to do so within the District or area concerned.

(xi) "Shigoli" means a cash realisation from the invitees in a Mela or Maisban and reciprocable on such occasions.

(xii) "Mela" means a Wedding ceremony.

(xiii) "Maisban" means a feast on a social occasion or other pleasure performance and includes a birth occasion.

(xiv) "Grihali shanti bhanga" means breach of conjugal and family peace.

137. INHERENT RIGHTS AND POWERS IN RESPECT OF ALL SOCIAL CUSTOMS AND PRACTICES :-

(1) The Samaj has inherent right and powers to deal with all the social customs and practices and usages and to decide all such matters in Court

or out of Court, and the samaj is the guardian and administrator of the Social customs, practices and usages, and the Customary law.

(2) The Samaj reserves the rights to :-

(a) Award two folds punishments for the socially Fojdari (Social-cum-Criminal) offence in the social side and the criminal side in one same offence, and to claim the social punishment for such an offence like Sinali apart from that inflictable or inflicted in the criminal side.

(b) Try a Sinali and other social cases where both or either of the parties is a Chakma irrespective of his or their places of residence if such offence is committed within the territorial limits of such trial Court.

(c) To compromise a case or dispute of any nature before it is brought before a competent Court or legal authority where both the parties are willing to compromise it without any coercion or undue influence.

(d) To compel an offender to honour or obey a judgement or order passed by a competent Court or other such authority.

(e) To award a punishment as in (o) for failure or deliberate defiance to obey or honour a judgement or order passed by a competent Court or other such authority on a social case.

(f) To direct a party to a case or a witness to answer or depose on an adjuration in accordance with the Chakma practice in absence of a decisive evidence when there is reason to believe that some material information or evidence is being produced before the Court or authority.

(g) To compel anybody to protect and safeguard the important social customs, which is an obligatory and fundamental duty of everybody of the Samaj.

(h) To ostracize a social offender for serious social offence.

(3) The rights and powers exercisable by the samaj envisaged in sub-section (1) & (2) are automatically vested in the administrators of all such matters and the Customary Law, or other lox-locio, and are competent to exercise the said powers.

(4) The administrative and Judicial authorities of the Samaj shall act on behalf of the Samaj and shall be competent to act according to the provision of this Law, or to take resort to any provision of the Indian Penal Code or the

Code of criminal procedure, 1973 or the Code of Civil procedure, 1908, whenever it is necessary in administrative or Judicial interest, provided this shall not mean that the Samaj adopted any of these Codes.

138. NOBODY TO BE COMPELLED TO BREAK A KHUMA :-

Nobody shall compel any person to break his khuma nor shall be the cause thereof.

139. EXORCISM PROHIBITED :-

Witchcrafting in the meaning of application of Jadu, Thona, Chalan, Banmara is prohibited.

140. REGULATION OF BREWING AND DRINKING :-

(1) Except with prior permission of the Village Council or the Executive Committee, on brewing and selling wine shall be allowed.

Provided that Village Council or the Executive Committee shall not refuse a permission for brewing for purpose of either use of wine (Mad) in Puja or Burpara or medical purpose.

(2) Commission of any offence in drunken condition or under the influence of alcoholic drinking shall not establish any extenuating condition for such offence, nor shall it be condonable and such act shall be punishable apart from the punishment for the offence so committed.

(3) Commission of any offence of public nuisance or any unnecessary trouble or harassment to anybody, or cruelty to any family member or other under the influence of alcoholic drinking shall be Fojdari offence, and punishable accordingly.

(4) Nobody shall attend his bread earning or professional duties in drunken condition, nor shall be drink during such duties.

(5) Unauthorised brewers or sellers of wine shall be liable to punishment and their immovable properties shall be liable to seizure.

(6) A habitual heavy drunker shall be deemed to be undesirable person and liable to action as such.

141. GAMBLING PROHIBITED :- Gambling is prohibited and anybody, whoever and whensoever may he be found guilty of violation of this prohibition shall be liable to punishment under these rules or the I.P.C.

EXPLANATION :- For the purpose of this section gambling includes any type of playing cards or other games playing with or on a bet of money.

142. ACTS OF TRESPASS INTO DWELLING HOUSE :- The following acts are considered as trespass and polluting the sanctity of a Chakma dwelling house :

(a) Stepping into the Pijor without permission.
(b) Entrance into a Godi except that meant for guests without permission or invitation.
(c) Entrance into the house with shoes on except in the event of the floor being mud.

143. PHYSICAL HURT ON PARENTS :- Physical hurt of any of the parents or parents-in-law is one of the crimes of the serious nature which may lead to exturnment of the offender or to a fine, both.

144. GRIHALI SHANTI BHANGA :-

(1) Creation of or being the cause of Grihali Shanti Bhanga is a Fojdari offence.

(2) The following acts shall be deemed to be a cause of Grihali Shanti Bhanga :-

(a) Sexual connection with either of a married couple.

(b) Conspiracy with or inspiring either of a married couple to divorce the other conjugal partner.

(c) Spreading false bad name against any married person likely to cause the separation of the couple.

(d) Application of Parak Goroni on either of a married couple to get them separated.

(e) Any other act that may create or may be the cause of the separation of the married couple.

145. CRUELTY AND WIFE BEATING :-
(1) Cruelty and merciless wife beating shall be Fojdari (Criminal) offence, and the husband or any other family member found guilty thereof shall be

punishable according to nature and extent of such cruelty or merciless beating.

(2) In the meaning of this section, cruelty or merciless beating shall nbot necessarily require a criminal grievous hurt as defined in section 498-A of the Indian Penal Code, but a physical hurt or wound with a pointed or sharp or blunt instrument causing a serious external pain, or application of or putting into unnatural or excessive heat or cold of any nature, shall amount to be a cruelty and mercilessness.

(3) The offence of cruelty to and merciless wife beating shall be punishable under the Indian Penal Code or this Customary Law under section 154.

146. EXCEPTION FROM DISTRAINT :- The following shall be exempted from distraint :-

(1) The food grains required for the family members.

(2) The diets and medicines of the family members.

(3) The last stock of cooking utensils.

(4) The School materials of a student of the family.

(5) Buali goods or other personal property of a bride or house wife.

(6) The Jara Andik.

(7) A material not the property of any of the family members.

(8) Any religious materials.

(9) A model or prize secured by a student.

(10) An award received for special social or national works.

(11) Residential house and landed property.

(12) Any type of document.

(13) Agriculture and working tools.

(14) A personal property of an individual of the family.

Provided that where the bride of the house wife is the judgement debtor, her personal property may be distrained.

147. EVICTION :-

1) An unauthorised resident or occupant of a plot of land or property shall be liable to eviction and the Executive Committee or a competent Court may order eviction of an unauthorised person or a family or a group of families from a site or locality by legal process provided in the rules to be made by the District Council in regard to regulation of such eviction.

   Provided that in absence of such rules of the District Council of its own, the general procedure of evictions shall be followed.

2) In any way, the said unauthorised person or persons or families shall be given at least 3 notice before order his or their eviction to show their reasons or to give his or them opportunity to defend against the proposed eviction.

3) The Executive Committee may authorise in writing any of its officers to execute the eviction order under the guidance and supervision of a Judicial Officer or Magistrate of the District Council who shall be appointed as such by notification in the Gazette by the Executive Committee.

4) The Judicial Officer conducting an eviction may order :-

   (a) Demolition of house or building of the evictee.
   (b) Seizure of standing crops or plants and disposal thereof by auction or otherwise
   (c) Arrest of the persons obstructing the eviction.

5) In eviction, the assistance of the Mizoram Police or Mizoram Armed Police may be requisitioned for protection of the eviction party by the Executive Member or the Judicial Officer conducting the eviction.

148. EXTURNMENT :-

(1) An undesirable person shall be liable to exturnment from a village or the District and the Executive Committee or a competent Court may order exturnment of an undesirable person from a village or the District area for his undesirable activities specified in sub-section (2).

   Provided that in issuing such order, concrete proof of such undesirable activities of the person shall be required, and the extermination shall be considered in public interest and in the interest of administration of justice or social custom.

   Provided further that unless unavoidable in the public interest or in doing justice, the order for extermination of a resident from the District should not be issued.

(2) In the meaning and for the purpose of this rule, public undesirable activity include dacoity, habitual kidnapping, cheating and forgery, habitual gambling, habitual heavy drinking and brawling, habitual disobedience to authorities, physical assault to parents, habitual creation of public nuisance, habitual commission of other social crimes of grave nature and otherwise being so desperate and dangerous as to render his being at large without security hazardous to the society or locality.

(3) In an exturnment no other family member if any of the said undesirable person shall unless they are also involved in such activities, be effected.

(4) The externment may before a certain period if the said person is a resident of the area, or sine die if the said person is an outsider of the area.

149. PUNISHMENT PRESCRIBED IN THIS CUSTOMARY LAW TO PREVAIL :-

In the event of any punishment prescribed in this Customary Law being repugnant to any punishment prescribed in the Administration of Justice rules made or adopted by the District Council the one prescrined in this Customary Law shall prevail.

150. RESIDUARY POWERS :- Notwithstanding anything contained in any part of this Customary Law, the Samaj may relax the application of any provision of this Customary Law which is deemed to cause a very hardship in a particular case and when it is beyond any doubt that such relaxation shall not cause any harm or inconvenience to any other person or body nor shall it render any important social custom to be a merer force or a paper instrument, and the Executive or a Court shall be competent to exercise this discretion on behalf of the Samaj.

151. REPEAL :- Receiving or giving sigali or a presentation on a Maisban is repealed and prohibited.

CHAPTER—II
CLASSIFICATION OF OFFENCE

152. CLASSIFICATION OF OFFENCE :- The offences triable by the Samaj are classified as social, Civil and Criminal that is to say that the Samaj has jurisdiction to the dealing with and disposal of social, Civil and criminal offences.

Provided in no case of criminal or Civil nature, the Sub-paragraph (1) of paragraph 5 of the Sixth Schedule to the constitution of India shall be over ridden unless such power is delegated to the District Council by the Governor.

Provided further that the first provision shall not apply to dealing with the social and Customary offences codified in this Customary Law.

153. CLASSIFICATION OF SOCIAL OFFENCE :- The social offences are further classified as simple and Fojdari i.e. social-cum-criminal, and the following offences are the Fojdari ones punishable accordingly under the respective captions.

Birth offences :- Commission of miscarriage of a quick child.

MARRIAGE OFFENCES :-

1. Obstruction to legal marriage.

2. Receiving Dabah in excess of the prescription in Section 20 (2).

3. Receiving Dowry.

4. Marrying the abducted girl to or by the abductor.

5. Taking to or allowing a marriage restricted under Section 17.

6. Marrying a girl to anybody against her will.

7. Other forced marriage.

DEATH OFFENCE :-

1. Dishonouring a human dead body or anywise defiling a funeral site or tomb constructed in honour of a deceased.

RELIGIOUS OFFENCE :-

1. Compelling a person to or not to take to a religion against his will.

2. Hating or denouncing other religious.

3. Creation of disruption or disturbance to a Dharmakam.

4. Dishonouring or polluting an icon or a Temple or a shrine, or an element believed to be sacred.

5. Behaving in disparaging or dishonourly or humiliating manner with a Vikkhu.

6. Taking direct action against a Vikkhua by person not a member of Vikkhu Sanga.

7. Physical Hurt, assault or attack on a Vikkhu.

PROPERTY OFFENCE :-

1. Forcible taking possession of a property.

2. Illegal damage of property.

3. Use of property in such manner as to cause a criminal nuisance or other harm to the abutter or general public.

SINALI OFFENCE :-

1. All offence of Group 'A' Sinali offences as defined in Section 125.

MAINTENANCE OFFENCE :-

1. Failure or negligence to support the parents in their old age without just cause, or a child or orphans.

FOSTERING OFFENCE :-

1. Failure or negligence to arrange a fostering for an orphan or a baby who has no mother or who can be fed and nursed by the mother though alive.

OTHER OFFENCES :-

1. Physical hurt of the parents or parents-in-law.

2. Gambling in public.

3. Failure to obey the orders or direction of a competent Court to other such authority.

4. Cruelty and wife beating.

5. Ek-Goroni.

6. Parak-Goroni.

7. Witch crafting or application of Jadu, Chalan, Ek-Goroni, Parak Goroni and other deadly nature or exorcism.

8. Grihali Shanti Bhanga.

154. PENALTIES :- Anybody violating the following Sections shall be punishable as indicated against each.

1. Section - 138 :- (a) Fine which may extend to ` 500/-

(b) Compensation to meet the expenditures for the Puja to rectify the damage caused.

2. Section - 139 :- (a) Fine which may extend to ` 5,000/- or an imprisonment which may extend to 2 years.

(b) Compensation for the damage caused upto the extend of expenditure required in such process.

3. Sub-Section (1) of Section 140 :-

(a) Fine which may extend to ` 250/- or a corporal punishment, or banishment.

4. Sub-Section (2) & (3) of Section 140 :-

(a) Fine which may extend to ` 200/- plus punishment for the offence committed in drunken condition.

5. Sub-Section (4) of Section 140 :-

Fine which may extend to ` 100/-

6. Section 141 :- (a) Fine which may extend to ` 200/- or an imprisonment which may extend to 15 days or punishment.

7. Section 143 :- (a) Fine which may extend to ` 500/- or punishment.

8. Section 144 :- (a) Fine which may extend to ` 500/- or an imprisonment for adultery with a woman

			having her husbandalive for a term which may extend to 2 months.
9.	Section 145 :-	(a)	Fine which may extend to ` 2,000/- or an imprisonment which may extend to 2 years or both.
		(b)	The wife shall have the right to a divorce or a separate Bharan Posan in a separateestablishment at the cost of the husband or the family who is found guilty ofthe offence.

ANNEXURE—I

COMPILATION NOTE
ON
THE DRAFT CHAKMA CUSTOMARY LAW

1. I took up the collection of the lex nonscripts of the Chakma Customary Law since long and a Draft Bill was brought out and was passed by the District Council on 20/10/89 and submitted to the Government for approval with no avail till date.

2. Subsequently at the behest of Shri R.M. Chakma, Executive Member, incharge Judicial, the said Bill was re-examined and put before general public meeting on 21/3/94 and 22/3/94 for elaborate discussion in which some resurrections and expurgations took place in the Bill and it was reshaped accordingly.

3. Further at the hehest of Shri P. Chakma, Executive Member, incharge Judicial, a screening Committee headed by him re-examined the Bill on 16/12/94 with no major amendment.

4. The Bill contains 12 subjects viz : (1) Birth rites (2) Marriage rites (3) Divorce (4) Death rites (5) Religious rites (6) Property (7) Inheritance (8) Coquetry (Sinali) (9) Maintenance (10) Fostering (11) Adoption and (12) Miscellaneous. Other Social Customs to put all important social customs in one set of Law.

5. The Bill has been prepared in simple language as for as feasible, but there is reason to believe that the purpose of reason of some provision of the Bill may appear unintelligible or some rules may look to be draconian to somebody. Hence

it is found necessary to furnish the purposes and reasons of such provisions or rules and it is so done as under :-

PART-1 = Nothing needs to be clarified.
PART-2 = Nothing needs to be clarified.
PART-3 = MARRIAGE : Section 14 - Child marriage :- In this section, a marriage of a premature girl or boy has been treated as a child marriage and such marriage has been restricted.

In the yore, a marriage of a girl before binding the Khadi, i/c her attaining full adultage was beyond dream of the Society and similarly a 'Boy' was never allowed to marry. But nowadays the girls of much below 18 years, and boys much below 21 years of ages get married before they can understand nothing but their sexual games resulting in —

firstly :- a reasonable check on their physical growth.

secondly :- failure to satisfy her parents-in-law by the bride due to her lack of house hold knowledge

thirdly :- failure by the couple to fuel the management engine of the family and thereby resulting in their separation (Juda) from the family.

fourthly :- a gradual increase of a family members by the children of the married couple without any scope of better income to refund the loans incurred during their mela (marriage) and, gradual degradation of the family's financial position.

fifthly :- frequent family disputes and divorce suits.

Hence, this social evil of minor marriage should be stopped.

Section - 19 :- Dowry : This is alarmingly seen that the Dowry system is indirectly making root in the educated Chakma families.

Hence this should be nipped in the bud.

Section - 20 :- Dabah : Dabah system is one of the main factors responsible for the family disputes and divorces, nowadays the Dabah become a source of greedy peoples income who at times realise a big amount which can safely be deemed to be a human trafficking punishable under the Indian Penal Code. On the other hand the bride snatching away from her parents-in-law a good amount of Dabah for her parents, starts from the very beginning of her new family because she is considered to be a purchased slave.

Hence, this social evil should have been abolished for which I suggested in the public meeting on 21/3/94 with the result that it has been minimised, and limited in the Bill. This social evil should be abolished.

Section - 32 : Heterogenous marriage :- In the yore, an exogamy was beyond the imagination in the society though since some decades back this conservation was broken with a murmering of the society. But it is alarmingly noticed that the non Chakma and non tribals are paving their path of acquiring right to settlement in the Chakma areas by marrying Chakma and other tribal girls within the said areas. This section is in attempt to minimise this line.

PART — 4
(CHHARACHHARY) (DIVORCE)

CHAPTER - II :- In most cases of divorce, the divorced wives and their minor children are deprived of their fundamental and legal rights. The purpose of this chapter is to provide of reasonable protection of the separated wives and the minor children.

PART — 5
DEATH RITES

SECTION 52 :- The original purpose of beating a ‘Magada Dhul’ (A Dhole) (a drum beaten to announce a death) was to announce a death so that the distant residents could come for help. But now this has been replaced by playing on musical or other amusemental instruments accompanied by card gambling in the name of playing cards. Such a situtation is certainly not acceptable by the mental condition of the bereaved family. On the other hand, it ought to be that some religious sutra or felling the gospels will certainly be a pleasant hearing to all present, grief stricken or theirs, and shall as such suit the occasion.

Hence the amusemental functions have been prohibited in this Section.

PART—6 : RELIGIOUS RITES : Nothing unintelligible here.

PART—7 : PROPERTY : Nothing deemed to be unintelligible here.

PART—8 : INHERITANCE : — Section — 81 (I) :— The main aim of giving a share of the ancestral property to the daughters is abolishing of the Dabah system.

PART—9 : SINALI (COQUERTY) : In the public meeting held on 21/3/94, I suggested for letting lease this subject, but in a voice, my suggestion was set aside, and it was decided that hard rules as practiced before by the forefathers should be adopted for the administration and control of the Sinali and other social Customs in the interest of social integrity of the Samaj.

SECTION—104 :— What a pity is to see that an innocent girl is lured to marriage or otherwise induced by a lustful man and after impregnating the girl, the culprit escapes scot free, or with a mere fine or other nominent punishment, and the girl and her child become the social hazard.

Hence the adulterant father has been held responsible in this Section.

SECTION—109 :— REGULATION OF GIVING SUKAR OR RADAKURA :— The main purpose of those two rules is to minimise the Sinali offences.

The original purpose of punishment for Sinali offences has been mentioned in the section 110, the practice or purpose of which has by now turned to be that as soon as a verdict of guilty is announced the culprits are left free to meet somewhere else. Further, it is not at all nice to see that an innocent Sukar has to sacrifice its life for the offence of a lustful human being.

Hence these two provisions have been codified here in attempt to minimise the Sinali offence.

SECTION—112 :— JUVENILE SINALI :— The main purpose of this rule is to prevent a premature or minor girl from being victim of a sexual intercourse and thereby being compelled to marry prematurely for her getting pregnant in a Sinali.

SECTION—113 :— UNNATURAL SEXUAL INTERCOURSE :— This type of Sexual intercourse is a serious type of criminal offence for which the punishment may extend to life imprisonment.

Hence this should be codified in this Law to make the persons alert on the matter.

SECTION—117 : PUNISHMENT FOR GROUP 'A' SINALI OFFENCE :—

All the group 'A' coquetries are of criminal nature, but on the other hand, the Samaj reserves the right to dealing with all social cases by itself in the social side apart from the criminal side of each offences.

Hence the punishments for the offences have been prescribed practically in two fields, fine and imprisonment in the criminal side and sinali khatipuran (in lieu of giving Sukar) and other compensations and physical or mental punishments. In this section, some obsolete rules like whipping had to be given place for protection of the important social customs which the general public desire to preserve.

SECTION—117 (6) :— JUVENILE SINALI :— The prescription for the whipping for this offence has been provided because most of the girls or their guardians shall not be able to pay a fine or compensation in cash and as such, the offending minor girls shall escape free and there remaining no other apprehension of other punishment the Juvenile Sinali or child marriage cannot be expected to be minimised.

Hence, to put such girls in fear, there could be no other alternative but the whips.

PART—10 : MAINTENANCE : SECTION-126 :— RIGHT TO MAINTENANCE OF WIFE AND CHILDREN :— Bitter past experience has it that somebody exercises his maximum possible cruelty on his wife due to which she is bound to seek for divorce or in some cases, the husband himself being guilty of other capable offence or for no fault of the wife simply deserts on whimsically divorces his wife and leaves the little children without any arrangement for their living. To stop this devil practice, the provision in this section has to be provided for the protection on the innocent wives and children.

CHAPTER-III : ADOPTION :- Adoption in the society is not a new thing but in absence of a rule, governing the adoption in most cases of adoptions, the purpose of adoption fails.

Hence, this chapter has been added in this Law, as a new chapter.

Part-II : OTHER MISCELLANEOUS SOCIAL CUSTOM :— In this part, attempt has been made minimize, if not eradicate, some devilish acts like alcohol drinking, gambling, cruelty & mercilessness to wives and some hard rules had to be codified to prevent these evils.

SECTION-137 : The powers provided in this section are inherent powers of the Samaj.

The provision of clause (d) is very much and invariable needed for the safeguard of the important social customs, and such need had been found but of experience that some people do not care for the social customs and they often deliberately defy the judgment or other passed by the competent courts or other such authority which are surely jeopardy to the social customs and the Samaj cannot and should not allow them to live a piggish life or to draw the Samaj to such a life.

Hence these provision ought to be codified.

SECTION-145 : CRUELTY AND WIFE BEATING : The main purpose of this section is to keep of the wickeds from their so called right to 'Mook Kanjabakure thook' "jyan manekoi syantarea gorok" (since she is the wife, she must be available all the time and whatever is liked can be done to or with her) and the reason thereof is that, some rogue husbands are so desperate that there is nothing that they cannot do and under with their wives resulting in frequent public nuisance and failure of the courts to award suitable punishment in absence of written rules as prescribed in this section.

I wish all the superstitions and blind beliefs prevailing in the society could be fot rite of and rules made accordingly, but since the majority of the Mizoram Chakma for whom these rules are to be dame, yet living under the influence of the past, it was not feasible so to do all of a sudden, and hence some draconian looking hard provisions had to be given place in these rules.

However, let us look forward to seeing these to be amended, and the law so nicely shaped as to suit the modern world in near future.

B.L. DEWAN
Court President & Recorder,
Chakma Autonomous District Council,
Kamalanagar.

Dated Kamalanagar,
the 31st March, '94.

ANNEXURE – II

AFFIDAVIT : Vide Section 32 (5) :

I, Shri ..... s/o ..... of ..... (Full home address) .....
solemnly affirm and declare as follows :–
That I at present belong to ..... caste/tribe. This is true to the best of my knowledge and belief.

That I have married/I wish to marry Smt. ..... d/o ..... of ..... (Full home address) no ...../during ..... This is true to the best of my knowledge and belief.

That I hereby renounce my parent caste/tribe and embrace the Chakma Scheduled Tribe with immediate effect in my own interest and at my own accord. This is to the best of my knowledge and belief.

That I hereby renounce/do not renounce my parent religion and embrace/do not embrace Buddhism as my religion from now on.
This is true to the best of my knowledge and belief.

That I shall be bound to abide by the Chakma Customary Law as may be amended from time to time.
This is true to the best of my knowledge and belief.

6. That I shall remain faithful and allegiant to the Chakma District Council and shall do my best possible to maintain its integrity.
   This is true to the best of my knowledge and belief.

7. That should I leave the Chakma community, I shall cease be a Chakma and thereby shall cease to claim any right as such.
   This is true to the best of my knowledge and belief.

Signature .....
(Name in Block letter)
Date .....

Solemnly declared and affirmed before me this ..... day of ..... month .....

Judicial Officer/Magistrate
Court President & Recorder.

ANNEXURE – III
(VIDE SECTION 37)
REGISTRATION OF MARRIAGE)

Name of the Village Council .....

Registration No.	Date of Marriage	Name/Father's Name of the groom	Address of the bride	Name of the Chhumulong Ojha
(1)	(2)	(3)	(4)	(5)

Name of the informer	Signature of the Village Council President	Remarks
(6)	(7)	(8)

ANNEXURE – IV
(VIDE SECTION 36)

FORM OF MARRIAGE CERTIFICATE :

Certified that Shri ..... s/o ..... of ..... and Smt. ..... d/o ..... of ..... were duly married on ..... at .....

Village Council President.
.....

Certified that the above Bill was unanimously passed in the 3rd Sitting of the Winter Session '96 of the 5th Chakma Autonomous District Council held on 31st Dec. '96 and in authentication signed on this day of Eighth September one thousand nine hundred seven Anno Domini.

R.M. Chakma
Chairman,
Chakma Autonomous District Council,
Kamalanagar.

*****

CHAKMA AUTONOMOUS DISTRICT (LAND AND REVENUE) ACT, 2002

No.C.31012/2/2001-DCA, the 13th September,2004. In pursuance of paragraph 11 of the sixth schedule to the Constitution of India, the following Act of the Chakma Autonomous District Council, which received approval of the Governor of Mizoram is hereby published for general information, namely :

CHAKMA AUTONOMOUS DISTRICT (LAND AND REVENUE) ACT, 2002

A
BILL

To provide for the recognition of right on land and assessment of Revenue on such land.

Preamble :- Whereas under clause (a) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council is empowered to make law on land and other connected matters.

And whereas it is expedient to provide for the recognition of rights on land settlement and the assessment of revenue on such land and for other ____lary matters in the Chakma Autonomous District Council.

Be it enacted by the Chakma Autonomous District Council in the fifty third year of the Republic of India as follows:-

1. **SHORT TITLE, EXTENT AND COMMENCEMENT** :-
   (1) This Act may be called the Chakma Autonomous District Council (Land and Revenue) Act, 2002.
   (2) It shall extendto the whole of the Chakma Autonomous District Council.
   (3) It shall come into force at once.

2. **DEFINITIONS :**-In this Act, unless the context otherwise requires,
   (a) **"DISTRICT"** means the Chakma Autonomous District ;
   (b) **"DISTRICT COUNCIL"** means the Chakma Autonomous District Council;
   (c) **"EXECUTIVE COMMITTEE"** means the Executive Committee of the Chakma Autonomous District Council;
   (d) **"GOVERNOR"** means the Governor of Mizoram;
   (e) **"LAND"** includes all lands either vacant or occupied. It shall include also benedicts arising out of land and things attached to the earth but shall not include minerals, minerals oil, natural gas and petroleum;
   (f) **"LAND REVENUE"** means any revenue assessed on an estate and includes other taxes assessed in lieu of land Revenue;

(g) **"PERMANENT SETTLEMENT PATTA HOLDER"** means any person other than a temporary patta holder who has entered into an engagement for use of a specified plot of land;

(h) **"PRESCRIBED"** means prescribed by rules made under this Act;

(i) **"RESERVED FOREST"** means a reserved forest as defined under sub-Paragraph (2) of paragraph 3 of the Sixth Schedule to the Constitution of India;

(j) **"SECRETARY"** means the secretary to the Executive Committee of the Chakma Autonomous District Council;

(k) **"TEMPORARY PATTA HOLDER"** means a person who has the temporary right of use and occupancy over a specified plot of land under such terms and conditions.

3. **EXCEPTED LANDS** :- This Act shall apply to all lands within the District except the following :-

(a) land includes in the Reserved Forest and

(b) the soil of all Government and public roads.

4. **LAND DONATION/ALLOTMENT ALREADY MADE** :-

All lands already donated or allotted to Government, Voluntary organisations,Society and Firm before and after commencement of the Chakma Autonomous District Council (Agricultural land) Act, 1983 and before commencement of this Act, shall stand cancelled.

Provided fresh allotment certificate shall be issued on proper survey of the land in such manner and on payment of such free and liable payment of annual tax, as may be fixed by the Executive Committee from time to time;

Provided further that due notice is served to the allotees.

EXPLANATION : Generally the former donation/allotment of lands were made without proper survey and as such the boundary demarcation and areas of the lands are found almost wrong resulting in dispute. Hence it is imperative to make allotment afresh after proper survey.

5. **PERMANENT SETTLEMENT PATTA HOLDER'S RIGHT OVER LANDS**:-

The permanent settlement/Patta Holders shall have heritable and transferable right of use or sub-letting his lands subject to:-

(a) the payment of all revenue and taxes legally assessed or imposed in respect of the land from time to time;

(b) such terms and conditions are as expressed in his settlement certificate and the rules made thereunder; and

(c) the surrounding area of Wet Rice Cultivation land of a settlement/temporary Patta Holder may claim 20(twenty) meters from the actual cultivated lands, provided this shall not be applicable within the proper town area declared by the District Council.

6. **POWER OF THE EXECUTIVE COMMITTEE OVER VACANT LAND**:-

In the case of any land over which person has right to use or occupy under this Act or which is under use or occupancy of the Government or any individual, the Executive Committee may direct that,

(a) such land may be disposed of by grant, lease or by way of otherwise in the manner prescribed;

(b) any person who is found to be in unauthorized occupation of such land may be evicted in the manner prescribed;

(c) any crops,building or other construction erected without authority may be disposed of in the manner prescribed.

7. **RIGHT OF FISHERY** :-

The Executive Committee may be notification in the manner prescribed declare any collection of water running stagnant and pond to be a fishery and no right, any fishery, so declared shall be deemed to have been acquired by the public or any person. Such fishery may be leased out in accordance with the rules prescribed.

8. **RECORDING AND DEMARCATION OF LAND** :-

The Executive Committee or any officers appointed in its behalf shall survey all lands to be recorded. The demarcation of boundary and the assessed revenue to be paid annually shall be recorded in the General Register vide Appendix 'A'. The Executive Committee may prescribe subject to the provisions of sub-paragraph (1) of paragraph 8 of the Sixth Schedule to the Constitution of India,the principles on which the land revenue is to be assessed, and the term on which settlement may be made, the Settlement or temporary patta holder shall make proper boundary marks under supervision of an officer authorized by the Executive Committee. Recording shall be made after spot verifications prescribed in the rules.

9. **CERTIFICATE OF POSSESSION AND ASSESSMENT** :-

(1) A settlement or temporary patta holder shall on the completion of survey and demarcation of boundary,obtain a Certificate of Recording of the details of land on payment of such recording fees as may be prescribed.

(2) Land regardless of ownership may be leased out at the rate and in the manner to be prescribed.

10. **LEGAL OWNERSHIP OVER LAND**:-

Possession of such Certificates showing details of boundary area and assessed revenue to be paid annually shall be deemed to be the conclusive proof that the land has been settled with the holder of the certificate and that all rights and interests arising out of such settlement have been vested in such holder of the certificate.

11. **CANCELLATION OF TEMPORARY PATTA**:-

If and when a temporary patta holder violates any terms and conditions of the temporary patta specified therein shall be liable to cancellation.

12. **TRANSFER OF OWNERSHIP OF LAND** :-

No transfer of any right,title or interest in land shall be recognized by the Executive Committee and no person shall be exonerated from any liability due to the District Council by virtue of such transfer,unless such transfer is registered in the office to the District Council in the manner prescribed.

13. **RATE OF REVENUE FOR STATION AREAS IN THE DISTRICT** :-

(1) The different rates of land revenue are fixed subject to the revision from time to time.

(2) Exemption from payment of house tax; persons who constructed his house on the land for which he pays the land revenue is exempted from payment of house tax.

14. **LIABILITY FOR LAND REVENUE**:-

Land Revenue payable in respect of any estate shall be due from any person who has been in any possession of the estate or any part of it during the financial year in respect of which that revenue be payable.

15. **REVENUE WHEN DUE AND HOW TO BE PAID**:-

Every sum payable under this Act on account of land revenue shall fall due on such date and shall be payable in such manner, in such installment,at such place and to such person as may be prescribed.

16.**ARREAR AND DEFAULTER**:-

Land Revenue not paid on the date when it falls due shall be deemed to be and arrear and every person liable to pay for it shall be deemed to be defaulter.

17. **PENALTY**:-

When an arrear has accrued and additional charge by way of penalty shall be levied from the defaulters prescribed by rules made under this Act.

Provided that a notice of demand for payment of an arrear shall be issued within the stipulated time and in specified manner.

18. **ATTACHMENT AND SALE OF MOVABLES**:-

For the recovery of arrears,the Executive Committee may in accordance with the provision of this Act order attachment and sale of so much of a defaulter movable property as well,as nearly as may defray the arrear.

Provided that nothing in the section shall authorise the attachment and sale of necessary wearing apparel,implements of husbandry,tools of artisans, arterials,houses and other buildings belongings to and occupied by the defaulter or such cattle or seeds, other necessary instruments and materials that may be necessary to enable the defaulter to earn his livelihood as an agriculturist.

19.**ATTACHMENT OF MOVABLE PROPERTIES**:-

(1) When an arrear has accrued in respect of any land settled permanently or temporarily with heritable or transferable interested, the Secretary or any Officer authorised in writing by the Executive Committee may order attachment of such land.

(2) Any attachment, sale of estate or immovable propertyshall be final unless a claim or suit is lodged with a competent court or law constituted under the Chakma Autonomous District (Administration of Justice) Rules 2001 as may be amended from time to time.

Provided that a Village Council Court shall not be competent to entertain such claim or suit of adjudication.

20. **APPEALS** :-

(1) Appeals in all revenue cases under this Act shall be heard and disposed of by the Executive Committee of Chakma Autonomous District Council. Provided that nothing done under this Act in connection with the recognition of right and interest over land precludes any person from bringing a suit in the competent Civil Court for possession of or declaration of his right to any immovable property which he may deem himself entitled.

(2) The appeals to the Executive Committee shall be preferred in such manner and within such time as may be specified.

21. **POWER TO MAKE RULES** :-

The Executive Committee may make rules for carrying out the provision of this Act.

22. **REPEALS AND SAVINGS** :-

The Pawi-Lakher Autonomous Region (Land and Revenue) Act, 1960 is hereby repealed.

Notwithstanding the repeal and not subject to the provision of section 4 of this Act all individual actions taken or proceeding made under the said Act shall be deemed to be action taken under this Act.

APPENDIX - 'A'
FORM OF PASS RECORD REGISTER
(See Section8)

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL
(Revenue Assessment) Regulation, 2002.

No.DCE/R-17/79, the 4th May, 2004. In pursuance of paragraph 11 of the sixth schedule to the Constitution of India, the following Regulations of the Chakma Autonomous District Council, which received approval of the Governor of Mizoram is hereby published for General Information :

THE CHAKMA AUTONOMOUS DISTRICT (REVENUE ASSESSMENT) REGULATION, 2002.

A
BILL

Where it is expedient to provide for the levy and collection of certain taxes and tolls ;

And whereas under Sub-paragraph (4) of paragraph 8 of the Sixth Schedule to the Constitution of India, the District Council for an Autonomous District is empowered to make Regulation for the levy and collection of taxes on lands, building and tolls on persons resident in the District.

Now, therefore, in exercise of the said powers and all other powers enabling in that behalf.

The Chakma Autonomous District Council is pleased to make the following Regulation in the Fifty Second year of Republic of India as follows :-

1. Short title,extent and commencement :-

1) This Regulation may be called the Chakma Autonomous District (Revenue Assessment) Regulation, 2002.

2) It shall extent to the entire area of the Chakma Autonomous District.

3) It shall come into forcefrom the date of its publication in Mizoram Gazette.

2. Definitions :- In this Regulations, unless the context otherwise requires-

A) **"District"** means the Chakma Autonomous District.

B) **"District Council"** means the Chakma Autonomous District Council.

C) **"Executive Committee"** means the Executive Committee of the Chakma Autonomous District Council.

D) **"Garden"** means any land to be cultivated for fruits, vegetables or other plantations including flowers,tea,coffee etc.

E) **"Land"** includes lands either vacant or occupied within the Chakma Autonomous District and also the benefits arising out of such land, and things attached to the earth or permanently fastened to any things attached to the earth but shall exclude minerals oil, natural gas and petroleum.

F) **"Poundy"** means a cultivable land along a river bank for plantation of yearly crop.

G) **"Secretary"** means Secretary to the Executive Committee of the Chakma Autonomous District Council.

H) **"Stall"** means a booth or covered stand for sale of wares at market, fair or in the open market.

I) **"Wetrice Cultivation"** means a cultivation in an area or areas suitable for permanent cultivation and/or used for such purposes and shall also include terracing for permanent cultivation.

3. Taxes on Land:-

1) All land held under permanent Settlement for wet rice cultivation shall be assessed to an annual tax of Rs. 60/- per hectare.

2) A land held under temporary patta for wet rice cultivation shall be assessed to an annual tax of Rs.50/- per hectare.

3) Every garden held under permanent settlement which is registered in the office of the Chakma Autonomous District Council shall be assessed to an annual tax of Rs.40/- per hectare.

4) Every garden held under temporary patta which is registered in the office of the Chaka Autonomous District Council be assessed to an annual tax of Rs. 30/- per hectare.

5) Every fish pond, Farm or Quarry which is registered in the Chakma Autonomous District Council under private occupation shall be assessed to an annual tax as under :-

a)	Quarry	Rs. 200/- per hectare.
b)	Farm	Rs. 100/- per hectare.
c)	Fish-Pond	Rs. 100/- per hectare.

4. House Tax :-

Buildings other than those belonging to the State Government and the District Council and other private buildings constructed on the land for which revenue is paid , the Executive Committee may, by order exempt, shall be assessed to an annual tax of Rs. 10/- per house.

5. Taxes on Trade/Firm :-

1) Any person who carries on business on any commodities under a trade license duly issued by the competent authority within the jurisdiction of the Chakma Autonomous District Council shall be assessed to an amount of tax to be fixed by the Executive Committee.

Provided that no person shall carry on any trading or business without trade license duly issued under these Regulations.

2) Any person who carries on any types of flying trade within the jurisdiction of Chakma Autonomous District Council under a proper license issued by the competent authority shall also be assessed to an amount of tax to be fixed by the Executive Committee.

3) Any person who contravenes any of the Provisions of these Regulations shall be punishable with a fine Rs. 1000/- (Rupees one thousand) at a time.

6. Taxes on Building :-

1) Every multi storey pucca-building if let out shall be assessed to an amount of tax to be fixed by the Executive Committee.
2) Every multi storey semi-pucca building if let out shall be assessed to an annual tax of Rs. 30/- per floor in addition to house tax or shop tax.
3) Every kutcha house if let out shall be assessed to an annual tax or Rs. 10/- per house.

7. Auction of Poundy :-

1) Plot of Poundy shall be auctioned to intending bidders every year by the Executive Committee or any Officer authorised in this behalf for a period of one calendar year.
2) The choice of Poundy for bidders shall be in the order of the amount of bids offered by them and accepted by the Executive Committee or any Officer in this behalf.

8. Preparation of Assessment :-

1) The Executive Committee shall cause to prepare annually in the months of January and February the list of Houses, Buildings, Shops, Stalls,Gardens,Wet rice cultivations, Fish-ponds, Farms, Poundy and Quarries etc.for the purpose of Assessment of taxes for the ensuing Financial year in the manner as it may consider appropriate.
2) It shall be the duty of every Village Council to render all necessary cooperation in furnishing and collection of correct information's in respect of the different items mentioned in sub-clause (1) above.

9. Collection of Taxes :-

1) All taxes assessed shall be collected from the month of April and shall be completed in the month of September every year.
2) All village Councils shall extend their help to the tax collectors in collecting taxes.
3) Any person who fails to pay anyof the taxes leviable by or under these Regulations within the scheduled period shall be declared defaulter.

10. Submission of Taxes to the Council :-

1) All taxes collected by the tax collector s shall be submitted to the Revenue or Taxation Office of the District Council as the case may be, positively within the last 15 days of every month.

11. Power of Remission :-

1) The Executive Committee shall have the power to remit any of the taxes under unavoidable circumstances and shall allow any such remission by a speaking order.
2) The Executive Committee may exempt by a speaking order for any period as may be considered necessary any person from payment of any taxes for poverty or for any other reason considered to be sufficient cause for such exemption.

12. Record of Taxes :-

All the taxes and tolls collected shall be entered in a register to be maintained chronologically in the Revenue or Taxation office of the District Council. Each entry shall be duly attested with date by the Secretary or by an officer authorised by the Executive Committee.

13. Penalty :-

1) In default of payment of any taxes payable by a person under these Regulations within the period mentioned in sub-section (1) of section 9, the defaulter shall be required to pay the amount sue from him by confiscation of his properties of equal value and even to the extent of cancellation of his pass, unless the defaulter pays the due within the date as may be fixed by the Executive Committee.
2) If a defaulter still refuses or fails to clear his due, the Executive Committee shall have the power to requisition the services of regular police by applying to the Deputy Commissioner who on receipt of such requisition shall immediately arrange for such police help as may be deemed necessary.

14. Repeal and Saving :-

1) The Pawi-Lakher Autonomous Region (Revenue Assessment) Regulation,1963, (Regulation No. 1 of 1963) is hereby repealed.
2) Notwithstanding such repeal, all action taken or proceedings made under the said Regulation of 1963 shall be deemed to be the actions taken or the proceedings made under this Regulation.

CHAKMA AUTONOMOUS DISTRICT COUNCIL
(Village Councils) Act, 2002.

AN
ACT

To provide for the establishment of Village Councils and for other matters relating to village administration.

PREAMBLE: Whereas it is expedient to provide for the establishment of Village Councils and their powers and for other matters relating to Village Administration including village police, public health and sanitation; and

Whereas by clauses (e) and (f) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council for an Autonomous District is empowered to make laws in respect of the establishment of Village or Town Committees of councils and their powers and any other matter relating to the Village or Town Administration including village or town police and public health and sanitation.

Now, therefore, the District Council of the Chakma Autonomous District (hereinafter referred to as the District Council), in exercise of the powers conferred on it as aforesaid and of all other powers enabling it in that behalf is pleased to enact and it is hereby enacted in the Fifty third Year of the Republic of India as follows:

CHAPTER - I
PRELIMINARY

Short title, extent And Commencement : 1.

(i) This Act may be called the Chakma Autonomous District (Village Councils) Act, 2003.

(ii) It shall extend to the whole of the Chakma Autonomous District.

(iii) It shall come into force on its publication in the Mizoram Gazette.

Definition : **2.** In this Act, unless the context otherwise requires:

(1) **"Dajakam"** means a work done collectively by villages for the common good;

(2) **"Dakkerani"** means a Village Crier;

(3) **"Deputy Commissioner"** means the Deputy Commissioner of LawngtlaiDistrict;

(4) **"District"** means the Chakma AutonomousDistrict as referred to in the Part IIIof the Table Appended to Paragraph 20 of the Sixth Schedule to theConstitution of India;

(5) **"District Council"** means the Chakma Autonomous District Council;

(6) **"Executive Committee"** means the Executive Committee of the ChakmaAutonomous District Council;

(7)**"Governor"** means the Governor of the State of Mizoram;

(8)**"Jurimana"** means a customary fine imposed by a Village Council for refusalto contribute in the Village's Dajakam;

(9) **"Scheduled Tribe or Tribes"** means such tribe or tribes as ate specified by thePresident of India under Article 342 (1) of the Constitution of India and amended by laws made by the Parliament from time to time in so far as thespecification pertains to the State of Mizoram;

(10) **"Secretary"** means the Secretary of the Village Council;

(11)**"Village Council"** means a Village Council constituted under the provision of this Act;

(12)**"Voter"** means a person who is entitled to vote at an election to the ChakmaAutonomous District Council.

CHAPTER – II
ESTABLISHMENT OF VILLAGE COUNCILS

3. CONSTITUTION OF VILLAGE COUNCILS.

(1) There shall be a Village Council in each Village within the jurisdiction of the ChakmaAutonomous District Council;

Provided that a village having not less than 50 (fifty) houses shall not be entitled to have aseparate Village Council.

(2) A Village Council shall be composed of members according to the number of houses thatit contains as specified:-

(a) For a Village having not more than 50 houses there shall be 3members;

(b) for Villages having 51 houses or more but less than 150 houses, there shallbe 5 members; and (c) for Villages having 151 houses and above there shall be six members.

(3) Members of the Village Council, subject to sub-section (3), shall be elected by the residentsof the Village who are entitled as voter in the latest Electoral Roll for the elections to theDistrict Council.

(4) Of the total number of members determined under sub-section (2), one third or nearestshall be nominated by the Executive Committee and the rest be elected by the adult membersof the Village in accordance with the rules made by the District Council under this Act.

4. DISQUALIFICATION FOR MEMBERSHIP: A person shall be disqualified for being elected as and for being a member of the Village Council:-

(a) if he is not a member of a Scheduled Tribe;

(b) if he has not attained the age of 25 years;

© if he is not a voter in respect of the village where he seeks election;

(d) if he is a member of any other Village Council;

(e) if he is of unsound mind and stands so declared by competent court or authorities;

(f) if he has been convicted of an offence under the existing law of

the Chakma AutonomousDistrict Council or under any law for the time being in force in India, unless a period of three years has elapsed since his conviction and if imprisoned, since his release from prison;

(8) if he is not a citizen of India.

5. REMOVAL OF MEMBER: Any member of the Village Council who due to serious illness fails to attend the three consecutive meetings of the Village Council shall be declared disqualified and his seat shall on receipt of such report from the President of the Village Council shall be declared vacant by the Executive Committee. The Executive Committee may make due inquiry if it thinks proper and necessary.

6. DURATION OF VILLAGE COUNCIL :-

(1) Every Village Council unless sooner dissolved, shall continue for three year from the date of its first meeting appointed by the Executive Committee.

(2) The Executive Committee shall have the power to extend or shorten the term by not more than six months at a time.

7. TENURE OF MEMBERSHIP. A member nominated to a Village Council in accordance with the provision of sub-section (4) of section 3 shall hold office at the pleasure of the Executive
Committee.

8. EXECUTIVE :-

(1) There shall be a President in each Village Council who shall be elected by the members of theVillage Council from amongst themselves, by majority of votes. They shall, with the assistance
of the Secretary of the Village Council discharge all the functions of the Village Council.

(2) The Executive Committee shall, in consultation with the President appoint or dismiss theSecretary of the Village Council. The Secretary shall not be a member of the Village Council.

(3) Every member of the Village Council and the Secretary may at any time, by writing under his/her hand, submit his/her resignation through the President to the Executive Committee.
The Executive Committee shall arrange shall arrange to elect or appoint as the case may be,substitute as soon as possible.

(4) The President may, at any time, by writing under his/her hand, submit his/her resignation to theExecutive Committee and until the Executive Committee accepts the report of the resignation he/she shall continue to discharge the duties of the President.

(5) If any time, for any reason, there is vacancy of a seat in the Village Council, it shall bereported forthwith to the Executive Committee by the President.

(6) If, for any reason the office of the President becomes vacant, the Executive Committee shall cause the vacancy to be filled as soon as possible. In the mean time

duties of the office shall be performed by one of the members appointed by the Executive Committee.

9. DUTIES AND FUNCTIONS OF THE VILLAGE COUNCIL:

(1) Subject to the provision as may be prescribed in this behalf by the Executive Committee,the Village Councils may exercise all or any of the following functions :

(a) cleaning of Village roads and paths;

(b) sanitation and conservancy in the Village area and the prevention of public nuisance;

© construction, maintenance and improvement of ghat, pond and well for the supply ofwater to the village for drinking, washing and bathing purpose;

(d) opening of, and regulating burial and cremation grounds for the disposal of dead bodiesof human being and allocation of the places for disposal of dead animals and otheroffensive matters;

(e) taking of curative and preventive measure in respect of an epidemic;

(f) construction, maintenance and improvement of village communication, drains andwaterways;

(g) control of village grazing grounds, allocation of grazers “Khutis” within the village area,village common and other property;

(h) regulating the construction of new building or house or extension or alteration of anysuch existing ones;

(i) anti-malaria and anti-kalazar measures and enforcement of vaccination;

(j) registration of Births and Deaths and maintenance of register for the purpose;

(k) supplying of local information as and when required to the District Council or the State Government;

(l) necessary measure for the preservation of public health and for improving the sanitation,conservancy or drainage of the village area;

(m) measures of public utility are to be calculated to promote the moral and material wellbeing of the villagers;

(n) planting trees at the site of public places, on village roads and paths and taking care of them;

(o) working and maintenance of public audio and visual sets for the benefit of the villagers;

(p) establishment and maintenance of libraries and reading rooms, cultural clubs or otherplaces for recreation and games;

(q) popularization of indigenous sport, folk dance, folk-songs and organization andcelebration of national and other local festivals;

© reservation of monuments;

(2) The District Council may delegate any functions and powers in sub-section (1) from time to time to the officers appointed by it as it may deem necessary.

(3) The Village Council shall allots a particular region or are within the boundaries of its villagefor jhuming in each particular year and the distribution of jhum shall be done in accordance with the laws frame by the District Council under paragraph 3 (1) (d) of the Sixth Schedule to the Constitution of India. For each and every of the above duties and functions, the VillageCouncil may appoint separate committee which shall be responsible for implementing itsdecisions.

10. MAINTENANCE OF POPULATION REGISTER AND POWER TO CONTROLMIGRATION FROM ONE VILLAGE TO ANOTHER :-

(1) The Village Council with the help of its Secretary shall maintain a Village population register according to proforma that may be prescribed by the Executive Committee from time to time.

(2) The President with the help of the Secretary shall cause submission of the latest populationregister/list every year of the Village Council to the Executive Committee or any other Officerthat may be appointed by the Chakma Autonomous District Council for the purpose.

(9) The Village Council shall not allow migration to any family or person to other Village withoutvalid reason and without prior approval or permission from the Executive Committee or the officer appointed for the purpose.

(4) The Village Council shall make entry in the population register of a newly migrated family from the other villages by fulfilling the following conditions :

(a) collection of detail information;

(b) submission of valid migration certificate and other valid documents from thecompetent authority;

© prior permission from the Executive Committee of the Chakma Autonomous DistrictCouncil or the other appointed on that behalf.

11. REGULATION OF "DAJAKAM":

(1) Each Village Council shall have the powers to exempt any person or persons from "Dajakam" on the ground of illness and other reasonable causes at its own discretion. The reason for the exemption shall be recorded in writing.

(2) Any person below 15 years of age shall not be allowed to present in the "Dajakam".

(3) The President or the Secretary of the Village Council shall have a list of persons performing "Dajakam" and shall see that each household has represented.

(4) One representative from the Village Council shall supervise the "Dajakam".

(5) The President of the Village Council shall cause to announce in the village the proposal of holding the "Dajakam" appointing the date and time.

(6) Any person who does not comply with the order of "Dajakam" shall be liable to "Jurimana" either in cash or in kinds not exceeding ` 12/- per "Dajakam" day unless he has beenexempted from "Dajakam" or has obtained communication under sub-section (1).

(7) If a Village Council fails to carry out its order to realize "Jurimana" imposed on any person the matter shall be referred to the Executive Committee for realization of the "Jurimana".

(8) Every person shall have the option commuting his obligation to render service under "Dajakam" on payment of compensation in lieu of it at a rate to be fixed by the Village Council not exceeding ` 10/- per "Dajakam" Day.

(9) Utilisation of "Jurimana" :-

(a) The amount of "Jurimana" that mentioned in sub-section (6) and the person performing"Dajakam" in any manner they think fit and proper might spend compensationmentioned in sub-section (8).

(b) The Secretary of the Village Council shall keep the account of receipt and expenditureof "Jurimana" and compensation and any person shall be at his liberty to inspect theaccounts.

(10) The Executive Committee shall settle any dispute arising out of the performance of "Dajakam" and such decision shall be final and binding to all concerned. The District Council shallregulate all matters connected with "Dajakam" and which are not provided for this Act and the Executive Committee in a manner shall notify all decision if it considers appropriate.

12. SANITATION: Each Village Council shall be responsible for the sanitation of the Village. The Village Council shall appoint a Sanitation Committee if necessary.

13. COLLECTION OF TAXES :-

(1) The Executive Committee of the Officer authorized by it on this behalf shall either appoint tax Collector or allot the work for collection of taxes, to suitable persons, specifying theirduties and any other matter connected with collection of taxes.

(2) Collection of taxes shall be done strictly in accordance with rules and under the instruction and direction given by the Executive Committee of any Officer of the District Councilauthorized by the Executive Committee on that behalf.

14. POWER OF THE EXECUTIVE COMMITTEE : The Executive Committee shall have the power to abolish an already created Village Council if that Village Council is not fulfilling the conditions laid down under sub-section (1) of section 3 of this Act. The Executive Committee shall also have power to amalgamate two or more Village Council into one Village Council if it deem fit and necessary for better administration in the interest of public.

CHAPTER - III
CONDUCT OF BUSINESS

15. PRESIDENT AND MEETING OF THE VILLAGE COUNCIL : The president of the Village Council shall preside over the meetings of the said Village Council. He shall summon the meetings of the Village Council whenever necessity arises and if and when two thirds of the members in writing request him to do so.

16. QUORUM :

(1) The quorum to constitute a meeting of the Village Council shall be two-third of the members.

(2) All proposals and questions shall be decided in the meeting by a majority of votes.

(3) The President of the Village Council or any person acting in this behalf shall not vote at the first instance but shall have and shall exercise a casting vote in case of equality of votes.

(4) No person other than a member of the Village Council shall vote nor shall speak or take part in its deliberation and any person contravening this provision shall be punishable with a fine not exceeding ` 50/- by the Village Council.

17. PRESERVATION OF ORDER IN A VILLAGE MEETING :

(1) The President shall preserve orders and shall have all powers necessary for the purposes enforcing his decision during the meeting as follows:

(2) The President may direct any members whose conduct is in his opinion disorderly to withdraw immediately from the day's meeting. The member shall comply with the order at once.

(3) If any member is ordered to withdraw for second time from a meeting of some session of the Village Council, the President may suspend the member for the remaining period of the same session.

(4) If any member fails to carry out the direction given to him under sub-section (1) or sub-section (2), the President shall report the conduct of the member in writing to the Executive Committee. On receipt of such report, the Executive Committee may, if deems necessary suspend the member for any period consider reasonable.

18. VILLAGE COUNCIL FUND :

(1) There shall be formed for every Village Council a fund to be called "Village Council Fund". Any collection authorized by law other than District Council revenue and taxes made in a Village Council for the good of the people shall be paid into the said fund. The President shall be the Treasurer of the fund and the Secretary shall keep the list of collection. Any subscriber to the collection shall open this account for inspection.

(2) The President and the Secretary shall cause maintenance of account and utilization of grant-in-aid receipt by the Village Council either from the Autonomous District Council or any other agencies of the Government either in cash or kind and also shall be responsible for submission of utilization certificate or any other documents that may be prescribed by any concerned authorities from time to time.

19. RESPONSIBILITY OF THE PRESIDENT FOR THE COMPLIANCE OF ORDER ETC:-

(1) The President shall cause notices and instructions for prevention of danger such as outbreak of fire, epidemic etc in the Village to be proclaimed by engaging "Dakkerani" and whenever notices, orders circulars or letters are received for redistribution from the District Council or State Government to pass onto other villages, shall be forthwith caused to be sent through the Secretary.

(2) The President shall be responsible for the compliance of all orders and notifications issued either by the District Council of State Government.

(3) The President shall cause all such orders and notifications to be read out by the Secretary in the meeting of the Village Council and if it is necessary to be brought to theknowledge of the public and it shall be given over to the Secretary for publication by the "Dakkerani".

(4) The President shall be responsible for the proper and up to date maintenance of all books, records kept by the Secretary.

20. THE SECRETARY :-

(1) There shall be a Secretary in each Village Council appointed by the Executive Committee on the recommendation of the Village Council.

(2) The Secretary shall be the Village writer and shall be responsible for the duties enumerated below :

(a) he shall record all the proceedings of the Village Council as well as the Village Court and the President shall sign on all such records. He shall publish all orders, notifications and records as may be necessary of such order and the President shall sign on such notifications and records.

(b) on receipts of orders, notices, circulars or letters from the District Council or from the State Government for service or for onwards transmission to other Village, theSecretary shall cause to be served on and transmitted to any other Village Council asmay be directed and he shall be responsible to carry out such directions.

(c) he shall keep the books and records of the Village Council and of the Village Council Court. He shall sent all such books and records to the Executive Committee as may berequired by it, with his own signature and of the President.

(d) All books and records shall be kept ready to be examined at any time by the Officer of the District Council or any person so appointed in this behalf.

21. VILLAGE RULES :-

(1) Each Village Council may frame its rules for the administration of the village in accordance with the need of the village.

(2) No rule shall be enforced in a Village Council by the Village Council without the prior approval of the Executive Committee.

22. VILLAGE SITE :

(1) A Village Council shall not shift the site of a village to a new site without the approval of the Executive Committee.

(2) Without the written permission of the Executive Committee no sub-Village or temporary village for more than a year shall be made or set up at any site within the Chakma Autonomous District Council Area.

(3) The Executive Committee or any other Officers of the Chakma Autonomous District Council authorised any Officer in that behalf by the Executive Committee, may evict any person or persons having an occupation of unauthorised sub-village or temporary village after service on such person or persons of a notice to vacate the area within a period of not less than three months.

(4) On failure to vacate the area within the time fixed in the notice, the Executive Committee or any other Officer of the District Council authorised in that behalf may impose a fine not exceeding ` 50/- per month to each family for the unauthorized occupation after serving the notice.

(5) The order of the Executive Committee or the Officer of the District Council passed under sub-section (3) and (4) above shall deem to be a clause of a competent Civil Court for the purpose of evicting unauthorized of the area to which this section applies.

23. DAKKERANI :-

(1) Normally there shall be only one "Dakkerani" for each Village Council. If for any reason more than one "Dakkerani" is found necessary, prior approval of the Executive Committee for such appointment shall be obtained.

(2) To appoint "Dakkerani" for each Village Council advertisement to this effect shall be made by the President fixing a date for selection. The Village Council in its full sitting shall make the appointment of "Dakkerani" from among the applicants. The Village Council may dismiss the "Dakkerani" but such cases shall be reported to the Executive Committee.

24. THE DUTIES OF THE DAKKERANI SHALL BE AS FOLLOWS :-

(1) He shall bring to the notice of the public all orders and notifications, the Village Council may direct to be notified.

(2) He shall summon all parties and other persons required by the Village Council or the Village Court to attend the meeting.

(3) The Secretary may also direct the "Dakkerani" to bring to the notice of the public any other matter not necessarily connected with the affairs of the Village Council.

(4) If any emergency occurs requiring the gathering of the public in the interest of the Village Council, any member of the Village Council may without the previous approval of the President, direct the Dakkerani to summon all the villagers.

(5) The "Dakkerani" shall carry notice to all members of the Village Council for a meeting of the Council summoned by the President.

25. REMUNERATION OF THE VILLAGE COUNCIL MEMBER ETC :-

Members of the Village Council including the President and also the Secretary and the Dakkerani shall be entitled to receive such remuneration and privileges as may from time to time, determined by the District Council.

26. DISSOLUTION OF THE VILLAGE COUNCIL :-

(1) The Executive Committee by public notification order the dissolution of a Village Council if in its opinion the Village Council is too inefficient or is not able to carry on the Village administration or is acting in the manners prejudicial to the interest of the State or for any reason consider sufficient for such dissolution and issue order for holding fresh election of the Village Council. Copies of all such order shall be sent to the Deputy Commissioner of the Lawngtlai District.

(2) The Executive Committee may appoint any person or persons to assume charge of the Village administration and also to act in the Village Council Court during the period intervening between the dissolution of the Village Council and the completion of the election under the provisions of sub-section (1).

(3) When any Village Council has been dissolved under the provision of sub-section (1), the Executive Committee at its meeting shall lay before the District Council in Session at its first meeting after such dissolution, all papers, connected therewith and the matter shall be opened for discussion by the members of the District Council.

(4) So long as the Village Council acts as the Village Court under the law, the Village Council so dissolved shall cease forthwith to function as Village Council Court.

27. BOUNDARIES AND JURISDICTION OF VILLAGE COUNCIL :-

(1) In fixing the boundaries of the Village, the Executive Committee may appoint a boundary commission and the reports and the finding of the commission thus appointed shall be laid before the Council session.

(2) No person shall be allowed to make jhum outside the jurisdiction of that Village in which he resides without the written permission of the Executive Committee.

28. ALLOTMENT OF HOUSE SITE IN THE VILLAGE :-

No person shall be allowed to construct a house for any purpose without the written permission from the Village Council.

29. POWER TO MAKE RULES :-

Subject to the approval of the Governor, the Executive Committee may make rules for carrying out any of this provision of this Act.

30. REPEAL AND SAVING :-

(1) The Pawi-Lakher Autonomous Region (Village Councils) Act, 1954 as amended as applicable to the Chakma Autonomous District Council is hereby repealed.

(2) Notwithstanding such repealed, any action taken or proceeding made under any provision of these Acts repealed therein shall be deem to be the action taken or proceeding made under this Act.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (VILLAGE COUNCIL) (AMENDMENT) ACT, 2011.

No. DCA/R-11/79, the 12th April, 2012. In pursuance of paragraph 11 of theSixth Schedule to the Constitution of India, the following Acts passed by theChakma Autonomous District Council and approved by His Excellency the Governor of Mizoram on 17.2.2012 is hereby published for generalinformation, namely :-

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (VILLAGE COUNCIL) (AMENDMENT) ACT, 2011.

AN

ACT

To amend **the Chakma Autonomous District Council (Village Councils) Act, 2003 (hereinafter called the Principal Act)** and to provide for the establishment of Village Councils and for other matters relating to village administration.

PREAMBLE:-

Whereas it is expedient to provide for the establishment of Village Council and their power and for other matter relating to Village administration including Village police, public health and sanitation; and

Whereas by clause (e) and (f) of sub-paragraph (1) of paragraph 3 of the Sixth schedule to the Constitution, the District Council for an Autonomous District is to empowered to make laws in respect of the establishment of Village or Town Committees or Councils or any other matters relating to the Village or Town Administration, Village or Town Police and Public health and sanitation.

Now, therefore, the District Council of the Chakma Autonomous District Council (hereinafter referred to as the District Council, in exercise of the powers conferred on it as aforesaid and of the other powers enabling it in that behalf is pleased to enact and it is hereby enacted as follows :

1. Short title, extent and commencement :-

(i) This Act may be called the Chakma Autonomous District Council (VillageCouncils) (Amendment) Act, 2011.

(ii) It shall have like extent as the Principal Act.

(iii) It shall be deemed to have come into force with effect from the date of itspublication in the Official Gazette.

2. Amendment of Section 2:-

(1) In Section 2 of the Principal Act, after clause (7), the following clause 7(a) shallbe added. Namely :-

"7(a) 'Gram Sabha' means a body consisting of persons registered in the ElectoralRoll or Rolls relating to a village or village comprised within the area of the village council".

(2) In section 2 of the Principal Act after clause (10), the following Clause 10 (a)shall be added namely :-

"10(a) State 'Election Commission' means the State Election Commission asconstituted for the state of Mizoram under the provision of Part IX and Part IX Aof the Constitution".

(3) In Section 2 of the Principal Act, after clause (12), the following clause shall beadded, namely :

"(13)" 'Community Assets' means any property of income which by custom belongs to or has been administered for the benefit of the villagers in common, or has been created through contribution of voluntary labour by the villagers orhas been created out of Govt. or District Council or Village Council fund andvested with the village Council or which has been transferred to the village by anyagency whatsoever"

3. Amendment of Section 3 :

After sub-section (4) of Section 3 of the Principal Act, the following sub-section shall be added, namely :

"(5) The MDCs shall be Ex-Officio Members of the Village Councils within theterritorial Jurisdiction of their MDC Constituencies. However, they shall not havevoting rights during no-confidence motion, if any, in the village

(6) Not less than one of the total no. of seats shall be reserved for woman for thetime being.

(7) The conduct of elections to the Village Councils shall vest in the State ElectionCommission. However, the Officers/Officials to be detailed for the VillageCouncil elections shall be selected from the employees of the District Council".'

4. Substitution of Section 5 :

Section 5 of the Principal Act shall be substituted as follows, namely :

"5 Removal of President, Vice President and Members of the Village Council :-

(1) The President and the Vice President, if any of the Village Council may be removed by a vote of No-Confidence passed by the majority of members of theVillage Council, showing reasonable grounds for such motion.

(2) A Member of a Village Council may be removed if he absents himselffrom attending Village Council meetings of three consecutive occasions, whenconvened by the President with due intimation to the Members.

5. Amendment of Section 6 :

Section 6 of the Principal Act shall be substituted by the following, namely :

"(6) Duration of Village Council :

(1) Every Village Councils unless sooner dissolved, shall continue for five yearsfrom the date of its first meeting appointed by the State Election Commission,provided that the existing Village Councils which have been elected before the commencement of the Chakma Autonomous District Council (Village Councils)(Amendment) Act, 2011shall continue for not more than three years.

(2) The process of election to a Village Council shall be completed before the termof the Village Council comes to an end.

(3) In the case of dissolution of a Village Council, election for the new VillageCouncil shall be completed within six months of the date of order of dissolution".

6. Amendment of Section 8 :

"(1) in sub-section (1) of section 8 of the Principal Acts, between the word "President"and in each village, the words "President" and "Vice President" shall be inserted.'

(3) In Sub-section (5) of Section 8 after the word "Executive Committee by thePresident" the words, "Who shall subsequently report the matter to the State Election Commission" shall be added.

7. Amendment of Section 9 :

In Section 9 of the Principal Act, after sub-section (3), the following sub-section (4)shall be added, namely :-

"(4) The Village Council shall be accountable to the Gram Sabha for all its functions, expenditure, approval of plans and approval of Utilization Certificate".

8. Amendment of Section 11 :

In Section 11 sub-section (6) and (8) of Section 11 of the PrincipalAct, for the figures "` 12/-" and "` 10/-", the figures "` 100/-" and "` 100/-" shall be substituted respectively.

9. Amendment of Section 14 :

In Section 14 of the Principal Act, the following clause shall be added, namely-

"(1) The Executive Committee shall have the right to interfere in Village Administration in case of Mismanagement of Village Council Funds or mal-administration in the Village Council".

10. Amendment of Section 15 :-

In Section 15 of the Principal Act, the following clause shall be added, namely -

"There shall be at least 4 (four) Village Council meetings in a year".

11. Insertion of Section 20A and 20B :-

After section 20 of the Principal Act, the following new sections shall be added, namely:

20-A : Allocation of Functions to the Village Councils –

The Governor, on the recommendations of the Executive Committee, may allocate from time to time all or any of the functions listed in the Eleventh Schedule to the Constitution, to any Village Council and demarcate the roles of the Village Council, the District Council and the State Govt. in these areas.

20-B : Gram Sabha –

(1) Every Gram Sabha shall approve the plans, programmes and projects for social andvillage economic development in respect of the village concerned before suchplans, programmes and projects are taken up for implementation. The Plan andProposals so approved and the Utilization Certificate(s) thereby shall be submitted to the Local Administrative Department of the District Council forfurther necessary action.

(2) The Village Councils be responsible for the identification and/or selection ofpersons as beneficiaries under the poverty alleviation and other programmes.
(3) Ordinarily a Gram Sabha will be convened and presided over by the President ofthe Village Council. However, in the absence of the President or due to hisincapacity to convene such meeting, the Vice President or the Secretary mayconvene a meeting.
(4) Quorum of a Gram Sabha shall be 10% of the total no. of registered voters village or villages concerned.
(5) Every Gram Sabha shall be responsible to safeguard and preserve the traditions and custom of the people, their cultural identity, and management of community assets.
(6) Every Village Council shall be required to obtain from the Gram Sabha a Certificate of utilization of fund for the plan, programmes and projects executed by them.
(7) The Gram Sabha and the Village Council shall consult with the Executive Committee (a) before making any acquisition of land; and (b) before re-settlementand rehabilitation of persons affected by such projects.
(8) The recommendation of the Gram Sabha and Village Council shall be mandatoryfor grant of concession for the exploitation of minor minerals by auction, in consultation with the Executive Committee of the district Council.
(9) Subject to sub-section (1) all individual beneficiaries under various welfare anddevelopment schemes shall be selected by the Village Councils.
(10) There shall be at least 4 (four) Gram Sabha meeting in a year.
(11) The Gram Sabha may decide that any of its functions may be performed by theVillage Council.
(12) The Minutes of the meeting of each Gram Sabha shall be recorded in Register andshall be maintained by the Secretary of the Village Council.

12. Amendment of Section 26 :-

The following provision shall be added to sub-section (1) of Section 26 of the Principal Act, namely -

"Provided that no such dissolution shall take place unless the Village Council has been given a reasonable opportunity to explain as to why it should not be dissolved."

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THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (Village Councils) (Amendment) Rules, 2014.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (Village Councils) (Amendment) Bill, 2014.

A BILL

To amend the Chakma Autonomous District Council (Village Councils) Act 2003, (hereinafter called the Principal Act) and to provide for the establishment of Village Councils and for other matters relating to Village Administration.

PREAMBLE : Whereas it is expedient to provide for the establishment of Village Councils and their powers and for other matters relating to Village Administration including village police, public health and sanitation; and

Whereas by clauses (e) and (f) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council for an Autonomous District is empowered to make laws in respect of the establishment of Village or Town Committee or Councils or any other matters relating to the Village or Town Administration, Village or Town police and Public Health and Sanitation.

Now, therefore, the District Council of the Chakma Autonomous District (hereinafter referred to as the District Council), in exercise of the powers conferred on it as aforesaid and of all other powers enabling it in that behalf is pleased to enact and it is hereby enacted with prior approval of his Excellency the Governor of Mizoram as follows :

1. **Short title, extent and commencement :**
   - i) This Act may be called the Chakma Autonomous District Council (Village Council)(Amendment) Act, 2014.
   - ii) It shall have like extend as the Principal Act.
   - iii) It shall be deemed to have come into force with effect from the date of its publication inthe Mizoram Gazette.

2. **Amendment of Section 3 of the Chakma Autonomous District Council (Village Councils)Act, 2003 :**

   Sub-section (2) of Section 3 shall be substituted by the following :-

   "A Village Council shall be composed of members according to the number of families that it contains as specified :- (a) for a village having not more than 50 households there shall be 3 members; (b) for villages having 51 households or more but less than 101 households, there shall be 5 members; (c) for villages having 101 but less than 151 households, there shall be 6 members; and (d) for villages having 151 households and above there shall be 7 members".

Provided that the Executive Committee shall have the power to increase and decrease seats in the Village Council(s) if and when it deems necessary and shall declare the number of seats in each and every Village Council before General Election.

3. Amendment of Section 3 (7) of the Chakma Autonomous District Council (Village Councils) (Amendment) Act, 2011 :

In Sub-section 7 of section 3, the word "Provided that the State Election Commission shall have the power to engage the concerned Deputy Commissioner and the Sub-Divisional Officer © with their respective official staffs for the purpose of election" shall be added after the word "Employees of the District Council".

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THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (Village Council) (Amendment) Act, 2016

AN
ACT

to amend the Chakma Autonomous District Council (Village Councils) Act, 2003 and the Chakma Autonomous District Council (Village Councils) Act, 2011 (hereinafter called the Principal Act and the Chakma Autonomous District Council (Village Councils) (Amendment) Act, 2011 respectively) and to provide for establishment f Village Councils and for other matters relating to Village Administration.

PREAMBLE: Whereas it is expedient to provide for the establishment of Village Councils and their powers and for other matters relating to Village Administration including Village Police, Public Health and Sanitation; and

Whereas, by clauses (e) and (f) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council for an Autonomous District is empowered dto make laws in respect of the establishment of Village or Town Police and Public Health and Sanitation.

Now, therefore, the Chakma Autonomous District Council, in exercise of powers conferred on it as aforesaid and of all other powers enabling it in that behalf is pleased to enact and it is hereby enacted as follows:

1. Short title, extend and commencement:

(i) This Act may be called the Chakma Autonomous District Council (Village Councils) (Amendment) Act, 2016.
(ii) It shall have like extend as the Principal Act.
(iii) It shall be deemed to have come into force from the date of its publication in the Mizoram Gazette.

2. Amendment of Section 3:

After sub-section (7) of Section 3 of the Chakma Autonomous District Council (Village Councils) (Amendemnt) Act, 2011 the following sub-sections shall be added as:-

(8) For a newly created Village Council(s) or Village(s) where an election to the Village Council(s) or Village(s) cannot be held the Executive Committee shall appoint Administrator/Care-taker to hold Office of the Village Council(s) for the particular Village(s) till election is held.
(9) The Executive Committee shall appoint the nominated Village Councils Member(s) as determined under sub-section (2) of the Chakma Autonomous District Council (Village Councils) (Amendment) Act, 2014 after the first sitting of the Village Council(s) after publication of Election Result by the State Election Commission.

3. Amendment of Section 27:

In sub-section (1) of Section 27 the word "and the reports and finding of the Commission thus appointed shall be laid before the Council session" shall be substituted by the word "whose decision shall be the final and the Executive Committee shall notify the report for compliance.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (DISTRICT SCHOOL EDUCATION BOARD) RULES, 2002

No. C. 31030/5/97-DCA, the 13th August, 2003. In pursuance of paragraph 11 of the sixth schedule to the constitution of India, the following Rules of the Chakma Autonomous District Council, which received approval of the Governor of Mizoram is hereby published for general information;

In exercise of powers conferred by clause (a) of sub-paragraph (7) of paragraph 2 of the Sixth Schedule to the Constitution of India, the Chakma Autonomous District Council is pleased to make the following rules for the regulation and control of Elementary Education in the Chakma Autonomous District Council areas as follows

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (DISTRICT SCHOOL EDUCATION BOARD) RULES, 2002

CHAPTER - I

PRELMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT :

(1) These rules may be called the Chakma Autonomous District Council (District School Education Board) Rules, 2002.

(2) It shall extend to the whole of Chakma Autonomous District.

(3) It shall come into force on the date of publication in the Mizoram Gazette.

2. DEFINITIONS :

In these Rules, unless the context otherwise requires :-

(a) **"Administrator"** means an Administrator of the Board appointed by the Executive Committee to administer the Board during its suspension;

(b) **"Board"** means the Board constituted under these rules;

(c) **"Budget"** means the yearly budget of the Board;

(d) **"Centre"** means the Examination Centre for holding any examination of the Board as may be allotted to it;

(e) **"Centre Superintendent"** means a person appointed by the Board to conduct and supervise examination of the Board at the centre;

(f) **"Controller of Examinations"** means a Controller of Examinations appointed under these rules;

(g) **"Controlling Authority"** means an authority designated asControlling Authority of the Board by the Executive Committee under sub-rule (3) of rule 4 of these rules;
(h) **"District Council"** means the Chakma Autonomous District Council;
(i) **"Drawing and disbursing officer"** means the Secretary of the board or any other officer duly authorised by him from time to time in writing to draw and disburse any Board's fund;
(j) "Executive Committee" means the Executive Committee of the Chakma Autonomous District Council;
(k) **"Examination Committee"** means the Examination Committee constituted by the Board under Sub-rule (i) of rule 42 of these rules;
(l) **"Finance Committee"** means a Finance Committee constituted by the Board under rule 60 of these rules;
(m) **"Fund"** means the fund of Chakma Autonomous District Council (District School Education Board) as reflected in rules 30,31 and 32 of these rules;
(n) **"Government"** means the State Government of Mizoram;
(o) **"Governing Body"** means the body constituted under sub-rule (2) of rule 4 of these rules;
(p) **"Head of Institution"** means the Head of the Institution by whatever name he or she may be designated;
(q) **"Invigilator"** means a person who assists the Superintendent of a Centre in conducting and supervising the Examination;
(r) **"Institution"** means any recognised Primary, Pre Primary,Middle,Professional or Vocational School or an adult Education Centre;
(s) **"Managing Committee"** means a duly constituted managing Committee recognised by the Board;
(t) **"Middle School"** means a school preparing students for Middle School Leaving Certificate Examination;
(u) **"Moderator"** means a person appointed to moderatemanuscripts of Question Papers.
(v) **"Notification"** means a notification published by the District Council in the Mizoram Gazette"
(w) **"Paper Setters,Examiners,Head Examiners,Scrutinisers and Tabulators"**means a person appointed by the Board under such respective designation in connection with conduct of Examinations;
(y) **"President"** means the President of Board constituted under these rules;
(z) **"Private Candidate"** means a candidate other than a regular candidate who has been allowed to appear in any examination conducted by the Board;

(za) **"Recognition Committee"**means a Committee constituted by The Board under sub-rule (i) of rule 62 of these Rules;
(zb) "Secretary" means the Secretary of the Board appointed under these Rules;
(zc) **"School"**means an institution including Pre Primary,Primary, Middle and other Institutions imparting Education or Training Upto the level of Middle School LeavingCertificate;
(zd) **"Supervisor"** means a person appointed to assist the Centre Superintendent for smooth conduct of Examination;
(ze) **"Syllabus Committee"** means a Committee constituted under Subrule (i) of rule 61 of these rules;

(zf) **"Teacher"** means teacher including Head Master or Head Teacher of any School recognised by the Board within Chakma Autonomous District;

CHAPTER-II
THE BOARD

3.ESTABLISHMENT AND INCORPORATION OF THE BOARD

(1) The Chakma District Council may constituted the District School Education Board.
(2) The Executive Committee of the Chakma District Council shall be the controlling authority of the District School Education Board.
(3) The Board shall be a body corporate with perpetual succession and common seal and shall have the power to acquire and hold any property the transfer of any property held by it,to enter into any contract and do all other things necessary for the purpose of carrying out its duties and functions and shall,by the said name sue or be sued.

4. CONSTITUTION OF BOARD :

(1) The board shall consist of the following members namely :-
- (a) The President;
- (b) The Vice President;
- (c) Secretary of the Board-Member Secretary;
- (d) Controller of Examinations-Ex-Officio;
- (e) Education Officer,Chakma Autonomous District Council, Ex-officio.
- (f) Assistant Education Officer,Chakma Autonomous District Council Ex-officio;
- (g) Principal,Kamalanagar College-Ex-officio;
- (h)One High School Teacher within the Chakma Autonomous District Council to be nominated by the President.
- (i) One Middle School Teacher to represent the Middle Schools of the Chakma Autonomous District Council;
- (j) One representative from Primary School Teacher;
- (k) Two eminent persons nominated by the Executive Committee,Chakma Autonomous District Council;
- (l) Two persons amongst the distinguished/eminent educationist appointed by the Board;
- (m)The Board so constituted under sub-rule (1) above shall function as Governing Body of the Board.
- (n) If,by such date as may be prescribed by the Board,any of the authority concerned fails to nominate member or members provided in the above sub-rule (1) the controlling Authority shall have the power to appoint such member or members to hold office.

5. PUBLICATION OF NAMES OF MEMBERS OF THE BOARD

The name of the persons nominated or appointed as members of the Board shall be published by the Board in the Official Gazette of Mizoram.

6. TERMS OF OFFICE OF THE MEMBERS :

Nominated members of the Board under rule 5 shall hold office for a period of three years from the date of publication of the notification or from the date _____ sitting of the Board whichever is earlier; provided that the Executive Committee of the District Council may, by notification extend the term of office of all such members for a period not exceeding one year.

7. DISQUALIFICATION FOR NOMINATION AS A MEMBER AND REMOVAL OF A MEMBER AND FILLING UP OF THE VACANCY :

(1) A person shall not be eligible for nomination as a member of the Board or of the Committees formed by it, if he or she
   - (a) has been adjudicated by a court of law to be of unsound mind.
   - (b) has been convicted by a court of Law for an offence which is declared by the Government to be an offence involving moral turpitude.

(2) If a nominated member of the Board or if any Committee formed by it becomes subject to any of disqualifications, specified in clause-(a) and (b) of sub-rule (1) his/her membership thereupon ceases even if he is already nominated as such member of the Board/Committee.

(3) The Executive Committee may remove from the Board a member who, in its opinion,has so abused his position as such member as to render hiscontinuance on the Board detrimental to public interest. Provided that the Executive Committee shall, before removing a memberas aforesaid, give him an opportunity of being heard and shall place on record its reasons for the removal of such member.

(4) When the prescribed term of office of members other than ex-officio members, is expired, the vacancies so caused shall be filled up as soon as possible as per provisions of Sub-rule (1) of rule 4.

8. RESIGNATION OF MEMBERS AND CASUAL VACANCIES ETC.

(1) A member of the Board other than ex-officio members may resign his/her membership by givingnotice thereof in writing to the President and such member shall be deemed to have vacated his/her seat from the date of acceptance of his/her resignation by the President.

(2) The President may, by notification, remove any nominated member who remain absent from three consecutive meetings of the Board without any leave of the Board.

(3) In the event of a casual vacancy occurring by resignation,removal,death or disqualification etc. of the member, such vacancy shall be filled up by nomination in the manner provided in rule 4.

(4) Any person nominated to fill a casual vacancy shall hold office for the unexpired portion of term of office of the member in whoseplace he/she is nominated.

9. MEETING OF THE BOARD :

(1) The Board shall meet not less than three times during a calendar year but four months shall not lapse between the last and the next meeting.

(2) The President of the Secretary may at any time and upon the requisition made by not less than two thirds of the members of the Board other than ex-officio members and on the receipt of such requisition shall call special meeting of the Board.

(3) Seven days notice shall be given for the ordinary meetings of the Board and two days notice for special meeting.
(4) In the event of the emergency requiring immediate attention/decision of the Board the Executive Committee or the controlling Authority may direct the Board, on consultation with the President, to call an emergency meeting of the Board.

10. QUORUM :

One-third of the members of the Board shall form the quorum for such meeting of the Board.

CHAPTER-III

11. POWERS AND DUTIES OF THE BOARD :

The Board shall have subject to any general or special order of the District Council, and provision of these rules, the power to administer,regulate, supervise,control and develop school education including adult education and control over any teacher or employee in such schools in general and individual services in particular.

The Board shall have the following powers and duties, namely :-

(a) to prescribe courseof instruction including teaching of practical work and the like where necessary for Pre-Primary, Primary, Middle Schools and Adult Education :
(b) to conduct and supervise the examinations based on such courseas prescribed ;
(c) to admit to its examinations or conditions that may be prescribed in these rules, candidates who have persuaded the prescribe course of instruction whether at a school or privately who may be eligible as per rules and also to take such disciplinary action against candidates;
(d) to demand and receive such fees and fines;
(e) to publish or withhold the results of examinations;
(f) to grant certificates to persons who
(i) have persuaded a course by study in an institution admitted to the privilege of recognition by the Board; or
(ii) are teachers in recognised schools in Chakma District Council area; or
(iii) have studied privately under condition laid down by the Board.
(g) to institute and award scholarships, prizes and the like;
(h) to prescribe, prepare, publish and select text books and supplementary books or cause to prepare or publish and select text book for any or all of its prescribed courses for its various examinations;
(i) to lay down conditions for recognitions of schools, Pre-Primary candidates for various school courses and such other courses;
(j) to recognise Middle, Primary, Pre-Primary Schools, in the Chakma Autonomous District Council to withdraw such recognition on grounds considered reasonable subject to the provisions of these rules;
(k) to take such disciplinary action if it thinks fit against institutions, the teachers and the

employees;

(l) to adopt measures for study and examination of problems in the field of school education and adult education;

(m) to advise the District Council on physical, moral and social welfare of students in recognised institutions and to prescribe conditions for their residence and discipline;

(n) to prescribe necessary qualifications of teachers in recognised schools;

(o) to receive grants from DistrictCouncil and Government and donations from private individuals and other non- Government of semi-Government bodies or Central Government for specific or general purposes and to administer it;

(p) to call for reports from the Education Department of District Council on the conditions of non-recognised institutions applying recognition;

(q) to advise the District Council relating to any matter within the provision of these Rules on which the District Council may consult the Board;

(r) to delegate all or any committee constituted under these rules and to any of its officers;

(s) to cause an inspection to be made by such persons as the Board nominate, of an un-recognised institutions if and when considered necessary;

(t) to invest surplus funds of the Board in Government securities or defiance Bond on fixed deposit in approved scheduled Banks or Reserve Bank;

(u) to receive, purchase and hold any property movable or immovable which may become vested in it and to dispose off of all or any of ____ property, movable or immovable belonging to it, and also do other acts incidental or appearing thereto, subject to approval of the District Council;

(v) to issue orders to all Heads of its recognised institutions and demand compliance thereof to render such cooperation and held as may be asked for a Center Superintendent in conducting Examinations;

(w) to prescribe and administer school syllabus, curriculums, schools calendars and school time tables.

CHAPTER-IV
POWERS OF THE CONTROLLING AUTHORITY AND THE EXECUTIVE COMMITTEE

12.POWERS OF THE CONTROLLING AUTHORITY:

(1) The Controlling Authority shall have the right to address the Board and Committee(s) of the Board its views on any matter with which the Board is concerned.

(2) The Board shall report to the Controlling Authority such action, if any, as it propose to take or has taken upon its communication.

(3) If the Board does not within a reasonable time, take actions to the satisfaction of the Controlling Authority, it may, after considering any explanation furnished or representation made by the Board issue such directions consistent with these rules as it may think fit and the Board shall comply with such direction.

(4) In any emergency which, in the opinion of the Controlling Authority, requires that

immediate action should be taken, the Controlling Authority may take such action consistent to these rules as it deems necessary without previous consultation with the Board and shall forthwith inform the Board of the action taken.

13. POWER TO THE EXECUTIVE COMMITTEE TO SUSPEND THE BOARD :

(1) Notwithstanding anything contained in these rules, the Executive Committee shall have the power to suspend the Board, if in its opinion, the Board was persistently made default in the performance of duties imposed on it by or under these rules.

(2) In the event of such suspension, all the members of the Board and its Committees and Sub-Committees including the President shall cease to be members of the Board and shall be deemed to have vacated any office of the Board held by them.

(3) In the event of such suspension ofthe Board, the Executive Committee shall, by an executive order, appoint the President and any other person as the Administrator of the Board who shall exercise the power of the Board during the period of suspension.

(4) The Executive Committee shall have the right to address the Board with reference to anything conducted or done by the Board and to communicate its views on any matter with which the Board is concerned and the Board shall report to the Executive Committee,such action, if any, as it proposes to take or has taken upon the communication of the District Council.

(5) The Executive Committee may, after consultation with the Board issue such directions consistent with provisions of these rules, as it may think fit and the Board shall comply with such directions.

(6) The Executive Committee may, by an order in writing, specify the reason thereof suspend the execution of resolution or order of the Board, if the Executive Committee is of the opinion that such resolution, order or act is in excess of power conferred upon the Board by or under these rules.

(7) The Executive Committee shall re-establish a new Board within three months from the date of its suspension.

CHAPTER V

OFFICERS OF THE BOARD AND THEIR APPOINMENT POWERS AND FUNCTIONS

14. OFFICERS OF THE BOARD :-

(1) The following shall be the officers of the Board namely :-

(a) The President;
(b) The Vice-President;
(c) The Secretary;
(d) The Controller of Examinations; and
(e) Such other Officers as may be declared by the Board to be the officer of the Board.

15.APPOINMENT, POWERS AND FUNCTIONS OF THE PRESIDENT :

(1) The President of the Board shall be appointed by the Executive Committee from renowned persons who has ample knowledge and experience in office administration and in the field of educational development on contract basis. The term of the President shall be for a period of three years and shall enjoyall such facilities as may be determined by the Executive Committee from time to time.

Provided that the Executive Committee i/c. Education etc. shall be the President by virtue of his office in addition to his duties as Executive Member till such time a suitable person is available for appointment of President.

(2) The President shall appointed generally for a term of three years at the first instance.The Executive Committee may extend the term another 3 (three) years but not more and shall hold office at the pleasure of the Executive Committee.

(3) The President may resign by giving one month's notice in writing to the Executive Committee.

(4) It shall be the duty of the Presidentto see that the provisions of these rules are faithfully observed and he/she shall have all powers necessary for the purpose.

(5) The President shall have the power to convene meetings of the Board and shall call meetings at any time after due notice or a requisition signed by not less than two-third of the members of the Board.

(6) The President shall have the power to inspect the funds of the Board at any time and call the Secretary for explanation on financial matters. If any emergency arises out of the administrative business of the Board which, in the opinion of the President requires immediate action, the President shall have power to take immediate action on such matter provided that he shall immediately report his action to the Controlling Authority and to the Board at its next meeting.

(7) The President shall exercise such others powers as may be prescribes by these rules.

16. ELECTION AND FUNCTION OF VICE-PRESIDENT:

(1) (a)The Board shall in its first meeting elect one of its members to be the Vice-President.

(b)The Vice President shall hold office until the next Annual meeting following general election and shall be eligible for re-election.

(c)The Vice-President may resign his office by giving notice in writing to the Presidentwhen such resignation is accepted by the Board,the Vice-President shall be deemed to have vacated his/her office.

(d) If such a vacancy occurs in the office of the Vice-President, another member of the Board shall be elected by the Board shall be elected as the Vice-President for the residue of such term.

(2) When the President is unable to perform the duties of his/her office or if he vacates office the Vice-President shall act as President and for that purpose shall have all powers of the President and shall enjoy such emoluments as the Executive Committee may decide until the President is available for performance of the duties.

(3) When the President or in his/her absence, the Vice-President or in the absence of both President and Vice-President one member elected from those present shall preside over a

meeting of the Board and shall be entitled to vote on any matter and shall exercise a casting vote in every case of equality of votes.

(4) Subject to such conditions as may be prescribed by these rules, the President may at any time by an order in writing delegate all or any of the powers conferred upon him/her by or under these rules to the Vice-President.

17. MODE OF APPOINMENT, POWERS AND FUNCTIONS OF SECRETARY :

(1) The Secretary shall be a whole time office and shall be appointed by the Executive Committee of the District Council. He shall be of senior cadre rank.

(2) The Secretary shall :

(a) Subject to the control of the Board, be the Chief Administrative Officer of the Board;

(b) Subject to the control of the President, be responsible to see that the orders of the Board are carried out:

(c) Be empowered to enter into all contract for and on behalf of the Board.

(3) The Secretary shall be responsible to see that all moneys of the Board are spent for the purpose of which they are granted or allotted.

(4) The Secretary shall prepare the annual statement of accounts and budget estimates.

(5) The Secretary shall exercise such powers as may be prescribed by these rules.

(6) The Secretary shall be responsible to keep the proceedings of the Board meetings.

(7) The Secretary shall be entitled to present and speak at any meetings of the Board.

18. APPOINMENT, FUNCTIONS OF THE CONTROLLER OF EXAMINTATIONS :

(1) The Controller of Examinations shall be appointed by the Executive Committee.

(2) Under the over - all control of the Board, the Controller of Examinations shall be responsible for conduct of all Examinations of the Board issued of marksheets on payment of prescribed fees and also the Candidates and shall for the effective performance of duties, be delegated with adequate powers by the Board.

19. POWER OF APPOINMENT AND FUNCTIONS OF OFFICERS AND STAFF :

(1) The Executive Committee may make appointment of an or all Officers and staff of the Board, other than the President on specific recommendation of the Board.

(2) The Officers shall have powers and duties as may be, prescribed by the Board.

CHAPTER - VI
COMMITTEES

20. APPOINTMENT AND CONSTITUTION OF COMMITTEES ANDTHEIR FUNCTIONS :

(1) As soon as the Board is constituted it may constitute the following committees as it may deem necessary for proper execution of its business :-

(a) the Examination Committee;

(b) the Syllabus Committee;

(c) the Recognition Committee;
(d) the Appeal Committee;
(e) the Physical and Adult Education Committee;
(f) such other Committees or Sub- Committees as it may deem necessary;
(g) The Finance Committee.

(2) A committee shall consist of such members of the Board and of such other persons if any as the Board may think fit to appoint and a nominee of the Controlling Authority in each of the Finance, Examination and Recognition Committees not consistent with these rules.

(3) A committee may subject to the approval of the Board, appoint two co-opted persons.

(4) Numbers of members of each committee shall, in general be determined by the Board as it deems necessary.

(5) The term of office of those members of a committee shall be three years and other members appointed or nominated by the Board and co-opted members shall be one year from the date of first meeting of the committee.

(6) When the Board has constituted a committee to deal with the matter which the Board has empowered to deal with by these rules the Board shall before exercising its powers in any particular case, receive and consider the report of the committee concerned.

CHAPTER - VII
PREPARATION AND SUBMISSION OF BUDGET ESTIMATE

21. PREPARATION OF BUDGET :

(1) The secretary shall prepare during each financial year, an estimate of receipt and expenditure of the Board in the form specified in Annexure-A and get it scrutinised and finalised in the sitting of Finance Committee for placing it before the Board in its annual meeting for information.

(2) The Budget estimates shall formulate in two parts - (a) receipts and (b) expenditure. It shall be supported by statements referred to in Annexure-A for the item-wise scrutiny of receipts and expenditure.

(3) In framing the budget estimate for the coming year, the anticipated closing balance in the Board's Fund of the current year will be taken into consideration.

(4) The grant that the Government or District Council shall sanction as demanded under Sub-rule (1) and (2) to cover up the deficit of the Board shall be considered as for preparing budget estimates and revised estimates.

(5) In framing the Budget estimates, only the items of receipts and expenditure that can be foreseen shall be provided. The amount of the provision for expenditure shall be realistic.

(6) No lump sum provision shall be made in the Budget Estimates except for minor items and petty temporary establishment charges.

(7) In framing the Revised Estimates, the past actual and those committed which are likely to be materialised during the year, shall form the material factors for consideration. The Revised Estimatesshall be prepared in the form specified in Annexure A and B.

22. MANNER OF FINALISATION AND SUBMISSION OF BUDGET ESTIMATES :

(1) The Board shall formulate its Budget Estimates of receipts and expenditure through the secretary on the basis of programmes of schemes for financial year ahead.

(2) The financial Committee shall scrutinise the item-wise details of receipt and expenditure of the Estimates and finalise the draft.

(3) The Estimates for receipts and expenditures shall be put up by the President to the Board for consideration and approval in its annual meeting. Any Suggestion or change made by the Board shall be incorporated in the budget Estimates before submission to the Executive Committee.

(4) The Executive Committee shall make sanction to meet budget requirement after submission of approved Budget Estimates by the Board.

(5) The Revised Estimates shall be prepared in the like manner and Executive Committee shall consider it as far as possible subject to the ability of funds.

23. EXPENDITURE IN EXCESS OF BUDGET PROVISION :

(1) Expenditure in excess of the amount prescribed in the Budget of the Board under the detailed head may be incurred after valid re-appropriation in the manner and under such conditions as prescribed in sub-rules (1) and (2) of rule 24.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (Salaries and Allowances of CEM and EM's) Rules, 2003.

No. to the Constitution of India, the following Rules of Chakma Autonomous District Council which received the approval of the Governor of Mizoram is hereby published for general information. A.26020/1/93-DCA, the 9th June, 2003. In pursuance of paragraph 11 of the Sixth Schedule.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (Salaries and Allowances of CEM and EM's) Rules, 2003.

A RULES

To provide for the salaries and allowances of the Chief Executive Member and the Executive Members of the Chakma Autonomous District Council.

Be it enacted by the Chakma Autonomous District Council in the Fifty Second year of the Republic of India as follows :-

1. (1) These Rules may be called the Chakma Autonomous District(Salaries and Allowance of the Chief Executive Member and the Executive Members) Rules'2003.

(2) It shall be deemed to have come into force with effect from the 23rd May, 2001.

2. In these Rules, unless the context otherwise requires-

(a) **"Chief Executive Member"** means the Chief Executive Member of the Chakma Autonomous District Council;

(b) **"Executive Members"** means the Executive Members of the Chakma Autonomous District Council;

(d) **"District Council"** means the District Council of the Chakma Autonomous District Council;

(d) **"Family"** in relation to the Chief Executive Member and the Executive Members means the wife residing with him and the legitimate children and step children wholly dependent on him and where the husband has more than one wife, only one wife shall be included in his family;

(e) **"Government"** means the Government of Mizoram;

(f) **"He"** and its grammatical variation stand for both man andwoman;

(g) **"Travelling Allowances"** means the allowances granted to the Chief Executive Member and the Executive Members under these Rules to cover the expenses which he incurs in travelling in the interest of public services;

(h) **"Schedule"** means a Schedule appended to this Rule;

Salaries of Chief Executive Member and Executive Members.	3. There shall be paid to the Chief Executive Member and the Executives Members a salary of ten thousand rupees each permensem.
Sumptuary Allowances and other Allowances.	4. There shall be paid to the Chief Executive Member and the Executives Members a sumptuary allowances of rupees four thousand five hundred each per mensem, Family allowances of rupees four thousand five hundred each per mensem and entertainment allowance of rupees four thousand five hundred andrupees three thousand five hundred respectively per mensem
Residence and furnishing of residence.	5. The Chief Executive Member and the Executive Members shall be entitled without any payment to the use and maintenance of a furnished residence throughout their term of office and for a period of 15 days immediately thereafter; and for so long as such residence is notprovided he shall be entitled to a residence for which rental charge shall not be more than three thousand five hundred each per mensem and there shall be made available a sum of Rs.40,000/- (Rupees forty thousand) only for furnishing residence for the first year and Rs.50,000/-(Rupees five thousand) only annually for the subsequent years.

EXPLANATION :-"Maintenance" in relation to a residence includes :-

(i) Provision of free electricity and free water supply;
(ii) provision for free Telephone calls, and
(iii) payment of local rates and taxes.

Conveyance allowances and use of motor vehicle.	6. The Chief Executive Member and the Executive Members shall be entitled to free use of motor vehicle, the entire cost of maintenance and propulsion alongwith the services of chauffeur which shall be borne by the District Council.
Travelling and Daily allowances.	7. Subject to the provision of the Schedule, the Chief Executive Member and the Executive Members shall be entitled to :- (a) travelling allowances for the transport of personal effect of himself and his family :- (i) in respect of journey to Kamalanagar from his usual place of residence for the purpose assuming office and demitting office. (b) Travelling and daily allowances in respect of tour undertaken by him in the discharge of his official duties whether by land or by air.
Medical facilities.	8. The Chief Executive Member and the Executive Members and the Members of their families shall be entitled free of charge to accommodation in Hospitals, Nursing Homes and Clinics recognised by the District Council and also to medical treatment, consultation fees and diet charges with one medical attendant in case heis admitted to Hospital.

Chief Executive Member and Executive Members not to draw of Allowances as member of District Council.	9. No persons in receipt of a salary or allowances under this Rule shall be entitled to receive any sum out of the funds provided by the District Council by way of salary and allowances in respect of their membership of the District Council.
Notification respecting election of Chief Executive member and Executive Members to be conclusive evidence thereof.	10. The date on which any person become, or ceased to be, a Chief Executive Member or Executive Member shall be published in the Mizoram Gazette and any such notification shall be conclusive evidence of the fact that he becomes, or ceased to be Chief Executive Member or Executive Member on that date of all the purposesof this Rule.
Discretionary Fund.	11. The Chief Executive Member shall be entitled to discretionary fund. The amount of which shall be determined by the Executive Committee from time to time.
Household Staffs.	12. The Chief Executive Member and the Executive Members shall be entitled to Grade-IV staffs of three and two numbers respectively of his choice as household staffs on a fixed pay of rupees three thousand per mensem and the appointment of them shall be co-terminus without yearly increment.
Repeal and saving.	13. (1) The Chakma Autonomous District Council (Salaries and Allowances of Chief Executive Member, Executive Member, Chairman and Deputy Chairman) Rules, 1983 and all subsequent amendments thereof are here by repealed. Provided that any order made or anything done or any action taken by the District Council and under the Rule so repealed or under any general order ancillary thereto, shall be deemed to have been made or done or taken under corresponding provision of this Rule. Notwithstanding such repeal anything done or any action taken under Rules 10 to repealed shall, in so far as it is not inconsistent with the provision of this Rule, be deemed to have been done or taken under this Rules.

SCHEDULE (See Rule 7) Travelling on Duty	1. When travelling on duty by Railway or by Road or by Steamer or by Air, the Chief Executive Member and the Executive Members Shall be entitled to reimburse the actual fare of journey including incidental charges and daily allowances of rupees 250/- within Mizoram and rupees 300/- outside Mizoram.
Travelling Allowances on journey for assuming and demitting of office.	2. In respect of the journey to Kamalanagar from his usual place of residence on demitting office, the Chief Executive Member and the Executive Members is entitled to travelling allowances towards the cost of transporting himself and themembers of his family and families effects. 3. (1) The Chief Executive Member and the Executive Members may in public interest, perform journey on tour by Air in public air transport services. (2) On the cancellation of a journey due to official reason, the Chief Executive Member and the Executive Members shall be entitled to be reimbursed by the District Council any deduction made by the Air transport services when refunding the fare on account of cancellation of the Air passage. (3) The Chief Executive Member and the Executive Members who does not utilise the free transport service between the Air booking Center and the Airport may also recover in respect of journey to and from the Airport actual travelling expenses or road mileage as for a journey on duty by road whichever is less. 4. Where no Government accommodation is available the Chief Executive Member and the Executive Members on official duty shall be entitled to reimbursement of accommodation charge of double room in a Three Star Hotel subject to production of actual payment receipt. 5. (1) The Chief Executive Members and the Executive Members shall be entitled to:- (a) An advance of travelling allowances towards the cost of transporting themselves and the members of their families and their families effect :- (i) In respect of the journey to Kamalanagar to their usual place of residence for assuming office; and (ii) In respect of the journey from Kamalanagar to their usual place of residence outside of Kamalanagar of relinquish office; and (b) An advance travelling an daily allowances in respect of the tour undertaken by them in the discharge of their official duties whether by land, sea or Air. (1) These advances will be adjusted in the first travelling allowances bill submitted thereafter.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (SALARIES AND ALLOWANCES OF CHIEF EXECUTIVE MEMBER AND EXECUTIVE MEMBERS (AMENDMENT) RULES, 2012.

No. A. 26020/1/2009-DCA, the 4th August, 2014. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the Amendment Rules passed by the Chakma Autonomous District Council which received approval of His Excellency the Governor of Mizoram on 21.3.2014 and vetted by Finance Department vide I.D. No. FIN (E) 313/2014 is hereby published for general information, namely :-

"THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (SALARIES & ALLOWANCES OF CHIEF EXECUTIVE MEMBER/EXECUTIVE MEMBER/ADVISER TO CHIEF EXECUTIVE MEMBER/CHAIRMAN/DEPUTY CHAIRMAN/VICE CHAIRMAN (PLANNING)/OPPOSITION LEADER/MEMBER AND PENSION OF MEMBER) (AMENDMENT) RULES, 2012"

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (SALARIES AND ALLOWANCES OF CHIEF EXECUTIVE MEMBER AND EXECUTIVE MEMBERS (AMENDMENT) RULES, 2012.

A
RULES

further to amend the Chakma Autonomous District Council (Salaries and Allowances of Chief Executive Member and Executive Members) Rules, 2001 (hereinafter referred to as the Principal Rules).

Be it enacted by the Chakma Autonomous District Council in the Sixty-Third Year of Republic of India as follows :-

Short title and commencement	1. (1) These rules may be called the Chakma Autonomous District Council (Salaries and Allowances of the Chief Executive Member and Executive Members etc. (Amendment) Rules, 2012. (2) They shall come into force with retrospective effect from 1st April, 2012.
Amendment of Rule 2.	2. After Rule 2 (g) of the principal Rules, the following definition shall be inserted, namely, (h) "Adviser to Chief Executive Member" means a person who is appointed to assist the Chief Executive Member of the Chakma Autonomous District Council in certain functions.

	(i) "Opposition Leader" means the leader of the opposition members having one-third of the elected members from a single recognised or registered Political Party. (j) "Vice-Chairman (Planning)" means a person who is appointed as Vice Chairman (Planning) of the Chakma Autonomous District Council".
Amendment of Rule 3.	3. In Rule 3 of the Principal Rules :- (i) For the words "Chief Executive Member and Executive Members", the words and brackets "Chief Executive Member, Executive Members, Opposition Leader, Adviser to Chief Executive Member and Vice Chairman (Planning)" shall be substituted.
Amendment of Rule 4.	4. (ii) Rule 4 of the Principal Rules shall be substituted as follows, namely, "4 (1) There shall be paid to the Chief Executive Member a sumptuary allowances of ` 7,000/- (Rupees seven thousand) only and to Executive Members, Opposition Leader, Adviser to Chief Executive Member and Vice-Chairman (Planning) ` 6,000/- (Rupees six thousand) only each per mensem. (2) There shall be paid to the Chief Executive Member a family allowances of ` 6,000/- (Rupees six thousand) only and to Chief Executive Members, Opposition Leader, Adviser to Chief Executive Member and Vice-Chairman (Planning) ` 54,000/- (Rupees four thousand) only each per mensem. (3) There shall be paid to the Chief Executive Member an entertainment allowances of ` 4,000/- (Rupees four thousand) only and to Executive Members, Opposition Leader, Adviser to Chief Executive Member and Vice-Chairman (Planning) ` 3,000/- (Rupees three thousand) only each per mensem.
Amendment of Rule 5.	5. Rule 5 of the Principal Rules shall be substituted as follows, namely :- "5. The Chief Executive Member, Executive Members, Opposition Leader, Adviser to Chief Executive Member and Vice-Chairman (Planning)" shall be entitled without any payment to the use and maintenance of a furnished residence throughout their terms of office and for a period of fifteen days immediately thereafter. Provided that they shall be entitled to residence for which rental charge shall not be more than ` 5,000/- (Rupees five thousand) only per mensem and there shall be made available a sum of ` 50,000/- (Rupees fifty thousand) only for furnishing residence in the first year and ` 25,000/- (Rupees twenty five thousand) only annually for the subsequent years. Provided further that the payment rate for electricity, calls of telephone, free water supply, local rates and taxes shall be fixed by the Chief Executive Member.
Explanation :	"Maintenance" in relation to residence includes, (i) Provision of electricity and free water supply.

	(ii) Provision of free telephone calls, and (iii) Provision of local rates and taxes:.
Amendment of Rule 6.	6. In Rule 6 of the Principal Rules, after the words "the Executive Members", the words and brackets "Opposition Leader, Adviser to Chief Executive Member and Vice-Chairman (Planning)" shall be inserted.
Amendment of Rule 7.	7. In Rule 7 of the Principal Rules, after the words ""the Executive Members", the words and brackets "Opposition Leader, Adviser to Chief Executive Member and Vice-Chairman (Planning)" shall be inserted.
Amendment of Rule 8.	8. Rule 8 of the Principal Rules, after the words ""the Executive Members", the words and brackets "Opposition Leader, Adviser to Chief Executive Member and Vice-Chairman (Planning)" shall be inserted and the words "recognised by the District Council" shall be substituted by "in any Hospitals, Nursing Homes and Clinics".
Amendment of Rule 10.	9. In Rule 10 of the Principal Rules, after the words "or Executive Members", the words and brackets "or Opposition Leader, or Adviser to Chief Executive Member or Vice-Chairman (Planning)" shall be inserted.
Amendment of Rule 11.	10. In Rule 11 of the Principal Rules, after the words "the Chief Executive Member", the words and brackets "the Executive Members, Adviser to Chief Executive Member and Vice-Chairman (Planning)" shall be inserted.
Amendment of Rule 12.	11. Rule 12 of the Principal Rules shall be substituted as follows, namely : "12 The Chief Executive Member shall be entitled to receive the services of 3 (three) Grade IV staff and the Executive Members, Opposition Leader, Adviser to Chief Executive Member and Vice-Chairman (Planning)" shall be entitled to receive the services of 2 (two) Grade IV staff each according to their own choice. The rate of wages of grade IV staff shall be revisable from time to time and their appointment shall be co-terminus".
Amendment of Schedule.	12. In Schedule of the Principal Rules, for the figures "` 250/-" and "` 350/-", the figures, brackets and words "` 500/- (Rupees five hundred) only" and "` 750/- (Rupees seven hundred fifty) only" respectively shall be substituted.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (SALARIES AND ALLOWANCES OF CHIEF EXECUTIVE MEMBER AND EXECUTIVE MEMBERS) (SECOND AMENDMENT) RULES, 2023

NOTIFICATION

In Exercise of the powers conferred by sub-rule (6) of Rule 22 of the CADC (Constitution, Conduct of Business etc.) Rules, 2002, read with sub-paragraph (6) & (7) of Paragraph 2 of the Sixth Schedule to the Constitution of India, the Chakma Autonomous District Council is pleased to further amend the CADC (Salaries & Allowances of CEM & EMs) Rules, 2003 (herein after referred to as the Principal Rules) and amended therein as follows:-

Short title and Commencement	1	(1) These Rules may be called the Chakma Autonomous District Council (Salaries and Allowances of Chief Executive Member and Executive Member) (Second Amendment) Rules, 2023. (2) It shall be deemed to have come into force on the 1st day of April, 2023.
Amendment of Rule 2	2	After sub-clause (j) of Rule 2 of the Principal Rules and its amended Rules 2012, the following definition shall be inserted namely:- "(k) Chairman, Town Committee" means a person who is appointed as Chairman, of Town Committee of the Chakma Autonomous District Council. He shall enjoy all benefits and entitlements as per the Executive Member of the Chakma Autonomous District Council".
Amendment of Rule 3	3	Rule 3 of the Principal Rules and its amended Rules 2012, shall be substituted with the following proviso namely:- "(3) There shall be paid be to the Chief Executive Member, Executive Members, Opposition Leader, Adviser to Chief Executive Member, Vice Chairman (Planning), and Chairman, Town Committee a fixed Salary of Rs 80,000/-(Rupees eighty thousand) only each per mensem".
Amendment of	4	Rule 4 of the Principal Rules and its amended Rules,

Rule 4

2012 shall be substituted with the following proviso namely :-

"4(1) There shall be paid to the Chief Executive Member a sumptuary allowances of Rs 35,000/- (Rupees thirty five thousand) only and Rs 30,000/- (Rupees thirty thousand) only to Executive Members, Opposition Leader, Adviser to Chief Executive Member, Vice-Chairman (Planning) and Chairman, Town Committee each per mensem".

(2) There shall be paid to the Chief Executive Member a family allowances of Rs 16,000/- (Rupees sixteen thousand) only and Rs 14,000/- (Rupees fourteen thousand) only to Executive Members, Opposition Leader, Adviser to Chief Executive Member, Vice-Chairman (Planning) and Chairman, Town Committee each per mensem".

(3) There shall be paid to the Chief Executive Member a entertainment allowances of Rs 16,000/- (Rupees sixteen thousand) only and Rs 8,000/- (Rupees eight thousand) only to Executive Members, Opposition Leader, Adviser to Chief Executive Member, Vice-Chairman (Planning) and Chairman, Town Committee each per mensem".

Amendment of Rule 5

5 Rule 5 of the Principal Rules and its amended Rules, 2012, shall be substituted with the following proviso namely;

"5(1) The Chief Executive Member shall be entitled without any payment to the use and maintenance of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter; and so long as such residence is not provided he shall be entitled to a residence for which rental charge shall not be more than Rs 10,000/- (Rupees ten thousand) only per mensem and he shall be entitled to receive a sum of Rs.1,00,000/- (Rupees one lakh) only for furnishing residence in the first year and Rs. 40,000/- (Rupees forty thousand) only annually for the subsequent years of his term of office for maintenance of residence.

(2) The Executive Member, Opposition Leader,

Adviser to Chief Executive Member, Vice-Chairman (Planning) and Chairman, Town Committee shall be entitled without any payment to the use and maintenance of a furnished residence throughout their term of office and for a period of fifteen days immediately thereafter; and so long as such residence is not provided they shall be entitled to a residence for which rental charge shall not be more than Rs 8,000/- (Rupees eight thousand) only per mensem and they shall be entitled to receive a sum of Rs.1,00,000/- (Rupees one lakh) only each for furnishing residence in the first year and Rs. 40,000/- (Rupees forty thousand) only annually for the subsequent years of their term of office. for maintenance of residence.

"Provided that the rate of payment for electricity, calls of telephone, free water supply, local rates and taxes shall be fixed by the Chief Executive Member".

Explanation "Maintenance" in relation to residence includes,
(i) Provision of free electricity and free water supply.
(ii) Provision of free telephone calls and
(iii) Provision of local rates and taxes".

Amendment of Rule 6	6	In Rule 6 of the Principal Rules and its amended Rules, 2012, after the words " Vice-Chairman (Planning) the words "Chairman, Town Committee" shall be inserted.
Amendment of Rule 7	7	In Rule 7 of the Principal Rules and its amended Rules, 2012, after the words "Vice-Chairman (Planning) the words "Chairman, Town Committee" shall be inserted.
Amendment of Rule 8	8	In Rule 8 of the Principal Rules and its amended Rules, 2012, after the words "Vice-Chairman (Planning) the words "Chairman, Town Committee" shall be inserted.
Amendment of Rule 10	9	In Rule 10 of the Principal Rules and its amended Rules, 2012, after the words "Vice-Chairman (Planning) the words "Chairman, Town Committee" shall be inserted.
Amendment of Rule 11	10	In Rule 11 of the Principal Rules and its amended Rules,2012, after the words " Vice-Chairman (Planning)

the words "Chairman, Town Committee" shall be inserted.

Amendment of Rule12	11	Rule 12 of the Principal Rules and its amended Rules, 2012 shall be substituted with the following proviso, namely; "12. The Chief Executive Member shall be entitled to receive the services of 3 (three) personal attendants to be appointed on MR (unskilled) according to own choice and the Executive Members, Opposition Leader, Adviser to Chief Executive Member, Vice-Chairman (Planning) and Chairman (Town Committee) shall be entitled to receive the services of 2 (two) personal attendants each to be appointed on MR (unskilled) according to their own choice."
Amendment of Schedule	12	In Schedule (1), (2) (3), (4) and (5) of the Principal Rules and its amended Rules,2012, after the words " Executive Member the words and brackets "Opposition leaders, Adviser to Chief Executive Member, Vice Chairman (Planning) and Chairman, Town Committee" shall be inserted.
Amendment of Schedule	13	In Schedule (1) of the Principal Rules and its amended Rules, 2012, for the words and figures " Rs 500/- (Rupees five hundred) only and Rs 750/- (Rupees seven hundred fifty) only" the words, figures and brackets, "daily allowances of Rs 1000/- (Rupees one thousand) only within Mizoram and Rs 2000 (Rupees two thousand) only outside Mizoram", shall be substituted.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (Salaries and Allowances of Chairman and Dy. Chairman) Rules, 2003.

No. A. 26020/1/93-DCA, the 9th June, 2003. In pursuance of paragraph 11 of the ,Sixth Schedule to the Constitution of India, the following Rules of Chakma Autonomous District Council which received the approval of the Governor of Mizoram is hereby published for General Information.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (Salaries and Allowances of Chairman and Dy. Chairman) Rules, 2003.

A
RULES

To provide for the salaries and allowances of the Chairman and the Deputy Chairman District Council.

Be it enacted by the Chakma Autonomous District in the Fifty Second Year of the Republic of India as follows :-

Short Title and commencement.	1. (1) These Rules may be called the Chakma Autonomous District (Salaries and Allowances of the Chairman and the Deputy Chairman) Rules, 2003. (2) It shall be deemed to have come into force with effect from the 23rd May, 2001.
Definitions	2. In these Rules, unless the context otherwise requires- (a) **"Chairman"** means the Chairman of the Chakma Autonomous District Council; (b) **"Deputy Chairman"** means the Deputy Chairman of the Chakma Autonomous District Council; (c) **" District Council"** the District Council of the Chakam Autonomous District Council ; (d) **"Family"** in relation to the Chairman and the Deputy Chairman means the wife residing with him and the legitimate children and step children wholly dependent on him and where the husband has more than one wife, only one wife shall be included in his family; (e) **"Government"** means the Government of Mizoram; (f) **"He"** and its grammatical variation stand for both man and woman; (g) **"Travelling Allowances"** means the allowances granted to the Chairman and the Deputy Chairman under these Rules to cover the expenses which he incurs in travelling in the interest of public services; (h) **"Schedule"** means the Schedule appended to this Rule;

Salaries of Chairman and Deputy Chairman	3. There shall be paid to the Chairman and the Deputy Chairman a salary of ten thousand rupees each per mensem.
Sumptuary Allowances, and other Allowances.	4. There shall be paid to the Chairman and the Deputy Chairman a sumptuary allowances of rupees four thousand five hundred each per mensem, Family allowances of four thousand five hundred each per mensem and the entertainment allowances of four thousand rupees and the three thousand five hundred rupees respectively.
Residence and furnishing of residence	5. The The Chairman and the Deputy Chairman shall be entitled without any payment to the use and maintenance of a furnished residence throughout their term of office and for a period of 15 days immediately thereafter; and so long as such residence is not provided he shall be entitled to a residence for which rental charges shall be not less than three thousandfive hundred per mensem and there shall be made available a sum of Rs. 40,000/- (Rupees forty thousand) only for furnishing residence for the first year and Rs. 5,000/- (Rupees five thousand) only for the subsequent year. Explanation:- "Maintenance" in relation to a residence includes :- (i) Provision of free electricity and free water supply; (ii) provision for free Telephone calls, and (iii) payment of local rates and taxes,

Conveyance allowances and use of motor vehicle.	6. The Chairman and the Deputy Chairman shall be entitled to free use of motor vehicle, the entire cost of maintenance and propulsion along with the services of chauffeur which shall be borne by the District Council.
Travelling and Daily allowances.	7. Subject to the provision of the Schedule the Chairman and the Deputy Chairman shall be entitled to :- (a) travelling allowances for the transport of personal effect of himself and his family :- (i) in respect of journey to Kalamanagar from his usual place of residence for the purpose of assuming office and demitting office. (b) travelling and daily allowances in respect of tour undertaken by him in the discharge of his official duties whether by land or by air.
Medical facilities.	8. The Chairman and the Deputy Chairman and the members of their family shall be entitled free of charge to accommodation in hospital, Nursing Homes and Clinics recognised by theDistrict Council and also to medical treatment, consultation fees and diet charges with one medical attendant in case he is admitted to a Hospital.
Chairman and Deputy	9. No persons in receipt of a salary or allowances under this Rule shall be entitled to receive any sum out of the funds provided by the District

Chairman not to draw of Allowances as member of District Council.	Council by way of salary and allowances in respect of their membership of the District Council.
Notification respecting election of Chairman and Deputy Chairman to be conclusive evidence thereof.	10. The date on which any person become, or ceased to be, a Chairman shall be published in the Mizoram Gazette and any such notification shall be conclusive evidence of the fact that he becomes, or ceased to be Chairman or Deputy Chairman on that date for the purpose of this Rule.
Discretionary Fund.	11. The Chairman shall be provided every year in the budget a discretionary fund of the same amount with that of the Chief Executive Member and the Deputy Chairman equal to the amount provided for the Executive Member.
Household Staff.	12. The Chairman and the Deputy Chairman shall be entitled to Grade-IV staffs of three and two numbers respectively of his choice as household staffs on a fixed pay of rupees three thousand per mensem and the appointment of them shall be co-terminus without yearly increment.
Repeal and saving	13.(1) The Chakma Autonomous District Council (Salaries and Allowances of Chief Executive Member, Executive Member Chairman and Deputy Chairman) Rules, 1983 and all subsequent amendments thereof are hereby repealed. (2) Notwithstanding such repeal anything done or any action taken under the Rules so repealed shall, in so far as it is not inconsistent with the provision of this Rule, be deemed to have been done or taken under this Rules.

SCHEDULE
(see Rule 7)

Travelling on duty	1. When travelling on duty by Railway or by Road, or by Steamer or by Air the Chairman and the Deputy Chairman shall be entitled to reimburse the actual fare of journey including incidental charges and daily allowances of rupees 250/- within Mizoram and rupees 300/- outside Mizoram.
Travelling Allowances on journey for assuming and demit-	2. In respect of journey to Kamalanagar from his usual place of residence for assuming of from Kamalanagar top his usual place of residence on demitting office, the Chairman and the Deputy Chairman is entitled to travelling allowances towards the cost of transporting himself and the members of his family and families effects.

ting of Office.	
Travelling by Air.	3.(1) The Chairman and the Deputy Chairman may in public interest, perform journey on tour by Air in transport services. (2) In the cancellation of a journey due to official reason, the Chairman and the Deputy Chairman shall be entitled to be reimbursed by the District Council any deduction made by the Air transportservices when refunding the fare on account of cancellation of the Air passage. (3) The Chairman and the Deputy Chairman who does not utilizes the free transport service between the Air booking centre and the Airport may also recover in respect of journey to and from the Airport actual travelling expenses or road mileage as for journey on duty by road whichever is less.

Accomoda-tion	4. Where no Government accommodation is available the Chairman and the Deputy Chairman on official duty shall be entitled to reimbursement of accommodation charge of double room in a Three Star Hotel subject to production actual payment receipt.
Advance	5. (1) The Chairman and the Deputy Chairman shall be entitled to :- (a) An advance of travelling allowances towards the cost of transporting themselves and the member of their families and their families effect:_ (i) In respect of the journey to Kamalanagar to their usual place of residence for assuming office; and (ii) In respect of the journey from Kamalanagar to thier usual place of residence outside of Kamalanagar on relinquishing office; and (b) An advance travelling and daily allowances in respect of the tour undertaken by them in the discharge of their official duties whether by land, sea or Air. (2) These advances will be adjusted in the first travelling allowance bill submitted thereafter.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (SALARIES AND ALLOWANCES OF CHAIRMAN AND DEPUTY CHAIRMAN (AMENDMENT) RULES, 2012

No. A. 26020/1/2009-DCA, the 4th August, 2014. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the Amendment Rules passed by the Chakma Autonomous District Council which received approval of His Excellency the Governor of Mizoram on 21.3.2014 and vetted by Finance Department vide I.D. No. FIN (E) 313/2014 is hereby published for general information, namely :-

"THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (SALARIES & ALLOWANCES OF CHIEF EXECUTIVE MEMBER/EXECUTIVE MEMBER/ADVISER TO CHIEF EXECUTIVE MEMBER/CHAIRMAN/DEPUTY CHAIRMAN/VICE CHAIRMAN (PLANNING)/OPPOSITION LEADER/MEMBER AND PENSION OF MEMBER) (AMENDMENT) RULES, 2012"

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (SALARIES AND ALLOWANCES OF CHAIRMAN AND DEPUTY CHAIRMAN (AMENDMENT) RULES 2012.

A
RULES

further to amend the Chakma Autonomous District Council (Salaries and Allowances of Chairman and Deputy Chairman) Rules, 2003 (hereinafter referred to as the Principal Rules).

Be it enacted by the Chakma Autonomous District Council in the Sixty-Third Year of Republic of India as follows :

	1. (1) These Rules may be called the Chakma Autonomous District Council (Salaries and Allowances of Chairman and Deputy Chairman (Amendment) Rules, 2012. (2) They shall come into force with retrospective effect from 1st April 2012. 2. In Rule 3 of the Principal Rules, for the words "ten thousand", the words "forty thousand" shall be substituted. 3. Rule 4 of the Principal Rules shall be substituted as follows, namely : "4. There shall be paid to the Chairman and the Deputy Chairman a sumptuary allowances of ` 6,000/- (Rupees six thousand) only each per mensem, family allowances of ` 5,000/- (Rupees five

	thousand) only in respect of Chairman per mensem and ` 4,000/- (Rupees four thousand) only in respect of Deputy Chairman per mensem, and entertainment allowances of ` 4,000/- (Rupees four thousand) only in respect of Chairman and ` 3,000/- (Rupees three thousand) only in respect of Deputy Chairman per mensem.  4. In Rule 5 of the Principal Rules, (i) For the words "three thousand five hundred rupees", the figures, words and brackets ` 5,000/- (Rupees five thousand) only shall be substituted. (ii) For the figures, brackets and words "` 40,000/- (Rupees forty thousand)", the figures, brackets and words ` 50,000/- (Rupees fifty thousand)" shall be substituted. (iii) For the figures, brackets and words "` 5,000/- (Rupees five thousand)", the figures, brackets and words ` 25,000/- (Rupees twenty five thousand) shall be substituted. (iv) Provision to this Rule shall be inserted as follows, namely : "Provided that payment rate for electricity, calls of telephone, free water supply and local rates and taxes shall be fixed by the Chairman. However, such fixation shall be in conformity with the Executive Committee.
Amendment of 12	5. Rule 12 of the Principal Rules shall be substituted as follows, namely : "5. The Chairman shall be entitled to the services of 3 (three) Grade IV staff and the Deputy Chairman shall be entitled to receive the services of 2 (two) Grade IV staff each according to their own choice. Wages shall be paid as un-skilled labour. The rate of wages of Grade IV staff shall be revisable from time to time and their appointment shall be co-terminus".
Amendment of Schedule	6. In Schedule of the Principal Rules, (i) for the figures "` 250/-" the figures, brackets and words "` 500/-" (Rupees five hundred) only" shall be substituted. (ii) for the figures "` 300/-", the figures, brackets and words "` 750/-" (Rupees seven hundred fifty) only" shall be substituted.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (SALARIES AND ALLOWANCES OF CHAIRM AN AND DEPUTY CHAIRMAN) (SECOND AMENDMENT) RULES, 2023.

NOTIFICATION

In Exercise of the powers conferred by Rule 19 of the CADC (Constitution, Conduct of Business etc.) Rules, 2002, read with sub-paragraph (6) & (7) of Paragraph 2 of the Sixth Schedule to the Constitution of India, the Chakma Autonomous District Council is pleased to further amend the CADC (Salaries & Allowances of Chairman and Deputy Chairman) Rules, 2003 (herein after referred to as the Principal Rules) and amended therein as follows:-

Short title and Commencement **1** (1) These Rules may be called the Chakma Autonomous District Council (Salaries and Allowances of Chairman and Deputy Chairman) (Second Amendment) Rules 2023.

(2) It shall be deemed to have come into force on the 1st day of April, 2023.

Amendment of Rule 2 **2** After Sub-clause (h) of Rule 2 of the Principal Rules and its amended Rules 2012, the following definition shall be inserted namely:-

"(i) Deputy Chief Whip" means a person who is appointed as the Deputy Chief Whip of the Chakma Autonomous District Council. He shall enjoy all benefits and entitlements as per the Deputy Chairman of the Chakma Autonomous District Council.".

Amendment of Rule 3 **3** Rule 3 of the Principle Rules and its amended Rules, 2012, shall be substituted with the following proviso namely:-

"There shall be paid to the Chairman, Deputy Chairman and Deputy Chief Whip a fixed salary of Rs 80,000/- (Rupees eighty thousand) only each per Mensem.".

Amendment of Rule 4 **4** Rule 4 of the Principal Rules and its amended Rules 2012, shall be substituted with the following proviso namely:-

"4(1) There shall be paid to the Chairman a sumptuary allowances of Rs 32,000/- (Rupees thirty-two thousand) only and Rs 30,000/- (Rupees thirty thousand) only in respect of Deputy Chairman and Deputy Chief Whip each per mensem.

(2) There shall be paid to the Chairman a family allowances of Rs 15,000/- (Rupees fifteen thousand) only and Rs 14,000/- (Rupees fourteen thousand) only in respect of Deputy Chairman and Deputy Chief Whip

each per mensem.
(3) There shall be paid to the Chairman an entertainment allowances of Rs 13,000/- (Rupees thirteen thousand) only and Rs 8,000/- (Rupees eight thousand) only in respect of Deputy Chairman and Deputy Chief Whip each per mensem.".

Amendment of Rule 5 **5** Rule 5 of the Principal Rules and its amended Rules shall be substituted with the following proviso namely;
"5(1) The Chairman shall be entitled without any payment for the use and maintenance of a furnished residence throughout his term of office and for a period of 15 days immediately thereafter and so long as such residence is not provided he shall be entitled to a residence for which rental charges shall not be more than Rs 10,000/- (Rupees ten thousand) only per mensem and and he shall be entitled to receive a sum of Rs.1,00,000/- (Rupees one lakh) only for furnishing residence in the first year and Rs. 40,000/- (Rupees forty thousand) only annually for the subsequent years of his term of office for maintenance of residence.

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(2) The Deputy Chairman and the Deputy Chief Whip shall be entitled without any payment for the use and maintenance of a furnished residence throughout their term of office and for a period of 15 days immediately thereafter and so long as such residence is not provided they shall be entitled to a residence for which rental charges shall not be more than Rs 8,000/- (Rupees eight thousand) only per mensem and they shall be entitled to receive a sum of Rs.1,00,000/- (Rupees one lakh) only for furnishing residence in the first year and Rs. 40,000/- (Rupees forty thousand) only annually for the subsequent years of their term of office for maintenance of residence.

Provided that rate of payment for electricity, calls of telephone, free water supply and local rates and taxes shall be fixed by the Chairman. However such fixation shall be in conformity with the Executive committee.

Explanation "Maintenance" in relation to residence includes:-
(i) Provision of free electricity and free water supply.
(ii) Provision of free telephone calls and
(iii) Provision of local rates and taxes".

Amendment of Rule 6 **6** In Rule 6 of the Principal Rules, after the words "Deputy Chairman" the words "Deputy Chief Whip" shall be inserted.

Amendment of **7** In Rule 7 of the Principal Rules, after the words

Rule 7		"Deputy Chairman" the words "Deputy Chief Whip" shall be inserted.
Amendment of Rule 8	**8**	In Rule 8 of the Principal Rules, after the words "Deputy Chairman" the words "Deputy Chief Whip" shall be inserted.
Amendment of Rule 10	**9**	In Rule 10 of the Principal Rules, after the words "Deputy Chairman" the words "Deputy Chief Whip" shall be inserted.
Amendment of Rule 11	**10**	In Rule 11 of the Principal Rules, after the words "Deputy Chairman" the words "Deputy Chief Whip" shall be inserted.
Amendment of Rule 12	**11**	Rule 12 of the Principal Rules and its amended Rules, 2012 shall be substituted with the following proviso, Namely; "12. The Chairman shall be entitled to receive the services of 3 (three) personal attendants to be appointed on MR (unskilled) according to own choice and the Deputy Chairman and the Deputy Chief Whip shall be entitled to the services of 2 (two) personal attendants each to be appointed on MR (unskilled) according to their own choice.
Amendment of Schedule	**12**	In Schedule (1), (2), (3), (4) and (5) of the Principal Rules and its amended Rules,2012, after the words "Deputy Chairman" the words "Deputy Chief Whip" shall be inserted.
Amendment of Schedule	**13**	In Schedule of the Principal Rules and its amended Rules, 2012, (i) For the words and figures "Rs 500/-(Rupees five hundred) only" the words, figures and brackets, "Rs 1000/-(Rupees one thousand) only" within Mizoram shall be substituted. (ii) For the words and figures, "Rs 750/- (Rupee seven hundred fifty) only" the words figures and brackets, "Rs 2000 (Rupees two thousand) only outside Mizoram", shall be substituted.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (SALARIES, ALLOWANCES AND PENSION OF MEMBERS) RULES, 2003

No. A. 26020/1/93–DCA, the 9th June, 2003. In pursuance of paragraph 11 of the Sixth schedule to the constitution of India, the following Rules of Chakma Autonomous District Council which received the approval of the Governor of Mizoram is hereby published for General information.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL
(Salaries, Allowance and Pension of Members) Rules, 2003 (Vide Governor of Mizoram's approval dt. 20.5.2003)

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (SALARIES, ALLOWANCES AND PENSION OF MEMBERS) RULES, 2003.

A
RULES

to provide for the salaries, allowances and pension of Members of the Chakma Autonomous District Council.

Be it enacted by the Chakma Autonomous District Council in the Fifty Second year of the Republic of India as follows :-

Short Title and com-mencement.

1. (1) These Rules may be called the Chakma Autonomous District (Salaries, Allowances and Pension of Members) Rules, 2003.

(2) It shall be deemed to have come into force with effect from the 23rd May, 2001.

Definitions.

2. In these Rules, unless the context otherwise requires -

(a) "Committee" means a Committee of the District Council;

(b) "Day" means a period of twenty four hours beginning at midnight;

(c) "District Council" means the Chakma Autonomous District Council;

(d) "Family" in relation to a member means the wife or husband residing with him or her as the case may be, and the children (including the legally adopted children and step children) wholly dependent on such member;

(e) "Form" means a form appended to the Second Schedule;

(f) "He" and its grammatical variation stand for both man and

	woman; (g) "Member" means a Member of the Chakma Autonomous District Council and it does not include the Chief Executive Member, Chairman, Executive Member and Deputy Chairman but includes, for the purpose of pension including family pension only under Rules 12 and 14; (h) "Period of residence on duty" means the period during a Member resides at a place where a session of the District Council or a sitting of a Committee is held or where any other business connected with his duties as such Member is transacted or for the purpose of attending such other business and includes, except in the case of members who ordinarily resides at the place where a session of the District Council or sitting of the Committee is held or where any other business connected with his duties as such member is transacted :- (i) in the case of a session of the District Council, a period of such residence, not exceeding two days immediately preceding the commencement of a session and a period of such residence not exceeding two days immediately succeeding the date on which the District Council session is adjourned ___ die; (ii) in the case of a sitting of a Committee or any other business,a period of such residence not exceeding one day immediatelypreceding the commencement of the business of the Committeeor other business and a period of such residence not exceedingone day immediately succeeding the conclusion of the businessof the Committee or other business;

	(i) "Schedule" means a Schedule appended to this Rule; (j) "Terms of office" in relation to a Member means the period beginning with the date when such Member takes his seat in District Council and ending with the date on which his seat become vacant; (k) "Usual place or residence" in relation to a member means the place where the member personally resides within the Chakma Autonomous District.
Salaries of Members	3. A member shall be paid a salary of ten thousand rupees per mensem during the whole of his term of office.
Daily allowances	4. A member shall be entitled to receive daily allowance of two hundred rupees for each day of the journey performed for attending a session of the district council or for meeting of a committee and also for each day of the period of residence on duty.
Contituency Allowances, Family allow-ances and Entertainment Allowances	5. A member shall be paid a Constituency allowances of rupees two thousand five hundred per mensem. Family allowances of rupees three thousand five hundred per mensem and entertainment allowances of rupees two thousand per mensem.
Residence etc.	6. A member shall be entitled without any payments to the use and maintenance of a furnished residence throughout his term of office as a member and for a period of 15 days immediately thereafter, and so long as such residence is not provided for, he shall be entitled to a residence which rental charges shall be not more than rupees two thousand five hundred per mensem. Explanation :- For the purpose of these Rules "Maintenance" in relation to a residence includes - (1) Provision of free supply of electricity and water; (2) Provision of Telephone calls upto 2000 calls per month.
Furnishing of residence	7. A member who occupies own house shall be entitled to receive a sum of rupees twenty thousand in the first year for furnishing and rupees three thousand annually for the subsequent year of the term.
Personal Attendant	8.A member shall be entitled to the service of one Grade-IV staff as personal attendant on a fixed pay of three thousand per mensem throughout his term of office.

Travelling Allowances	9. (1) There shall be paid Travelling Allowances to each member in respect of every journey performed by him for the purpose of attending a session of the District Council or a Sitting to a Committee or for the purpose of attending to any other business connected with his duties as a Member from his usual place of residence to the place where the Session or the Sitting is to be held or the other business is to be transacted and for the return journey from such a place to his usual place of residence at the rate of two hundred rupees per day. (2) Where no Government accommodation is available outside the District, a Member on official duty shall be entitled to reimbursement of accommodation charge of a single room in a Three Star Hotel in addition to the daily allowances subject to production of actual payment receipt. (3) Notwithstanding anything contained in Sub-Rule (1), a Member who performs a journey on official duty by road or by railways or by steamer or by air outside Mizoram shall be entitled to reimburse the actual fare of journey and daily allowances of rupees two hundred fifty per day. Provided that a Member shall be entitled to an advance of travelling and daily allowances in respect of the tour undertaken by him on official duties.
Special Provisions	10. In the Special circumstances specified in the First Schedule, the provisions of these Rules shall apply subject to the provision of that Schedule.
Procedure	11. The provisions of the second Schedule shall apply in respect of all claims for salaries and allowances.
Pension	12. (1) There shall be paid a pension to any person who has served for a period of five years or for any period shorter than five years as a Member of the Chakma Autonomous District Council. (2) The amount of pension payable shall be as follows :- With effect from the date of commencement of this Rules and subject to other provisions of the Rules, there shall be paid a life-long pension of ` 4,000/- (Rupees four thousand) per month with an annual increment of ` 200/- (Rupees two

	hundred) upto a maximum amount of ` 6,600/- (Rupees six thousand six hundred) to every member who had served as such member for any period whether for five years or less or more.
Death Gratuity	13. .If a Member dies during his/her term of office his/her spouse living his/her legal heir shall be paid a Death Gratuity a sum of one lakh rupee.

Family Pension	14. (1) When a sitting or former Member dies his spouse or if he had no surviving spouse at the time of his death, his other family members of the first preference, if any, shall be paid a family pension of rupees two thousand five hundred per mensem subject to the limitation in Sub-Section (2). (2) The period for which such family pension shall be payable to the widow or widower, son or daughter of a Member shall be as follows :- (a) In case of a widow or widower up to date of death or re-marriage, whichever is earlier; (b) In the case of a son, until he attains the age of 25 years; (c) In the case of unmarried daughter until she attains the age of twenty five years or until she gets married, whichever is earlier; Provided that the Family of such member shall not be entitled to any pension under this Act, if they are entitled to the similar benefit under any other Act or rules.
Travel by Air	15. A Member is entitled to travel by air on tour performing official duties within India.
Medical Treatment	16. A Member and the members of his family shall be entitled free of charge to accommodation in hospital, Nursing Home and Clinic recognized by the District Council and also to medical treatment in accordance with medical attendance Rules as amended from time to time, applicable to first grade officer of the Government of Mizoram.

Grant of Loan for construction or purchase of building and advance for a motor vehicle	EXPLANATIONS If a member has more than one wife residing with him, the benefit conferred by these Rules shall be available only to such wife as may be nominated in this behalf by the member. 17. (1) Subject to such condition and limitation as may be prescribed by Rules there shall be paid to a Member :- (a) a repayable loan for a sum of money not exceeding three lakhs rupees for construction of a building or purchasing a house, and (b) a repayable advance for a sum of money not exceeding three lakhs rupees of the anticipated price, whichever be less for purchase of a motor vehicle. (2) On the application for a building loan, a Member shall execute a deed in form prescribed by Rules, undertaking to use the loan for the purpose for which it is sanctioned, rendering himself/herself and such property as may be specified in the deed as security including the house purchased or built with the aid of the loan with interest due thereon. Provided that no loan for building of the house shall be sanctioned unless the plot of land on which the house to be built is exclusively owned and possessed by Member applying thereof and is free from all encumbrances. (3) On the application for advance for the purchase of a motor vehicle, a Member shall execute a deed in a prescribed form undertaking to use the advance for the purpose for which it is sanctioned rendering himself/herself and the motor vehicle to be purchased liable for the repayment of the advance with interest due thereon. (4) (1) No transfer, assignment or charge made or created after execution of the deed under Sub-Rule (2) of (3) under this Rule in relation to the property specified therein or the house purchased or built with the aid of loan ro advance as the case may be shall be valid against the Government/District Council unless it has been made or created with the previous consent of the Government/District Council in writing.

	(2) Where a Member having obtained a loan or advance under clause (a) or (b) of Sub-Rule (1) of this Rule, dies while holding office as such, the amount of the loan or advance as the case may be or any part thereof which would have occured on the date of his/her death in accordance with the terms and conditions of the grant of the loan or advance along with the interest thereon shall be written off with the sanction of the authority may be prescribed by the Government/District Council from time to time.
Repeal and saving.	18. (1) The Chakma Autonomous District Council (Salaries and Allowances of Members) Rules 1983 and all subsequent amendments thereof are here by repealed. (1) Notwithstanding such repeal anything done or any action taken under the Rules so repealed shall in so far as it is not inconsistent with the provision of this Rule be deemed to have been done or taken under this Rule.
	FIRST SCHEDULE (See Rule 9)
Regulation of payment of daily and travelling allowances	(1) Notwithstanding that a Member has not taken his seat in the District Council to which he is elected or nominated, he shall be entitled to receive travelling allowances for the purpose of taking his seat in the District Council. (2) For absence for a period of two days or more during a Session of the District Council or a Sitting of Committee for visiting any place in the afternoon, his travelling or daily allowances will be admissible. EXPLANATON : If a member comes back on the second day, whether in the forenoon or in the afternoon his absence shall be treated as being less than two days. (3) The term “during a Session” or a Sitting of a Committee occurring in Sub-Para (2) of the First Schedule does not include

	the period of two days immediately succeeding the conclusion of business of the Committee. (4) Travelling Allowances for return journey to the usual place of residence shall be admissible to a member who leaves the place of the Session of the District Council or Sitting of a Committee during the continuance of such Session or Sitting within two days after the conclusion of business of the Session or the sitting as the case may be before finally returning to his usual place of residence. (5) All cases regarding the admissibility of travelling allowances to a Member who arrives at the place where a session of the District Council or a sitting of a Committee is held without the knowledge of the Session of Sitting including case of such Members who arrives after the Session or Sitting is adjourned suddenly, shall be determined by the Chairman of the District Council having regard to the circumstances of each case. In case the Member has performed such journey at his own expenses, he shall have to satisfy for the same as follows "Certified that I have not performed any part of the journey by a conveyance provided at the expenses of the District Council". (6)Where a member is provided with free boarding and lodging at the expenses of any District Council he shall be entitled to receive only one half of the daily allowances admissible to him under Rule 4. If only boarding and lodging is provided, he shall be entitled to receive three fourth of the daily allowances admissible to him under that Rule. SECOND SCHEDULE (See Rule 11)
Procedural Provision :	(1) Every Member shall as soon as possible after he is elected declared in form 'A' appended to Second Schedule his usual place of residence to the Secretary to the District Council and any subsequent change of the usual place of residence so declared shall be notified in the said form to the Secretary to the District Council. (2) A Member who claims any travelling or other allowances under this Rule shall support his claims by a certificate in the following form, namely :- "Certified that no travelling Allowances in respect of the journey or daily allowances for the period mentioned in this bill has been

	or will be claimed from any other official source" (3) Where no part of the journey is performed by a conveyance provided at the expenses of the District Council the following certificate shall be furnished namely :- "Certified that I have not performed any part of the journey by a conveyance provided at the expenses of the District Council". (4) Ordinarily, any non-Government dues outstanding against a Member shall not be recovered from his salaries and allowances but where such dues are not account of certain service rendered by him in the course of duties as a Member, such as when he is on tour with a Committee, and the arrangement for such services have been made by or at the instance of Semi-Government Institution of Private parties at the request of the officers, of the District Council, and where such Member, in spite of repeated request had failed to make payment of such dues, recovery thereof may be effected from the salaries or daily allowances bills of such Member.

FORM 'A'

My usual place of residence is _____

OR

I have changed usual place of residence from _____

_____ to _____ due to _____

_____

(here state the reason)

I may hence-forth be allowed travelling allowances from _____

_____

Signature _____

Constituency _____

Date _____

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (SALARIES, ALLOWANCES AND PENSION OF MEMBERS) (AMENDMENT) RULES, 2006

No. A. 26020/1/93-DCA, the 1st December, 2008. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Amendment Rules made by Chakma Autonomous District Council and as approved by the Governor of Mizoram is hereby published for general information, namely :-

The Chakma Autonomous District Council (Salaries, Allowances and Pension of Members) (Amendment) Rules, 2006. (vide Governor of Mizoram's approval dt. 10.9.2008

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (SALARIES, ALLOWANCES AND PENSION OF MEMBERS) (AMENDMENT) RULES, 2006

To further amend the Chakma Autonomous District Council (Salaries, Allowances and Pension of Members) Rules, 2003 hereinafter called the "Principal Rules" to provide for the Salaries, Allowances and Pension of Members of the Chakma Autonomous District Council in Mizoram.

It is hereby enacted by the Chakma Autonomous District Council in the fifty seven years of the Republic of India as follows :-

Short title and Commencement	1.	(1)	These rules may be called the Chakma Autonomous District Council (Salaries, Allowances and Pension of Members) (Amendment) Rules, 2006.
		(2)	They shall be deemed to have come into force with retrospective effect 1st April, 2005.
Amendment of Rule 12	2.		In the Principal rules, for sub-rule (2) of Rule 12, the following shall be substituted, namely –
		(1)	The amount of pension payable shall be as follows :- (a) There shall be paid ` 4,500/- (Rupees four thousand five hundred) only per month to a Member who had been either elected or nominated once for 5 (five) years or for any period shorter than 5 (five) years. (b) There shall be paid ` 6,000/- (Rupees Six thousand) only per month to a Member who had been elected three terms or more before the commencement of these rules. (c) Where any person has been re-elected after the

	commencement of these rules for another term, whether he has completed the term or not, he shall be entitled to an additional pension of one thousand five hundred rupees. (2) (a) The pension shall be increased by 5 (five) percent annually at simple rate. (b) In no case shall the pension payable to Member exceed ten thousand rupees. (3) Where any person entitled to pension under sub-rule (2) of Rule 12 :- (a) Is elected to the Office of the President or Vice President of India or is appointed to the Office of the Governor of any State or the Administrator of any Territory; Or, (b) Becomes a Member of an Autonomous District Council; (c) Is employed on a salary under the Central Government or any State Government or any Corporation owned or controlled by the Central Government or any State Government or any Local Authority or becomes otherwise entitled to any remuneration from such Government, corporation or Local authority. Such person shall not be entitled to pension under sub-Rule (2) of rule 12 for the period during which he continues to hold such office or as such Member, or is so employed, or continues to be to hold such offer or as much Member, or is so employed, or continues to be entitled to such remuneration. Provided that where the salary payable to such person for holding such office or being such member or so employed, or where the remuneration referred to these clause (c) payable to such person is, in either case, is less than the person payable to him under sub rule (2) of rule 12, such person shall be entitled only to receive the balance as pension under that sub rule. (4) Where any person entitled to pension under sub rule (2) of rule 12 is also entitled to any other pension, such person shall be entitled to receive pension under sub rule (2) of rule 12 in addition to such

	pension. Provided that if any doubt arises as to the interpretation of any of the provision of these Rules, the decision of the Autonomous District Council Chairman shall be final. Chief Executive Member, Chakma Autonomous District Council, Kamalanagar.

AUTHENTICATION CERTIFICATE

Certify that the above Chakma Autonomous District Council (Constitution and Conduct of Business, etc.) (Amendment) Rules, 2006 was unanimously passed in the first sitting of the Winter Session, 2008 of the Eight Chakma Autonomous District Council held on 04/12/2008.

And

In authentication whereof I sign on this Fifth Day of December, two thousand and Eight Anno Domini.

(Sushil Kumar Chakma)
Chairman,
Chakma Autonomous District Council,
Kamalanagar.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL
(SALARIES, ALLOWANCES AND PENSION OF MEMBERS)
(AMENDMENT) RULES, 2012.

No. A. 26020/1/2009-DCA, the 4th August, 2014. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the Amendment Rules passed by the Chakma Autonomous District Council which received approval of His Excellency the Governor of Mizoram on 21.3.2014 and vetted by Finance Department vide I.D. No. FIN (E) 313/2014 is hereby published for general information, namely :-

"THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (SALARIES & ALLOWANCES OF CHIEF EXECUTIVE MEMBER/EXECUTIVE MEMBER/ADVISER TO CHIEF EXECUTIVE MEMBER/CHAIRMAN/DEPUTY CHAIRMAN/VICE CHAIRMAN (PLANNING)/OPPOSITION LEADER/MEMBER AND PENSION OF MEMBER) (AMENDMENT) RULES, 2012"

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL
(SALARIES, ALLOWANCES AND PENSION OF MEMBERS)
(AMENDMENT) RULES, 2012.

A
RULES

further to amend the Chakma Autonomous District Council (Salaries, Allowances and pension of Members) Rules, 2003 (hereinafter referred to as the Principal Rules).

Be it enacted by the Chakma Autonomous District Council in the sixty third year of the Republic of India as follows :-

Short title and Commencement	1. (1) These rules may be called the Chakma Autonomous District Council (Salaries, Allowances and Pension of Members) (Amendment) Rules, 2012. (2) They shall come into force with retrospective effect from 1st April 2012.
Amendment of Rule 2.	2. In Rule 2 (g) of the Principal Rules, after the words "Executive Member" the words "Opposition Leader" shall be inserted.
Amendment of Rule 3.	3. In Rule 3 of the Principal Rules, for the words "ten thousand rupees", the words "forty thousand rupees" shall be substituted.
Amendment of Rule 5.	4. Rule 5 of the Principal Rules shall be substituted as follows, namely : "5. A member shall be paid a constituency allowances of ` 3,000/- (Rupees three thousand) only per mensem, family allowances of

	`3,000/- (Rupees three thousand) only per mensem and entertainment allowances of ` 1,500/- (Rupees one thousand five hundred) only per mensem.
Amendment of Rule 6.	5. Rule 6 of the Principal Rules, for the figures "` 2,500/-", the figures, brackets and after the words "` 4,000/- (Rupees four thousand) only shall be substituted.
Amendment of Rule 7.	6. Rule 7 of the Principal Rules shall be substituted as follows, namely : "7. A member who occupies own house shall be entitled to receive a sum of ` 30,000/- (Rupees thirty thousand) only in the first year for furnishing and ` 1,500/- (Rupees fifteen thousand) only annually for the subsequent year of the term: Provided that payment rate for electricity, calls of telephone, free water supply and local rates or taxes shall be fixed by the Chairman from time to time".
Amendment of Rule 8.	7. Rule 8 of the Principal Rules shall be substituted as follows, namely :- "8. A member shall be entitled to the service of one Grade IV staff as personal Attendant according to his own choice and his wages shall be paid as un-skilled labour per mensem. The rate of wages of Grade IV staff shall be revisable from time to time and the appointment shall be co-terminus".
Amendment of Rule 9.	8. (1) In sub-rule (1) of Rule 9 of the Principal Rules, for the words "two hundred fifty rupees", the figures, brackets and words "` 500/- (Rupees five hundred) only" shall be substituted. (2) In sub-rule (3) of Rule 9 of the Principal Rules, for the figures "` 200/-", the figures, brackets and words, "` 750/- (Rupees seven hundred fifty) only" shall be substituted.
Amendment of Rule 12.	9. Sub-rule (2) of Rule 12 of the Principal Rules shall be substituted as follows, namely : "(2) (a) There shall be paid ` 2,000/- (Rupees two thousand) only per mensem to a member who had been elected/nominated once for 5 (five) years or for any period shorter than 5 (five) years. (b) There shall be paid ` 22,000/- (Rupees twenty two thousand) only per mensem to a member who had been elected for three terms or more before the commencement of these rules. (c) Where any person has been re-elected after the commencement of these rules for another term, whether he has completed the term or not, he shall be entitled to an additional pension of ` 3,000/- (Rupees three thousand) only per mensem. (d) The pension shall be increased at the rate of 5% (five) percent simple interest".
Amendment of Rule 13.	

Amendment of Rule 14.	10. In Rule 13 of the Principal Rules, for the words "one lakh rupees" the words "five lakhs rupees" shall be substituted. 11. (1) In sub-rule (1) of Rule 14 of the Principal Rules, for the word "two thousand five hundred rupees", the word "ten thousand rupees" shall be substituted. (2) In provision to Rule 14 of the Principal Rules, for the word, "this act", the word, "these rules" shall be substituted.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (SALARIES, ALLOWANCES AND PENSION OF MEMBERS) (THIRD AMENDMENT) RULES, 2023

NOTIFICATION

In Exercise of the powers conferred by Rule 19 of the CADC (Constitution, Conduct of Business etc.) Rules, 2002, read with sub-paragraph (6) & (7) of Paragraph 2 of the Sixth Schedule to the Constitution of India, the Chakma Autonomous District Council is pleased to further amend the CADC (Salaries, Allowances and Pension of Members) Rules, 2003 (herein after referred to as the Principal Rules) and amended therein as follows:-

Short title and Commencement	1	(1)	These Rules may be called the Chakma Autonomous District Council (Salaries, Allowances and Pension of Members) (Third Amendment) Rules 2023.
		(2)	It shall be deemed to have come into force on the 1st day of April 2019.
Amendment of Rule 3	2		In Rule 3 of the Principal Rules and its amended Rules of 2006 and 2012 for the words "forty thousand rupees" the words "eighty thousand rupees" shall be substituted.
Amendment of Rule 4	3		In Rule 4 of the Principal Rules for the words and figures, "daily allowance of Rs 200/- (Rupees two hundred) each day" the words, figures and brackets, "daily allowances of Rs 1000/- (Rupees one thousand) only within Mizoram and Rs 2000/- (Rupees two thousand) only outside Mizoram shall be substituted.
Amendment of Rule 5	4		Rule 5 of the Principal Rules and its amended Rules, 2012 shall be substituted with the following proviso namely**:-** "5 A member shall be paid a constituency allowances of Rs 20,000/- (Rupees twenty thousand) only per mensem, family allowances of Rs 7000/-(Rupees seven thousand) only per mensem and entertainment allowances of Rs 13,000/- (Rupees thirteen thousand) only per mensem."
Amendment of Rule 6	5		In Rule 6 of the Principal Rules and its amended Rules, 2012 for the words and figures, "Rs 4000/- (Rupees four

thousand) only per mensem" the words, figures and brackets, "Rs 8000/- (Rupees eight thousand) only per mensem", shall be substituted.

Amendment of Rule 7

6 In Rule 7 of the Principal Rules and its amended Rules, 2012, for figures, brackets and words, "Rs. 30,000/- (Rupees thirty thousand)" the figures, brackets and words "Rs. 1,00,000/- (Rupees one lakh)" shall be substituted. And for the figures, brackets and words "Rs. 15,000/- (Rupees fifteen thousand)" the figures, brackets and words " Rs. 40,000/- (Rupees forty thousand) shall be substituted.

Amendment of Rule 9

7 (1) In sub-rule (1) of Rule 9 of the Principal Rules and its amended Rules 2012, for the words and figures, "Rs 500/- (Rupees five hundred) only", the words, figures and brackets, "Rs 1000/- (Rupees one thousand) only",shall be substituted.

(2) In sub-rule (3) of Rule 9 of the Principal Rules and its amended Rules, 2012, the words and figures, "Rs 750/- (Rupees seven hundred fifty) only", the words, figures and brackets, "Rs 2000/- (Rupees two thousand) only", shall be substituted.

Amendment of Rule 12

8 (1) Sub-rule (2) of Rule 12 of the Principal Rules and its amended Rules 2012, shall be substituted with the following proviso namely:-

"(2) (a) There shall be paid Rs 40,000/- (Rupees forty thousand) only per month to a member who had been elected/nominated once for 5 (five) years or for any period shorter than 5 (five) years.

(b) If a member had been elected/nominated two terms or more, a sum of Rs 5000/- (Rupees five thousand) only per term shall be added to the initial pension of Rs 40,000/- (Rupees forty thousand) irrespective of the numbers of Terms a member is elected/nominated.

(c) The Maximum amount of pension shall not exceed Rs 70,000/- (Rupees seventy thousand).

(d) The Pension shall increased by 5 % (five percent) annually at simple interest rate.
(e) There shall be paid a medical assistance of Rs 2000/- (Rupees two thousand) only per mensem to each former member.".
(2) After clause (c) of Sub-rule (3) of Rule 12 of the Principal Act and its amended Rules 2006, the following clause shall be inserted, namely :-
"(d) Becomes a member of the Legislative Assembly or a Member of Parliament.".

Amendment of Rule 13 9 In Rule 13 of the Principal Rules and its amended Rules, 2012, for the words, "five lakhs rupees", the words, "ten lakhs rupees", shall be substituted.

Amendment of Rule 14 10 (1) In Sub-rule (1) of Rule 14 of the Principal Rules and its amended Rules, 2012, for the words, "family pension of ten thousand rupees per mensem", the words and figures, "family pension of 50% of the last pension received by the Ex-MDC or if a sitting MDC dies, 50% of the pension that would have been received by him and there shall be 5% increase of the family pension annually with maximum ceiling of Rs 50,000/-(fifty thousand rupees) only", shall be substituted.

Insertion of new Sub-Rule 14(3) (2) In Rule 14 of the Principal Rules and its amended Rules, 2012, after Sub-rule (2) the following sub-rule shall be inserted as follows:-
"14(3) The son or daughter of pensioner (member) is suffering from any disorder or disability of mind (including mentally retarded) or is physically crippled Or disabled so as to render him or her unable to earn a living the family pension shall be payable to such son or daughter after the death of the pensioner (member).

Provided that the family pension shall also be eligible to the return divorced or judicially separated daughter of the deceased pensioner (member) till her death or remarriage, whichever is earlier.

Provided further that son or daughter of a pensioner suffering from such incapacities mentioned in the above proviso the pension shall be payable for life.".

Amendment of Rule 15

12 In section 15 of the Principal Rules, the words, "within India", shall be deleted.

Amendment of Rule 17

13 (1) In sub-rule (1) (a) of Rule 17 of the Principal Rules, for the words, "three lakhs rupees", the words, "ten lakhs rupees", shall be substituted.

(2) In sub-rule (1) (b) of Rule 17 of the Principal Rules, for the words, "three lakhs rupees", the words, "ten lakhs rupees" shall be substituted.

The Chakma Autonomous District Council (Right to Information) Rules, 2006. [vide Governor of Mizoram's approval dt. 24.9.2007].

No. C. 11019/ 3/ 2007/ DCA/ C, the 14th May, 2009. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules made by the Chakma Autonomous District Council as approved by the Governor of Mizoram is hereby published for general information namely:-

CHAKMA AUTONOMOUS DISTRICT COUNCIL
RIGHT TO INFORMATION RULES, 2006.

Whereas it is felt expedient to provide information pertaining to Chakma Autonomous District Council.

The following rules be made in exercise of the power conferred under section 28 of "the Right to Information Act, 2005".

1. Short title & Commencement : (1) These Rules may be called "The Chakma Autonomous District Council Right to Information Rules, 2006".

(2) These Rules shall come into force from the date of its publication in the Mizoram Gazette.

2. Definition : (1)In these Rules unless the context otherwise requires.

(a)**"Act"** means the Right to Information Act 2005.

(b)**"Commission"** means the Mizoram State InformationCommission constituted under Section 15 of the Act.

(c)**"Executive Committee"** means the Executive Committee of Chakma Autonomous District Council.

(d)**"Executive Secretary"** means the Executive Secretary of Chakma Autonomous District Council.

(e)**"Chakma Autonomous District Council"** means theChakma Autonomous District Council constituted under the Sixth Schedule to the Constitution of India.

(f)**"Governor"** means the Governor of Mizoram.

(g)**"Public Information Officer, Chakma Autonomous District Council"** means the Public Information Officer designated under sub-section (2) of the Right to Information Act, 2005.

(h)**"Forms"** means appended to these Rules.
(i)**"Fees"** means fees prescribed under Rules 5.
(j)**"Appellate authority"** means Appellate authority Designated by the Executive Committee.
(k)The words and expressions used but not defined in these Rules shall have the same meaning as assigned to them in the Act.
(l)"Information" means any material in any form including Records, documents, circular, orders, contacts, reports etc.
(2)The words and expressions used but not defined in this Rulesshall have the same meaning as assigned to them in the Act.

3. Application for obtaining information :

(1) A person who desires to obtain information pertaining to the Chakma Autonomous District Council shall make an application in writing in Form-A or through electronic means to the Chakma District Public Information Officer accompanied by fees prescribed under Rule 5.

Provided that where a person applying through electronic means shall have to pay the fees within seven days from the date of application failing which the application shall be treatedas withdrawn.

(2) The Chakma District Public Information Officer on receipt of application shall give the receipt of application in Form-B to the applicant.

(3) The Chakma District Public Information Officer shall inform the applicant in Form-C regardingsuch further fees or charges to be paid by him under Rule 5 for the purpose of information sought for by him.

(4) The fees and charges payable under Rule 5 shall be paid either in cash or by Demand Draft or by Pay Order.

Provided that no fees and charges shall be payable by a person belonging to the BelowPoverty Line (BPL) families. If such persons submit with the application a certified copy of the BPL - Card prevailing on that point of time or a certificate issued in this behalf by a competentauthority shall require to be enclosed.

4. Disposal of the applicant :

(1) The Chakma District Public Information Officer shall provide information sought for the applicant within thirty days of the receipt of the request in Form-D or inform the applicant about the rejection of applicant in Form-E stating the Reason or

grounds as provided underSection 8 & 9 of the Act, as the case may be.

(2) In case where the information sought for does not fall within the jurisdiction/purview of the Chakma District Public Information Officer he shall forthwith transfer such application in Form-F to the concerned State Public

Information Officer within five days of the receipt of theapplication and inform the applicant immediately after such transfer.

Provided that where the information sought for concerns with the life and liberty of aperson Chakma District Public Information Officer shall be required to provide such
information within 48 hours of the receipt of such request of application.

5. Rate of fees :

(1) The rate of fees and other charges for obtaining required information shall be as under :

A. Application fees = Rs. 20/- per application

B. Other fees and charges :

Sl.No.	Details of information required	Price in money
1.	Any information available in the form of publication.	Actual Price of publication.
2.	Other information/documents a) Information provided in (i) A-4, A-3, FS, Legal size paper, (ii)Large size paper, b) For sample model or photographs c) For inspection of records.	Rs. 5/-per page or the actual cost, amount of actual cost. No fees for the first half an hour and thereafter Rs.20/- for each half an hour.
	d) For information to be furnished in Floppy or a disc whatever possible	Minimum Rs.60/- per Floppy disc or actual cost.

(2) (a)The Chakma District Public Information Officer shall issue a money receipt against every payments of fees and other charges as prescribed in Form-H to the applicant.

(b)The money so collected by the Chakma District Public Information Officer shall bedeposited to the Executive Secretary, Chakma Autonomous District Council, fortnightly
by the former through challan in Form-I, which shall be credited to the Council Fund bythe latter.

6. Appeal :

(1) Any person aggrieved by the decision of the Chakma District Public Information Officer orany person who does not receive any decision within the time specified in Sub-Section (1) or
clause (a) of Sub-Section (3) of Section 7 of the Act, as the case may be, may refer an appealin Form-G within 30 days from the date of non-receipt of such decision to

the AppellateAuthority designated by the Executive Committee, Chakma Autonomous District Councilin this behalf.

(2) The applicant aggrieved by an order of the Appellate Authority under Sub-Rule (1) may prefersecond stage appeal to the Mizoram State Information Commission within 90 days from

The date of the receipt of the order of the Appellate Authority giving the following details :

i) Name and address of the applicant,
ii) Name and address of the Chakma District Public Information Officer,
iii) Number, date and details of the order against which the second stage Appeal is filed,
iv) Brief facts leading to the second stage appeal,
v) Grounds for appeal,
vi) Verification by the appellant,
vii) Any information which the Commission may deem necessary for deciding the appeal.

(3) Every appeal made to the Commission shall be accompanied by a certified copy of the orderagainst which second stage appeal is preferred and copies of other documents referred to anrelied upon by the appellant alongwith a list thereof.

7. Maintenance of records :

The Chakma District Public Information Officer shall maintain all the records in respect of theapplications received for information and the fees collected for giving the information.

8. Miscellaneous :

For the purpose of removing any doubt it is hereby clarified that the forms as prescribed under theseRules need not be in authorized pre-printed stationery, but any format neatly typed, hand written or in electronic form which covers essential details in the form shall be valid.

FORM-A

[See rule (3)(1)]

Application from for obtaining Information

ID NO.

(For office use)

To,

The Chakma District Public Information Officer,
Chakma Autonomous District Council,
Kamalanagar : Mizoram.

1. Name of the applicant :
2. Full address :
3. Particulars of information required : (in brief) :
4. I hereby stated that the information sought for is not covered under the categories which areexempted from discloser of information under section 8 or under section 9 of the Right toInformation Act, 2005 and to the best of my knowledge, it is pertaining to the ChakmaAutonomous District Council.

5. * (1) I hereby submit the prescribed application fee of Rs. _____ (in words rupees…….) only vide payment of application fee receiptNo. _____ dt. _____ of the Chakma Autonomous District Council.

* (2)I enclosed herewith Demand Draft/Pay Order No. _____dt. _____drawnin favour of Chakma Autonomous District Council issued by _____ (Bank) towards the fees payable.

* (3) I belong to BPL family, Xerox copy of my Card/Certificates is enclosed herewith.

Place _____

Date _____

Signature of applicant :
e-mail address, if any :
Telephone No. (Office) :
(Residence) :

N.B. : Person belonging to BPL family need not pay any type of fees
: * Strike out whichever is not applicable.

FORM-B

[See rule 3 (2)]

Receipt of an application

From :

The Chakma District Public Information Officer,
Chakma Autonomous District Council,
Kamalanagar : Mizoram.

I.D.No. _____ Date _____

1. Received the application dated in Form-A, prescribed under Sub-Rule (2) of Rule 3 of the Chakma Autonomous District Council Right to Information Rules, 2006 from Mr/Mrs/Ms _____ residence of _____
2. The information shall be provided within 30 days. In any case, if it is found that it is not possible to give the required information, a letter showing reasons thereof or rejecting the request shall be issued.
3. The applicant may contact the undersigned during 11:00 AM to 1:00 PM on dated (here mention the date not later than 30 days from the date of receipt of an application).
4. In case of failure to remain present on the stipulated date by the applicant, the Chakma District Public Information Officer shall not be held responsible for delay in providing information.
5. The applicant shall be required to deposit the outstanding amount of fees or charges, if any, prior to collection of the information or the document.

Chakma District Public Information Officer,
Chakma Autonomous District Council,
Kamalanagar : Mizoram.

Telephone No……..e-mail……web site……

FORM-C

[See rule 3 (3)]

Intimation to applicant to deposit fee and charges for required information and/ or documents

To

Mr/Mrs/Ms _____

Address :_____

Sir,

With reference to your request/application dt. _____(I.D.No._____dated _____) I am to state that you are required to deposit Rs. _____ (in words rupees _____) only for required information and documents sought for. It is requested to obtain the copies of the required information/documents after depositing the amount to the Office of the Chakma District Council Public Information Officer.

(1)	Total No. of page _____ (A3, A4 size)	Rs. 5/- per page
(2)	Total No. of large size pages (Except A3, A4 size)	Rs. _____
(3)	Floppy/Disc charges	Rs. _____
(4)	Charges for inspection of records	Rs. _____
(5)	Charges for sample/model	Rs. _____
		Total : Rs. _____

Yours faithfully,

( )

Chakma District Public Information Officer,
Chakma Autonomous District Council,
Kamalanagar : Mizoram.

Telephone No…….. e-mail……web site…… _____

FORM-D

[See rule 4 (1)]

Supply of information to the applicant

From :
The Chakma District Public Information Officer,
Chakma Autonomous District Council,
Kamalanagar : Mizoram.

To,

Mr./Mrs./Miss_____

Address : _____

Sir,

This is with reference to your application dated _____(I.D.No. _____ Date _____) requesting for supply for information.

*2 Details of required information are enclosed herewith.

*3 Out of the required information sought for, the partial information is supplied as under :

(1)
(2)
(3)
(4)

*4 With reference to your request for supplying information, the following information/documents cannot be supplied for the following reasons :

(1)
(2)
(3)
(4)

5. If you are aggrieved by the above decision, you may prefer an appeal to the Appellate Authorityof Chakma Autonomous District Council, Kamalanagar, Mizoram within 30 days from the date ofreceipt of the decision.

6. The information whichever is given to you is as a member of Below Poverty Line families and shallnot be used any other purpose.

Yours faithfully,

( )
Chakma District Public Information Officer,
Chakma Autonomous District Council,
Kamalanagar : Mizoram.

Telephone No.
e-mail
web site

N.B. : * Strike out whichever is not applicable.

FORM-E

[See rule 4 (1)]

Order of rejection of Information

From :
The Chakma District Public Information Officer,
Chakma Autonomous District Council,
Kamalanagar : Mizoram.
No. _____ Dt. _____

To,

Shri/Smt./Miss_____
Address_____

Sir,

With reference to your application dated _____I.D. No. _____requesting for supply of information, I am to state that _____:

1. The information requested cannot be provided for the following reasons :
   The information requested falls within the exempted categories under Sub-Rule _____of Section 8 or under Section 9 of the Act.
2. If you are aggrieved by the above decision, you may prefer an appeal to the Appellate Authority,Chakma Autonomous District Council, Kamalanagar : Mizoram, within 30 days from the date of
   receipt of the decision.

Yours faithfully,

( )
Chakma District Public Information Officer,
Chakma Autonomous District Council,
Kamalanagar : Mizoram.

Telephone Number……e-mail…….web site……

FORM-F

[See rule 4 (2)]

Transfer of application pertaining to other Authority

From :
The Chakma District Public Information Officer,
Chakma Autonomous District Council,
Kamalanagar : Mizoram.
No. _____Dt. _____

To,
Shri/Smt./Miss_____
Address : _____

Sir/Madam,

Please find herewith an application from Shri/Smt. _____(I.D……No. _____Dt. _____) for reasons stated below :

Required information does not fall within the jurisdiction of the Chakma Autonomous District Council. As it falls within the jurisdiction of your department office, the same is transferred herewith to you for further necessary action.

It is certified that the applicant has paid Rs. _____ obtaining required information which has been credited to the Council Fund.

Yours faithfully,

( )
Chakma District Public Information Officer,
Chakma Autonomous District Council,
Kamalanagar : Mizoram.

Telephone No……. e.mail……web site……. _____
Copy to :- Shri/Smt. _____
(Applicant)

1. As your Application pertaining to required information doesn't fall within the Jurisdiction of thisChakma Autonomous District Council, it has been transferred to the State Public Information Officerhaving jurisdiction. You are requested to contact the State Public Information Officer mentioned above.

FORM-G

[See rule 6 (1)]

Form of First Appeal

I.D. No. _____

Date : _____

(For office use)

To,

The Appellate Authority,
Chakma Autonomous District Council,
Kamalanagar : Mizoram.

Sir,

As I have not received any decision I am aggrieved by the decision of the Chakma District Public Information Officer, Chakma Autonomous District Council, Kamalanagar, Mizoram, I hereby file this appeal. The particulars of my application is as under :

1. Name of the Appellant :
2. Address of Appellant :
3. (a) Name of the Chakma District Public Information Officer :
   (b) Address of the Chakma District Public Information Officer
   (c) Department/Office and Address :
   (d) Particulars of the decision against which the appeal is preferred including the No. and date of such decision :
4. Date of application submitted in Form-A :
5. Details of information :
   (1) Information asked for :
   (2) Period for which information is sought for :
6. Date as on completion of 30 days after submitting application in Form-A :
7. Reasons for Appeal :
   (a) No decision is received within 30 days of submission of application in Form-A :
   (b) Aggrieved by the decision of the Chakma District Public Information Officer,
   Dated :
8. Ground for appeal. Brief facts of the case.
9. Last date for filing the appeal :
10. Prayer Relief sought for :

I hereby state that the information and particulars given above are true to the best of my knowledge and belief.

Place :_____ Name of Appellant :
Date : _____ Signature of Appellant :
e-mail address, if any :
Telephone No. (Office) :
(Residence) :

.....cut from here.....

From :
The Appellant Authority
Chakma Autonomous District Council
Kamalanagar : Mizoram.

No. _____Dt. _____

I Received an appeal application of Shri/Smt._____a residence of _____ in Form-G prescribed under Sub Rule (1) of Rule 6 of the Chakma Autonomous District Council Right to Information Rules, 2006.

Signature of Recipient :
Office of the Appellate Authority
e-mail address, if any :
Telephone No. (Office) :
(Residence) :

FORM-H

[See rule 5 (2)]

Form of money receipt

From :
The Chakma District Public Information Officer,
Chakma Autonomous District Council,
Kamalanagar : Mizoram.

No. _____ Dt. _____

I received a sum of Rs. _____ (in words Rupees _____)only from Shri/Smt./Kumari_____ _____ residence of _____ today, the _____ 20 against the charges as follows :

1.	Application fees		Rs. _____
2.	Other Charges :		
	a)	A4, A3, Legal size papers	Rs. _____
	b)	Publication	Rs. _____
	c)	Large size papers	Rs. _____
	d)	Sample model/photographs	Rs. _____
	e)	For inspection of records	Rs. _____
	f)	Floppy/Disc	Rs. _____
		Total	Rs. _____

Chakma District Public Information Officer,
Chakma Autonomous District Council,
Kamalanagar : Mizoram.

Telephone No……e-mail……..web site…….....

FORM-I

[See rule 5 (2) (b)]

Form of cash deposit

Challan No. _____/20 Dated Kamalanagar,
the _____20_

Sl. No. Particulars Amount Remarks

Received by me

Signature of Recipient
Name : _____
Designation : _____

Deposited by

Signature :
Name : _____
Designation : _____

Total Rs. _____
(Rupees_____) only.

Countersigned

Executive Secretary,
CADC,Chakma Autonomous District Council,
Kamalanagar : Mizoram.
Telephone No._____
e-mail _____
web site_____

Chakma District Public Information Officer,
Kamalanagar : Mizoram.
Telephone No. _____
e-mail_____
web site_____

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THE CHAKMA AUTONOMOUS DISTRICT COUNCIL
(Election to Village Councils) Rules, 2007

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL
(Election to Village Councils) Rules, 2007

In exercise of power conferred under section 29 of the Chakma Autonomous District Council (Village Councils) Act, 2003 the Executive Committee of the Chakma Autonomous District Council is pleased dto make lthe following lRules with prior approval from the Governor of Mizoram.

Chapter-I
Preliminary

1.SHORT TITLE, EXTEND AND COMMENCEMENT:

(1) These Rules may be called the Chakma Autonomous District Council (Election to Village Councils) Rules, 2007;
(2) They extend to the whole of the Chakma Autonomous District Council;
(3) They shall come into force at once.

2.DEFINITION: In these Rules, except where it is expressly otherwise provided or the context otherwise requires:

(a) "Constituency" means such area which falls within the jurisdiction of a Village Council;
(b) "District" means the Chakma Autonomous District Council;
(c) "District Council" means Chakma Autonomous District Council;
(d) "Elector in relation to a constitutency" means a person whose name for time being entered in the Electoral Roll;
(e) "Executive Committee" means the Executive Committee of the Chakma Autonomous District Council;
(f) "Executive Secretary" means the Executive Secretary of the Chakma Autonomous District Council;
(g) "Electoral Roll" means the Electoral Roll of a contstituency of a village council and shall include the names of all persons who are entitled as voter;
(h) "Election" means an election to fill a seat in the Village Council;
(i) "Local Administration Officer" means Local Administration Officer of the Chakma Autonomous District Council;
(j) "Presiding Officer" means the officer appointed by the Executive Committee for c conducting the election in the poling station and may include the Returning Officer if the Executive Committee directs that the same person shall perform the function of both Returning Officer and Presiding Officer;
(k) "Returining Officer" means the Officer appointed by the Executive Committee for conducting the election to the constituency;
(l) "Village" means Village or Villages declared to form a Village Council under sub-section (1) of Section 3 of the Chakma Autonomous District Council (Village Councils) Act, 2003, by the Executive Committee.

3. HOLDING OF GENERAL ELECTION:

(a) All elections to the Village Councils shall be held under the provisions of these Rules and shall be conducted by symbol system and the symbols to be utilized for the purpose shall be those specified in Appendix-I of these Rules.

(b) The Returining Officer for the election to the Village Council shall notify the name of constituency with the numbers fixed for each Village Council to be elected and nominated. The District Council may at any time, revise or modify this provision if necessary.
(c) There shall be an Electoral Roll for every constituency for the election to the Village Councils, and may be revised by the Executive Committee from time to time.
(d) The person whose name is in Electoral Roll for the election to the District Council shall be the elector to the election of the Village Council.

4. APPOINTMENT OF OFFICER: The Executive Committee shall appoint a Returning Officer, Assistant Returning Officers and other Officers for the Election.

5. DATE OF ELECTION: The Executive Committee shall by notification call upon all c onstituencies concerned to elect the number of members to be returned, and shall also appoint the date or dates simultaneously or consecutively according to convenience. The Returning Officer may, however, cause an election to be held on such date before or after the date appointed in respect of any constituency as a special case, when the appointed date cannot be observed due to some unforeseen inconvenience.

Provided that the change of date shall be notified to the consltituency concerned by the Returning Officer at least seven days before the date so fixed for election.

6. APPOINTMENT OF NOMINATED MEMBER AND FILLING OF VACANCIES:

(1) Nominated Member in each Village Council as prescribed shall be appointed by the Executive Committee from amongst the persons qualified dto become a Member of a Village Council according to these Rules.

Provided, such person shall apply in the prescribed form informing his willingness to serve as Nominated Member of the Village Council to the Executive Committee or any other Officer appointed for such purpose by the Executive Committee. And such appointed Nominated Member shall hold office at the pleasure of the Executive Committee.

(2) If any elected Member is found to be disqualified after the election, the seat may be declared vacant by the Executive Committee, and be filled under the provision of these Rules.

(3) A seat and a casual vacancy in the Village Council in respect of a nominated seat shall be filled by the Executive Committee by appointment in the same manner as prescribed in Sub-Rule (1) of this Rule.

(4) A seat and a casual vacancy in the Village Council in respect of an elected seat shall be filled by bye-election.

7. PUBLICATION OF THE NAMES OF MEMBER OF VILLAGE COUNCIL: The name of members elected and those nominated for various Village Councils shall be published in the constituency as soon as may be after the election is over.

8. RETURNING OFFICER: It shall be the general duty of the Returning Officer at any Village Council election to do all such acts and things as may be necessary for proper conduct of election in the manner provided under these Rules and his decision shall be final.

9.POWER OF THE EXECUTIVE COMMITTEE: The Executive Committee may prescribe such forms as may be necessary for the conduct of election from time to time.

Chapter – II
CANDIDATES AND VOTERS

10. QUALIFICATION FOR ELECTOR:

(1) Every person who is –

(a) a citizen of India who belongs to Schedule Tribe;

(b) a permanent resident of sthe respective Village Council;

(c) not below the age of 18 (eighteen) years on the qualifying date;

(d) not of unsound mind and does not stand so declared by any competent court, and

(f) for time being, not disqualified for voting under the provisions of any law relating to corrupt or illegal practices or other offences in connection with election.

shall be entitled to vote at any election to the Village Council.

(2) No person shall be entitled to be registered in the electoral roll for more than one Village Council constituency.

(3) For the purpose of these Rules, "qualifying date," as used in sub-rul (1) and in relation to the preparation or revision of every village council electoral roll under this chapter shall be the date that may be declared by the Executive Committee by notification from time to time.

11. ELECTORAL ROLL FOR VILLAGE COUNCIL: Theree shall be an electoral roll for every village council constituency for the election to the village council prepared in accordance with the rules hereinafter provided-

(a) The Electoral Roll of a Village Council constituency for the election to the Village Council repared in accordance with the latest Electoral Roll for the election to the District Council, as and when revised, be the electoral roll for the purpose of the general election to the Village Council;

(b) There shall be summary revision of the electoral roll for inclusion, deletion or correction of names in the electoral roll of the Village Council constituency preceding any election to the Village Council constituencies on such time-frame as may be decided and notified by the Executive Committee;

(c) If any difficulty or question arises as to the preparation or review of any electoral roll under these rules, the same shall be decided by the Returning Officer or other Officers appointed by the Executive Committee for the purpose, and his decision shall be final.

Provided that the entire process of publication of electoral roll should be completed on or before the date fixed for filling of nomination papers for the Village Council election.

12. QUALIFICATION OF CANDIDATES FOR THE ELECTION AND SCRUTINY OF CANDIDATE:

(a) Any person whose name is include in the Electoral Roll of the constituency and who is not otherwise disqualified under Section 4 of the Chakma Autonomous District Council (Village Councils) Act, 2003 may be a candidate for the election to the Village Council and

shall inform the Returning Officer in writing in a form as prescribed along with a fee that may be fixed by the Executive Committee from time to times of his intention to do so, by a particular date to be notified in this behalf by the Returning Officer.

(b) The scrutiny of candidature shall be conducted by the Returning Officer in the respective Village Council constituency on the date and time to be notified by him. The Returning Officer shall then examine the nomination papers and shall decide on all objection which may be made to any nomination and may, either on such objection or in his own motion after such summary inquiry, as he may think necessary, refuse any nomination on any of the following grounds:-

(i) that the candidate is not qualified to be elected to fill the seat unde these Rules.

(ii) that the candidate or any proposer or seconder is not substantially identical with the person whose number or name appearing in the Electoral Roll as is given in the nomination paper as the number or name of such candidate, proposer or seconder.

(iii) that the signature of the candidate or any proposer or seconder is not genuine or has been obtained by fraud;

Provided that the Returning Officer shall not refuse any nomination paper on ground of technical defect, wrong lspelling of name, and the like, 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.

12. WITHDRAWAL OF CANDIDATURE AND REFUND OF SECURITY DEPOSIT:

(a) The Returning Officer may accept the withdrawal of any candidature, before or after the scrutiny of the candidature, and refund the security deposit money on obtaining a receipt to that effect as prescribed.

(b) The security deposit of all other contesting candidate shall be credited to the District Council fund according to established procedure in regards to District Council local receipt and the Local Administrative Officer shall be responsible for the same.

(c) The security deposit of candidates other than those whose security deposit are forfeited as per provisions of Rule 16(a) of these rules shall be refunded on issuance of a sanctioning order by the Executive Committee.

(d) On completion of the scrutiny of the nomination papers, the Returning Officer shall forthwith examine the symbols chosen by the candidate, and if such symbols are found to be in conflict with each other or with any symbols already assigned, he shall allocate the symbols in conformity, as far as possible with choices of the candidates, 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.

(e) The Returning Officer shall endorse on each nomination paper, his decision of accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reason for such rejection.

(f) The scrutiny shall be completed, if possible, on the fixed day and time for the nomination of the candidates but if it can not be completed on that day and time it may be adjourned to the following day or if the following day is holiday, to the next working day.

14. DEATH OF A CANDIDATE BEFORE POLL: If a candidate who has been dully nominated under these Rules dies after scrutiny of nominations and, before the commencement of poll, the Returning Officer/Asstt. Returning Officer shall, on being satisfied of such death,

countermand the poll in the constituency concerned and report the facts to the Executive Committee, and all proceedings with refereces to the election.

15. PUBLICATION OF VALID CANDIDATE LIST: The Returning Officer or Assistant Returning Officer shall publish the valid list of candidate after the scrutiny and withdrawal of candidature.

16. FORFEITURE OF SECURITY DEPOSIT:

(a) The Securisty Deposit of such candidate who is not elected and the total number of votes secured by him do not exceed one-sixth of the total votes polled shall be forteited to the District Council. The Presiding Officer or the Returning Officer as the case may be, shall deposit all such money to the Local Administration Officer by making a list of such candidate in a form as may be prescribed.

(b) The Local Administration Officer shall make a compilation of such money received from the different Presiding Officer or Returning Officer and shall cause deposit of all such money to the Executive Secretary to be credited in the District Council Fund by making entry in a form as prescribed.

17. ELECTION SYMBOL: Each candidate shall select a symbol out of those prescribed in Appendix-I to represent him in the election and the election shall be conducted by symbol. The Returning Officer shall decide by lot, to which of these candidates exceeds dthat of the seat to be filled. The Returning Officer shall complie a list showing the names of the valid candidates and the symbols assigned to each candidate and pyublish in the manner he thinks fit and a poll shall be taken in the manner prescribed in these Rules.

18. WHEN NUMBER OF VALID CANDIDATES IS EQUAL TO THE NUMBER OF SEAT:

(1) If the number of valid candidates in a consltituency is equal to the number of seats to be filled, the Returning Officer shall forthwith declare such candidates to be elected dto those seat in the Village Council uncontested.

(2) If the number of valid candidates is less than the number of seats to be filled, the Returning Officer shall declare all such candidates to be elected and fill as many as those seats. The Executive Committee shall by notification, call upon the constituency to elect a person or ersons to fill the remaining seat or seats, as the case may be, within such times as may be notified.

Chapter-III
VOTING

19. ARRANGEMENT OF VOTING: There shall be only one and if necessary, more polling station for each constituency. The Returning Officer or any other Officers appointed by him shall make all arrangements for the conduct f the election.

20. ELECTION AGENT: One election agent of a candidate is appointed in writing and submitted to the Returning Officer, who shall be admitted into the polling booth in case of the candidate absenting himself from the polling station.

21. NO VOTE BY PROXY: Every voter shall record his/her vote at the polling booth by him/her only and no vote by proxy or otherwise shall be accepted.

22. HOURS OF POLL: The Returning Officer shall fix the hours for polling vote.

23. BALLOT BOXES: Just before polling is started, the empty ballot boxes with their respective ballot boxes with their respective symbol and name of the candidates fixed on them shall be shown to the persons present at the polling station. The ballot boxes lthen be closed with an adhesive and wax sealing devices.

24. BALLOT PAPER: Each voter shall be given as many ballot papers as there are elected seats. The Executive Committee may direct that before the ballot papers are delivered to an elector at a polling station, such official marks as may be specified in this behalf, shall be given on ballot papers and the official marks so specified shall be kept secret.

25. RECORD OF VOTES: Each voter shall record his vote by dropping only one ballot paper in each box containing the symbol assigned to the candidate of his choice.

Provided that for any reason a voter does not want to use his ballot paper, the voter concerned must return the same, which shall be cancelled and marked 'refused' on the counterfoil.

Provided further that if an elector gives more than one votes to any one candidate, then at the time of counting of votes, not more than one of the votes given by him to such candidate shall be taken into account and all other votes given by him to such candidate shall be declared void.

26. HELPING VOTER: If owing to blindness or toher infirmity any elector is unable to read the symbol on the ballot box or is physically incapable of casting the ballot paper into the ballot box, the Presiding Officer will ascertain from the elector the candidate or candidates he desires to vote for and shall put lthe ballot paper or papers in the ballot box or boxes of such candidates in accordance with wishes of such elector. The Presiding Officer shall have this done with as much as possible and shall have a record of such instances.

27. SPOILT OF BALLOT PAPER: If the ballot paper happens to be spoilt before it is used due to any reason, another ballot paper may be obtained surrendering the spoilt ballot paper which shall be cancelled with the counterfoil.

28. SUSPENSION OF VOTING: If due to any reason beyond control, the polling of votes has to be stooped resulting in the dispersion of the voters and the candidates, the Presiding Officers within the hours prescribed and before all the votes polled, the polling shall be suspended and ballot boxes be closed by pasting with an adhesive and wax sealing devices till they are re-opened when polling is continued as decided by the Presiding Officer resent.

29. CLOSING OF BALLOT BOXES AFTER POLL: As per as practicable, after the closure of the poll, the Presiding Officer shall, in presence of candidate or their agents who may be present, close the ballot boxes and seal them and shall retain the ballot boxes in safe custody until the commencement of the counting of votes.

Chapter-IV
COUNTING OF VOTES

30. COUNTING OF VOTES: Counting of votes shall be taken up as soon as possible after the closure of the poll and the Returning Officer may appoint any person as may be necessary to assist him in the counting of votes.

31. AUTHORISED PERSON AT THE COUNTING OF VOTES: No person shall be allowed to be present at the counting of votes except the Returning Officer and such other persons as he may appoint to assist him in counting the votes, the candidates, election agents as may be required, authorized in writing by the candidate shall have the right to be present at the time of counting.

32. SUSPENSION OF COUNTING OF VOTES: If due to any reason beyond control, the counting of votes has to be delayed for any period resulting in the dispersion of candidates and the election staff from the booth r place appointed instead, the ballot boxes shall be closed by pasting an adhesive and wax sealing devices. The boxes lshall be reopened at the next counting of votes held.

33. DISPOSAL OF COMPLAINT: The result of the election shall be announced by the Returning Officer as soon as possible after the counting of votes is finished. Any protest against the time of announcement of the result, the Returning Officer shall explain the circumstances connected with the complaint.

34. EQUAL OF VOTES: In the case of equal of votes, membership shall be decided by drawing of lots.

35. PUBLICATION OF ELECTION RESULT: The list of the candidates elected shall be published in the constituency.

Chapter-V
ELECTION PETITION

36. SUBMISSION OF ELECTION PETITION: A petition challenging the validity of any election may be submitted by a candidate and no one else to the Executive Committee or any officer appointed by it for the purpose within 15 (fifteen) days after the declaration of the election results by the Returning Officer of the constituency concerned, attaching to the petition, an official receipt of the District Council showing that a deposit of Rs. 300/- as security for cause of hearing of the petition has been made. Such deposit shall be forfeited to the District Council in case the petition fails. If , however, the petition succeed, the deposit shall be refunded. Unless such petition is withdrawn within a fortnight, the security deposit shall be forfeited to the District Council and be credited to District Council fund.

37. DISPOSAL OF ELECTION PETITION: The Executive Committee shall conbstitute an Election Tribunal to hear and dispose of all election petitions. The Tribunal shall report its

findings and decisions to the Executive Committee whereupon the Executive Committee shall notify the decision of the Tribunal.

Chapter – VI
CORRUPT PRACTICES

38. CORRUPT PRACTICES: The following lshall be deemed to be corrupt practices for the purpose of the election to the Village Council:

(1) Bribery
(2) Undue influence
(3) Personating
(4) Removal of ballot papers
(5) Publication of false statement and
(6) Use of or appeal to religious and national symbols as defined in Chapter XX of the Chakma Autonomous District Council (Constitution and Conduct of Business, etc.) Rules, 2003.

Chapter- VII
ELECTORAL OFFENCES

39. PUBLIC METING: No person shall convene, hold or participate in any public meeting or canvas for self or for any candidate on the date on which poll is taken for election to the Village Council.

40. MAINTENANCE OF SECRECY: Every Officer, clerk or agent or other person who performs any duty in connection with the recording or counting of votes at an election, shall maintain the secrecy of the voting.

41. PROHIBITION OF INTERFERENCE WHILE POLLING: No person shall interfere in any way with he work of the Returning Officer or other Officers employed for the conduct of election to Village Concil.

42. CONTRAVENTION OF ANY PROVISION: Any person who contravenes any of the provision of this Rules 39 to 41 shall be punishable with a fine which may extend to Rs.500/- (Five hundred rupees).

Chapter-VIII
POWER OF RETURNING OFFICERS

43. No Civil Court shall have jurisdiction to question the legality of any action taken or any decision given by the Returning Officer or by any other person appointed under these Rules in connection with an election.

44. REPEAL AND SAVING: The Pawi-Lakheer Autonomous Regional (Election to Village Councils) Rules, 1954 as amended and applicable to the Chakma Autonomous District Council is hereby repealed. (**Governor of Mizoram assented on 7th April, 2008**)

NOMINATION FORM OF CANDIDATE
(See Rule 9)

1. Name _____ age _____
2. Address _____
3. Name Of Constituency_____
4. Father's Name_____
5. Name of Proposer & address_____
6. Name of Seconder & address_____
7. Sl. No. in the Electoral Roll _____
8. Date & time of Filling Nomination _____
9. Citizenship _____
10. Community _____
11. Place of birth _____
12. Occupation_____
13. Symbol _____
14. Name of political party where a candidate belongs_____
15. Security Deposit_____ for election candidate.

Signature of Candidate
Date_____

1. Signature of Proposer
   Date _____

2. Signature of Seconder
   Date _____

Presiding Officer/Returning Officer
i/c Election
Chakma Autonomous District Council
Kamalanagar.

APPLICATION FORM FOR V/C NOMINATED SEAT
(See Rule 9)

1. Name _____ age _____
2. Address _____
3. Name Of Constituency_____
4. Father's Name_____
5. Name of Proposer & address_____
6. Name of Seconder & address_____
7. Sl. No. in the Electoral Roll _____
8. Date & time of Filling Nomination _____
9. Citizenship _____
10. Community _____
11. Place of birth _____
12. Occupation_____
13. Name of Political Party_____

Signature of Candidate
Date_____

1. Signature of Proposer
   Date _____

2. Signature of Seconder
   Date _____

Presiding Officer/Returning Officer
i/c Election
Chakma Autonomous District Council
Kamalanagar.

APPENDIX-I
(See Rule 17)

List of Symbols

1. Khurol (axe)
2. Tagol (dao)
3. Tokya (hat)
4. Pada (leaf)
5. Lembo (lantern)
6. Mokya (maize)
7. Mog (mug)
8. Neckless (necklace)
9. Pile (pot)
10. Sugurigulo (pumpkin)
11. Chames (spoon)
12. Chati (umbrella)
13. Ghor (hut)
14. Gach (tree)
15. Mash (fish)
16. Nouka (boat)
17. Phagara (spade)
18. Daba (tobacco pipe)
19. Chari (sickle)
20. Shangu (ladle)
21. Agun Luro (Fire-Torch)
22. Am (mango)
23. Booi (book)
24. Kalam (pen)
25. Tebil (table)
26. Chock-Chama (spectacles)
27. Langal (plough)
28. Jog (jug)
29. Khum (pitcher)
30. Anash (pineapple)
31. Kadira (chair)
32. Narekul (coconut)
33. Dhansija (bunch of paddy)

PUBLICATION OF THE NAME OF ELECTED MEMBERS OF VILLAGE COUNCIL
(See Rule 3b)

I Shri _____ Returning Officer Village Council General Election 200____ and in exercise of the power conferred under sub-section (2) & (4) of Section 3 of the Chakma Autonomous District Council (Village Councils) Act, 2003, do hereby publish the number of seats to be elected and nominated of the Village Councils below:

Sl.No.	Name of Village Cuncil Constituency	No. of seats to be elected	No. of seats to be nominated

Returning Officer

_____

Election of Village Council
Chakma Autonomous District Council
Kamalanagar.

PUBLICATION OF THE LIST OF VALID CANDIDATE
(See Rule 15)

In exercise of power conferred under rule 15 of the Chakma Autonomous District Council (Election to Village Councils) Rules, 2007, I Shri _____ Asst. Returning Officer, Election to Village Councils_____ Constituency etc. publish the list of valid Candidates as particularized below against their name:

S.No.	Name of Candidate	Name of V/Councils	Symbol allotted	Name of Party

Asst. Returning Officer
Village Concil General Election, 200___
Chakma Autonomous District Council
Kamalanagar

Copy to:

1) All Presiding Officer, for information and necessary action
2) The LAO, and Returning Officer Village Council General Election, 200____
3) Notice Board.

Asst. Returning Officer
Village Concil General Election, 200___
Chakma Autonomous District Council
Kamalanagar

PUBLICATION OF NAME OF ELECTED MEMBER OF THE VILLAGE COUNCIL CONSTITUENCY

(See Rule 7)

In exercise of power conferred under rule 7 of the Chakma Autonomous District Council (Election to Village Councils) Rules, 2007, I Shri _____ Prseiding Officer, hereby declared the following persons duly elected as the member of _____Vilage Council Constituency.

S.No.	Name of V/Councils	Name of elected members	Symbol allotted	Name of Party

Asst. Returning Officer
Village Concil General Election, 200___
Chakma Autonomous District Council
Kamalanagar

Copy to:

1) All Presiding Officer, for information and necessary action
2) The LAO, and Returning Officer Village Council General Election, 200____
3) Notice Board.

Asst. Returning Officer
Village Concil General Election, 200___
Chakma Autonomous District Council
Kamalanagar

FORM FOR OATH AFFIRMATION
(See Rule 9)

I Shri/Mrs _____ having been elected as member of the _____ Village Council do hereby solemnly swear in the name of God, that I shall bear true faith and allegiance to the Constitution of India and shall no way refrain to discharge my duty for the interest of the general public upon which I am s elected.

_____
Signature of the Member

Date _____

CHAKMA AUTONOMOUS DISTRICT COUNCIL
VILLAGE COUNCIL GENERAL ELECTION, 200_____
(See Rule 9)

BALLOT PAPER ACCOUNT

S. No.	Particulars	Ballot papeer	**Remarks**

1. Name of Constituency_____
2. Name of Presiding Officer _____
3. No. of Ballot papers issued_____
4. No. of ballot papers used_____
5. No. of ballot papers spoilt_____
6. No. of unused ballot papers returned_____

Signature
Presiding Officer
V/C General Election

RECEIPT
(See Rule 13)

Received a sum of Rs. _____ (Rupees _____) from _____, Returning Officer/Presiding Officer to the election of Member of _____V/C on account of withdrawal of my nomination of the above said election.

Name_____

Date_____
Place_____

COMPILATION OF SECURITY DEPOSIT MONEY RECEIVED FROM PRSIDING/RETURNING OFFICER to the _____V/C election
(See Rule 16b & Rul3 13b)

Name of Presiding Officer	Returning Officer	Name of V/C	Name of Candidate	Amount of S/D	Whether forfeited Yes/No
1	2	3	4	5	6

Total _____ Rs. _____/-

(Rupees _____) only.

Local Administrative Officer

Submitted to the Executive Secretary CADC along with the total amount of money for credition to the District Council fund.

SUBMISSION OF ACCOUNT AND DEPOSIT OF MONEY OF THE FORFEITED SECURITY DEPOSIT
(See Rule 16a)

S.No.	Name of Candidates whose security deposit is forfeited	Name of Village Council	Amount	Remarks
1	2	3	4	5

Total _____ Rs. _____/-

(Rupees _____) only.

Signature
Presiding/ Returning Officer
the election _____V/C

……

Receipt

Received a sum of Rs. _____ (Rupees _____) only from Shri _____ Presiding/Returning Officer to the election_____ being the amount of the forfeited security deposit of candidates.

Local Administration Officer

"THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (ELECTION TO VILLAGE COUNCIL) (AMENDMENT) RULES, 2013"

No. C.31012/6/2005-DCA(C), the 14th October, 2013. In pursuance of paragraph 11 of the Sixth schedule to the constitution of India, the following Rules passed by the Chakma Autonomous District Council, and approved by His Excellency the Governor of Mizoram on 1st October, 2013 is hereby published for general information, namely :-

"THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (ELECTION TO VILLAGE COUNCIL) (AMENDMENT) RULES, 2013"

A RULES

To amend the Chakma Autonomous District Council (Election to Village Councils) Rules, 2007 (hereinafter referred to as the Principal Rules).

It is enacted by the Chakma Autonomous District Council in Sixty-Fourth year of Republic of India as follows :

1. Short title, extent and commencement -

(1) These Rules may be called the Chakma Autonomous District Council (Election to Village Councils) (Amendment) Rules, 2013.

(2) It shall come into force from the date of publication in the Mizoram Gazette.

(3) It shall have like extend as the Principal Rules.

2. Amendment of Rules 2 .

(1) In Rule 2, Clauses (j) & (k) the words "Executive Committee" whenever it occurs shall besubstituted by the words "State Election Commission".

(2) In Rule 2, after clause (1), the following clause (M) shall be inserted, namely :-

(M) "State Election Commission" means "the State Election Commission as constituted forthe state of Mizoram under provision of Part IX and Part IX A of the constitution"

3. Amendment of Rule 3.

In Rule 3, clause (c) the words "Executive Committee" shall be substituted by the words, "StateElection Commission".

4. Amendment of Rule 4.

Rule 4 of the Principal Rules shall be substituted as follows :-

"The State Election Commission shall appoint Election Officials as per provision of Section 3 (7) of the Chakma Autonomous District Council (Village Councils) (Amendment) Act, 2011"

5. Amendment of Rule 5.
In Rule 5, the words "Executive Committee" shall be substituted by the words, "State ElectionCommission".

6. Amendment of Rule 9.
In Rule 9, the words "Executive Committee" whenever it occurs shall be substituted by the words"State Election Commission".

7. Amendment of Rule 10.
In Rule 10, sub-rule (3) the words "Executive Committee" shall be substituted by the words "StateElection Commission".

8. Amendment of Rule 11.
In Rule 11, clauses (b), (c), the words "Executive Committee" whenever it occurs shall be substitutedby the words "State Election Commission".

9. Amendment of Rule 12.
In Rule 12, clause (a), the words "Executive Committee" shall be substituted by the words "StateElection Commission".

10. Amendment of Rule 13.
In Rule 13, clause (c), the words "Executive Committee" shall be substituted by the words "StateElection Commission".

11. Amendment of Rule 14.
In Rule 14, the "Executive Committee" shall be substituted by the words "State Election Commission"

12. Amendment of Rule 18.
In Rule 18, sub-rule (2) the words, "Executive Committee" shall be substituted by the words "StateElection Commission".

13. Amendment of Rule 24.
In Rule 24, the words, "Executive Committee" shall be substituted by the words "State ElectionCommission".

14. Amendment of Rule 36.
In Rule 36, the words "Executive Committee" whenever it occurs shall be substituted by the words"State Election Commission".

15. Amendment of Rule 37 -
In Rule 37, the words "Executive Committee" whenever it occurs shall be substituted by the words"State Election Commission"

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (TRANSACTION OF BUSINESS)RULES, 2009.

No.C.31025/3/2009/DCA/C, the 28th April, 2010. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules made by the Chakma Autonomous District Council as approved by the Government of Mizoram is hereby published for general information namely:-

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (TRANSACTION OF BUSINESS)RULES,2009.

Rules

To provide for smooth running of the functions of the different departments under Chakma Autonomous District Council.

And whereas it is expedient to make rules for smooth and effective functioning of the different departments under Chakma Autonomous District Council.

Be it enacted by the Chakma Autonomous District Council in the fifty ninth Republic Day of India as follows:-

1. (1) These Rules may be called the Chakma Autonomous District Council (Transaction of Business)Rules 2009.
(2) They shall come into force at once.

2. In these Rules unless the context otherwise requires.
(a)"**District Council**" means the Chakma Autonomous District Council constituted under the sixth Schedule to the constitution of India.
(b) "**Executive Committee** " means the Executive Committee ofthe Chakma Autonomous District Council formed under Chakma Autonomous District Council (CCB etc)Rules.

(c) **"Executive Members"** means the Member of the Executive Committee appointed as such by the Governor.

(d) "**Chief Executive Member**" means the Chief Executive Member of the Chakma Autonomous District Council.
(e) **"Executive Secretary"** means the Secretary to the Executive Committee.
(f) **"Department"** means a Department of the Chakma Autonomous District Council as specified in the 1st schedule.
(g) **"Governor"** means the governor of Mizoram.
(h) **"Departmental head"** means head of the department.

PART-I
Allocation and Disposal of Business

3. The business of the Chakma Autonomous District Council shall be transacted in the different departments specified in the First Schedule.

4. The Chief Executive Member shall allot among the Executive Members, the business of the Chakma Autonomous District Council by assigning one or more departments to the charge of an Executive Member.

5. Each Department of the Chakma Autonomous District Council shall consist of the one group- 'A' officer who shall be the administrative head of that department.
Provided that :-
(a) More than one Department may be placed in charge of the same officer.

6. In matters of interpretation of the expression, 'Decision' or 'orders' or 'approval' the Chakma Autonomous District Council mentioned in any rules, regulations, orders, or instruction for notification for the time being in force shall mean the decision of the Executive Committee or the Chief Executive Member or the concerned Executive Members.

7. Subject to the orders of the Chief Executive Members under rule 14, all case referred to in the second schedule to this Rules shall be brought before the Executive Committee in accordance with the provision of the Rules contained in Part-II.

8. The Executive Member in-charge of the department shall be responsible for the disposal of business pertaining to his department and departmental head of the department shall assist and carry out the instruction of the Executive Member in charge in this regard.

9. (1) No department shall without previous consultation with the Executive Committee authorize any orders which ....
(a) Either immediately or by their repercussion, will affect the finance of the District Council, or which, in particulars ….
(i) Involve any grant of land or assessment of Revenue or concession, grant, lease or license of mineral of Forest rights or a right to water or any easement or privilege in respect of such concession.
(ii) In any way involved any relinquishment of Revenue; or
(b) Relate to the numbers or grading of Cadre of post or the emoluments or other conditions of service or post;
(c) Involved the addition of a post in public services in the variation of emoluments of any post; Provided that all Group- 'A' post or Post on fixed Pay which is equivalent or more than that of the starting of Group-A scale of pay per month shall be created in consultation with the department of General Administration and Finance & Accounts.
(d) Involve expenditure for which no provisions have been made in the appropriation Act or which is in excess of the provision made in the Act.
(e) Involve the sanction of an allowances or special or personal pay for any post or class of post or to any employees to the Chakma Autonomous District Council.
(2) No re-appropriation shall be made by any department other than Finance Department except in accordance with General or specific delegations as the Executive Committee may have made.

(3) Except to the extent that powers may have been delegated to the departments under rules approved by the Executive Committee, every order of an administrative department conveying a sanction to be enforced in audit shall be communicated to the audit authorities by the Finance Department.

(4) Nothing in this rule shall be constructed as authorizing any department including the Finance Department to make re-appropriation from one grant specified in the appropriation Act to another such grant.

10. Orders or instruments made or executed by or on behalf of the Chakma Autonomous District Council shall be expressed to be made or executed in the name of the Executive Committee.

11. Every order or instrument of the Chakma Autonomous District Council shall be expressed to be made in the name of the Executive Committee and shall be signed by the Chief Executive Member or other member of the Executive Committee or any Officer (s) authorized by the Chief Executive Member by and order in this behalf and such signature shall be deemed to be the proper authentication of such order or instruments.

PART-II

Procedure of the Executive Committee

12. The Executive Secretary, or such other officer as the Chief Executive Member may appoint, shall be the Secretary to the Executive Committee.

13. All cases referred to in the second schedule shall, after consideration by the Executive Member be sent to the Executive Secretary for obtaining orders of the Chief Executive Member for bringing it up for consideration at a meeting of the Executive Committee or for circulation of the case under Rule 14 herein.

14. The Chief Executive Member may direct that any case referred to in the second schedule or otherwise may instead of being brought up for decision at the Executive Committee be circulated to the Executive Member for their opinion. The Chief Executive Member may refer such matter for discussion at a meeting, if he may consider necessary.

15. In cases, which circulated for opinion under Rule 14, every Executive Member shall communicate his opinion by a date specified in the Memorandum of meeting for circulation. In case any Executive Member fails to communicate his opinion, the Secretary to the Executive Committee shall bring the matter to the notice of the Chief Executive Member for further direction. The Chief Executive Member may return the case to the Secretary to the Executive Committee with orders. The Secretary to the Executive Committee will then pass it on to the concerned departmental head for taking steps for the implementation of the decision or for issuance of the orders accordingly.

16. When it has been decided to bring a case before the Executive Committee, the department to which the case belong shall, unlessthe Chief Executive Member otherwise directs, prepare a memorandum indicating with sufficient precision on the silent fact of the case and the points for decision. Executive Committee memorandum having any financial implication shall be accompanied by financial memorandum obtained from Finance department. Such memorandum and such other papers as are necessary to enable the case to be disposed off shall be circulated to the Executive Members.

17. In cases, which concern more Executive Members than one, the Executive Member shall attempt by previous discussion to arrive at an agreement. If an agreement is reached, the memorandum shall contain the joint recommendation of the Executive Members, and if no agreement is reached, the memorandum shall state the points of differences and the recommendations of each of the Executive Member concerned shall be submitted to the Chief Executive Member for his decision.

18. (1) The Executive Committee shall meet at such place and time as the Chief Executive Member may direct.

(2) After an agenda paper showing the cases to be discussed at a meeting of the Executive Committee has been approved by the Chief Executive Member, copies thereof, together with copies of such memorandum as have not been circulated under Rule 16 shall be sent by the Secretary to theExecutive Committee to the Chief Executive Member and other Executive Members so as to reach them two clear days before the date of such meeting. The Chief Executive Member may waive the said period of two days.

(3) Except with the permission of the Chief Executive Member, no cases shall be placed on the agenda of a meeting unless papers relating thereto have been circulated as required by Rule 16.

(4) If any Executive Member is on tour, the Secretary to the Executive Committee shall bring the matter to the notice of the Chief Executive Member before meeting of the Executive Committee for appropriate instructions. The Chief Executive Member may direct for a report from the concerned head of department for consideration of the Executive Committee.

(5)The Chief Executive Member may direct the Executive Secretary to obtain the opinion of Law department as regards the proposal before the Executive Committee.

(6) The Chief Executive Member or in his absence any other Executive Member nominated by him shall preside at a meeting of the Executive Committee.

(7) The Secretary to the Executive Committee shall attend the meeting of the Executive Committee and shall prepare a record of the decision. He shall after approval of the Chief Executive Member, prepare the record of decision of the Executive Committee for communication to other Members of the Executive Committee and concerned department.

19. When a case has been decided by the Executive Committee after discussion at a meeting, the Executive Member concerned shall take action to give effect to the decision. If however, any deviation is proposed to be made from that decision, the case shall be submitted to the Chief Executive Member by the Executive Member concerned and further action will be taken according to any direction of the Chief Executive Member.

PART-III

Departmental Disposal Of Business

A.GENERAL

20. Experts as otherwise provided by any other Rule, cases shall ordinarily be disposed off by or under the authority of the Executive Member in charge of the department who shall give such directions as he thinks fit for the disposal of case in his department. Copies of such important instructions shall be brought to the notice of the Chief Executive Member.

21. Whenever a matter concerns two departments, the fact shall be specifically brought to the notice of the Executive Members concerned. There-upon, the Executive Member of department concerned shall hold discussion and try to arrive at an understanding. The Executive Member may, however, direct that the discussion may be held by the concerned departmental heads. Such decision shall be recorded and placed before the Executive Members concerned. In case of any difference of opinion, the matter shall be put up before the Chief Executive Member for appropriate orders.

22. (1) The Chief Executive Member may call for records of any case relating to any department.

(2) The Chief Executive Member may, in consultation with the Executive Member in-charge of the department, pass such orders in any case as he consider necessary or may direct that the matter shall be placed before the Executive Committee.

(3) The Chief Executive Member may pass orders in a case relating to any department when the case is referred to him by the Executive Member in-charge of the department.

(4) The Chief Executive Member, in the absence of the Executive Member in-charge of the department may, in a matter of urgent public importance relating to any department, pass such orders as he consider necessary or expedient.

23. If a question arise as to the department to which a case properly belongs, the matter shall be referred for the decision of the Chief Executive Member.

24. All communications received from the government of India/Mizoram (including those from the Prime Minister and other Minister of the Union, Chief Minister of Mizoram or

others Minister of the government of Mizoram) other than those of routine or unimportant nature shall be placed by the Executive Secretary to the Executive Member in-charge and the Chief Executive Member for information.

25. Any matter likely to bring the Chakma Autonomous District Council into controversy with the government of Mizoram or any other state government or government of India shall be brought to
the notice of the Chief Executive Member and the Executive Member in-charge forth with by the Executive Secretary.

26. The following classes of cases shall be submitted to the Chief Executive Member before the issue of orders :
(2) Appointment, transfer, posting and deputation of all categories of employees under Chakma Autonomous District Council. Such proposal should be routed through the Executive Secretary.
(3) Constitution of different Committees.
(4) Cases, which effect the relation of the Chakma Autonomous District Council with the government of Mizoram.
(5) Important cases which affect or likely to affect the interest of the minority communities under Chakma Autonomous District Council.
(6) Proposals in regards to the matter in connection with the 6th schedule of the constitution of India.
(6) Resignation/termination/dismissal/Disciplinary action of all categories of employees under Chakma Autonomous District Council. Such proposal should be routed through the Executive Secretary.
(7) All other policy and important matters.
(8) Councils budget/planning and any other matter relating to financial involvement.

EXECUTIVE SECRETARY

27. (1) The Executive Secretary as the head of the administrative machinery, responsible to ensure the efficient functioning of the Chakma Autonomous District Council administration shall be kept informed and apprised of all important decision who shall bring all such decisions or information to the notice of the Chief Executive Member.
(2) All cases of appointment, posting, deputation, termination, compulsory retirement, removal, planning& development, financial matters, correspondences with state or central government and all other important matters shall be put up by the heads of department to the Executive Secretary who shall put them up before the Chief Executive Member through the concerned Executive Member for orders.
(3) When a matter is required to be placed before the Chief Executive Member, the heads of department shall place the matter before the Executive Member in-charge through the Executive Secretary.The matter shall then be placed before the Chief Executive Member for orders accordingly. In matters required to be disposed of by the Executive Member concerned, the departmental head shall place the same before the Executive Member concerned for orders under Rule 20 of these Rules.

FINANCE & ACCOUNTS DEPARTMENT

28. The Finance and Accounts department shall have the following functions namely:-

(1) It shall in consultation with the General Administration and Control department frame Rules regulating the pay, of persons in the service of the Chakma Autonomous District Council and Rules regulating the number, grading or cadre and emoluments of posts under Chakma Autonomous District Council and also be responsible for seeing that these Rules are properly applied.

(2) It shall advise on the financial aspects of all transactions relating to loans granted by the Chakma Autonomous District Council/State/Central government.

(3) It shall be responsible in laying down appropriate financial rules for guidance of other departments who are responsible in proper maintenance of accounts by themselves and by the establishments subordinate to them. Finance and Accounts department may take such action as may be appropriate to enforce such accountability.

Such financial rules shall be placed before the Executive Committee for approval.

(4) It shall prepare an estimate of the total receipts and disbursement of the Chakma Autonomous District Council in each year and shall be responsible during the year for watching the state of the Chakma Autonomous District each balances or for the ways or means and operation.

(5) In connection with the budget and with supplementary estimates:-

(a) It shall prepare a statement of estimated revenue and expenditure to be laid before the Chakma Autonomous District Council session in each year and any supplementary estimates or demands for excess grant, which may be submitted to the vote of the Legislature/Councilors or as the case may be, laid before the Legislature.

(b) For the purpose of such preparation it shall obtain from the departments concerned materials on which to base its estimates, and it shall be responsible for the correctness of the estimate framed on the materials supplied; and

(c) It shall examine and advise on all schemes of new expenditure for which it is proposed to make provision in the estimate, and shall decline to provide in estimates for any schemes which has not been so examined.

(6) On receipt of a report that a financial rule has been contravened or a financial irregularity has been committed, it shall take steps to enforce the rule or to stop or rectify the irregularity.

(7) It shall lay before the committee on Public Accounts the report of the auditor General of India relating to the appropriation accounts of the Chakma Autonomous District Council and shall bring to the notice of the Committee all expenditure which has not been duly authorized and any financial irregularities; and

(8) It shall advise the departments responsible for collection of revenues regarding the progress of collection or the methods of collection employed.

GENERAL ADMINISTRATION & CONTROL DEPARTMENT

29. (1) The General Administration & Control department shall be responsible for seeing that the rules and principles relating to service in general and properly followed.
(2) The General Administration & Control departments shall be consulted for advise by other departments in matter relating to frame set of service rules and general principles relating to service.
(3) The approval of the Chief Executive Member shall be obtained in the following matters :
(a) Relaxation of any service rules;
(b) Relaxation of any general service condition; and
(c) Creation of any gazetted or non-gazetted post or payment of additional remuneration to any employees.

PLANNING & DEVELOPMENT DEPARTMENT

30. (1) The Planning and Development department shall be responsible for working out a strategy of development, laying down the guidelines for the departments regarding the drawing up of departmental programmes and schemes and working an economic, administrative and organizational appraisal of the plans and programmes of various departments.
(2) The Planning and Development departments shall be consulted for advice by other departments in matters relating to plan formulation or the general principles relating to planning.
Provided it shall be open to the planning and Development department to prescribe, by general or special order, case in which such consultation with it may not be necessary.

RURAL DEVELOPMENT DEPARTMENT

31. The Rural Development department shall implement all Rural Development Schemes whether sponsored by central government or otherwise under the guidance and supervision of the Chief Executive Member or the Executive Member concerned. The departmental head shall seek guidance from the concerned Executive Member in this regard from time to time or shall be responsible in all respects as to the planning ,evaluation, execution, due and national expenditure of funds provided in this purpose.

SUPPLEMENTARY

32. The Heads of the department concerned is, in each case, responsible for the proper transaction of business and the careful observance of these Rules and when he consider that has been any material departure from them he shall personally bring the matter to the notice of the Executive Member in-charge.

Notwithstanding anything contained herein, the Executive Committee or the Chief Executive Member may relax the Rules in the interest of public or smooth functioning of the affairs of the Chakma Autonomous District Council.

The matter in regard to which the rules are silent or adequate provision has not been made, the heads in the department shall obtain appropriate directions from the Chief Executive Member or the Executive Member concerned through the Executive Secretary.

FIRST SCHEDULE
LIST OF DEPARTMENT

1. General Administration & Control Department.
2. Local Administration Department.
3. Arts & Culture Department.
4. Information Public Relation Department.
5. Land Revenue & Settlement Department.
6. Sports & Youth Services Department.
7. Taxation Department.
8. Planning & Development Department.
9. Road & Transport Department.
10. Water Transport Department.
11. Environment & Forest Conservation Department.
12. Finance & Accounts Department.
13. District School Education Board.
14. Education & Human Resources Department.
15. Co-operation Department.
16. Social Welfare Department.
17. Sericulture Department.
18. Adult Education Department.
19 .Law & Judicial Department.
20. Legislative Department.
21. Agriculture Department.
22. Public Health Engineering Department.
23. Public Works Department.
24. Industry Department.
25. A.H & Vety.Department.
26. Soil & Water Conservation Department.
27. Rural Development Department.
28. Relief & Rehabilitation Department.

SECOND SCHEDULE
(SEE RULE)

1. Proposal for creation of any category of post.
2. Proposal for appointment/promotion of any category of post.
3. Proposal for sanction of advance increment/additional remuneration to any employee.
4. Proposal for making or amending rules/regulations, the recruitment and condition of services of the Chakma Autonomous District Council employees.
5. Annual Accounts.
6. Proposal for the making and amending any rules.
7. Any proposal involving any action for the dismissal, removal or suspension of any categories of employees.
8. Report of the Departmental Promotion Committee/Selection Committee on its works and any action proposed to be taken thereto.
9. Proposal for imposition of a new tax or any change in the method of assessment or the pitch of any existing tax or land revenue of the Chakma Autonomous District Council.
10. Proposal involving the alienation either temporary or permanent, or of scale, grant or lease of any movable or immovable or the abandonment or reduction of revenue.
11. Proposal involving any major policy or practice.
12. Proposals to vary or reverse a decision previously taken by the Executive Committee.
13. Cases required by the Chief Executive Member to be brought before the Executive Committee.
14. The financial statements to be laid before the council session.

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THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (ALLOCATION OF BUSINESS)RULES, 2009.

No.C.31025/3/2009/DCE/C,the28th April,2010. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules made by the Chakma Autonomous District Council as approved by the Governor of Mizoram is hereby published for general information namely :-

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (ALLOCATION OF BUSINESS)RULES, 2009.

Rules

To provide for the allocation of business among the different departments of Chakma Autonomous District Council for smooth running the functions of the Chakma District Council.

Whereas it is expedient for the allocation of business to the different department of Chakma Autonomous District Council.

1. These rules may be called the CADC (Allocation of Business) Rules,2009.
2. In these rules, unless the context otherwise require -
   (a) **"CADC"** means the Chakma Autonomous District Council.
   (b) "Executive Committee" means the Executive Committee of the CADC.
   (c) **"CEM"** means the Chief Executive Member of the CADC.
   (d) **"Executive Secretary"** means the Executive Secretary of the CADC.
   (e) **"Heads of Department"** means a head in a department and includes the Executive Secretary and the Legislative Secretary.
   (f) **"Schedule"** means the schedule appended to these rules.

3. The entire business in the CADC shall be transacted in the CADC as specified in the schedule and shall be classified and distributed between the departments as laid down therein.

   Provided that the Executive Committee may from time to time make such additions to or modifications in the list of business allotted to a department as the Executive Committee thinks fit.

4. The Chief Executive Member shall locate to the Executive Members so much of the business of the CADC if required to aid and advice him in exercise of his functions and for that purpose assign one or more departments to the charge of a Executive Member.

   Provided that nothing in this rule shall prevent the assignment of one department to the charge of more than one Executive Member.

5. There shall be a senior/selection grade officer for each department who shall be an official head of that department.
   Provided that -
   (a) More than one department may be placed in charge of the same Officer.
   (b) The work of a department may be divided in between two or more Officers.

"THE SCHEDULE"

1. Finance Department :

1) Financial powers and delegation thereof.
2) Rules relating to pay, allowances and travelling allowances.
3) Implementation of Pay Committee recommendation.
4) Rules relating advance.
5) Embezzlement and other financial irregularities.
6) General Advice on financial aspects of service rules etc.
7) Rules relating to grant-in-aid.
8) Interpretation of Fundamental Rules, Supplementary Rules and Civil service regulation having financial implication.
9) All budgetary matters including control of expenditure.
10) Audit.
11) Rules and procedure regarding GPF/CPF/EPF
12) Insurance schemes of CADC employees/salary saving schemes(PRSS)
13) Discretionary grants rules and procedures.
14) (House Building Advance) Loan and advances.

2. General Administration and Control Department :

1) General/Office administration.
2) Creation of Sub-Headquarters.
3) Rest Houses.
4) Census/Holiday.
5) Ceremonial functions including celebration of Republic Day and Independence Day.
6) Posts/Telegraph/Bank.
7) Allotment of residential accommodation.
8) Civil Supply.
9) Electricity.
10) Annual administration report.
11) Protocol.
12) Allotment of subjects to the department, creation, re-organization and amalgamation of department.
13) CADC(Transaction of Business) Rules.
14) Visit of VVIPs.
15) Matters relating to Sixth Schedule.
16) Miscellaneous matters.
17) Correspondences with Central/State Govt. Election.
18) Election.
19) Executive Committee meeting.
20) Training.
21) Allmatters relating to recruitment/appointment/promotion/transfer & posting/leave/suspension/disciplinary action reinstatement of all categories employees under Chakma Autonomous District Council.

22) Rules & procedures regarding fixation of seniority/promotion and all matters relating thereto.
23) Creation/classification of posts/services rules.
24) Condonation of educational deficiency for Chakma Autonomous District Council service.
25) All service matters relating to all categories of employees except teaching staff.
26) Maintenance of personal/service books/Incumbency register of all categories of employees except teaching staff.
27) Deputation.
28) Matter relating to service association.
29) Authorization of pension, DCRG, Communication etc.
30) All pensionery matters.
31) Maintenance and control of pension fund Accounts.
32) Rules relating to pensionery matters.
33) Law & order.
34) Employment Return/statistic of employees.
35) Security arrangement.
36) All other matters not specifically allotted to any department.

3. <u>Information and Public Relation Department</u> :

1) Press, Newspaper and periodicals.
2) Publication and publicity.
3) Advertisements.
4) Public relation and mass communications.
5) Co-ordination with AIR & Doordarshan.
6) Preparation of Calendar/Choice of the people.

4. <u>Planning & Development Department</u> :

1) Preparation of Annual/Five year plan.
2) Man power planning.
3) Implementation of Plan Schemes and evaluation thereof.
4) Planning Advisory Board and other development committee.
5) Plan publicity.
6) Plan formulation.
7) 20-point programme.
8) Evaluation and monitoring.

5. <u>Agriculture & Horticulture Department</u> :

1) Agriculture Link road.
2) Distribution of Planting materials/certified seeds.
3) Procurement of Machineries for 50% subsidy.
4) Implements and Tools.
5) Water pumping Machineries.
6) Land Development by manuals.
7) Minor irrigation/construction of field channels.

6. Fisheries Department :

1. Grant-in-aid to individual Fish Farmers for fish pond development.

7. Public Health Engineering Department :

1) Rural sanitation.
2) Spring sources Development.
3) Public Latrine/Urinal(Rural Sanitation).

8. Industry Department :

1) Handloom and Handicraft.
2) Grant-in-aid to individuals for supply of tools and implements.
3) Selection of SEE YOU Loanees.

9. Sericulture Department :

1) Grant-in-aid to Private Rearers under promotion Schemes.
2) Marketing selling of cocoon to State Govt.

10. Animal Husbandry & Vety Department :

1. Subsidiary Schemes on :
   a) Cattle Development.
   b) Piggery &
   c) Poultry
   d) Dispensary.

11. Arts & Culture Department :

1) Grant-in-aid for promotion of Arts & Culture.
2) District Library.
3) District Museum.
4) Assistant for publication.

12. Social Welfare Department :

1) Old Age Pension (Plan & Non-Plan).
2) Assistance to voluntary organizations.
3) Pre-schools.
4) Welfare of Handicaps.
5) Welfare of poor & destitute.

13. Soil Conservation Department :

1) Implementation of Terracing.
2) Plantation subsidiary schemes.
3) Village grassing ground.

14. Local Administration Department :

1) Urban Development.
2) All minor works such as :
   a) Construction of Steps/Culvert/Retaining Walls.
   b) All matters relating to village councils.

c) Town administration.
d) Improvement & Development of Town/Markets.
e) Establishment of new villages.
f) Sanitation.
g) Town Planning.
h) Naming of Streets in Towns.

15. Environment & Forests Department :

1) Forest Acts & Rules thereof.
2) Forest reserve & Reclamation.
3) Plantation schemes.
4) Protection of wild life.
5) Stone Quarry in Forest Areas.
6) Conservation of Forests.
7) Control & prevention of fire.
8) Soil conservation for forestation.

16. Road & Transport Department :

1) Maintenance of Chakma Autonomous District Council vehicles.
2) Allotment of Chakma Autonomous District Council vehicles/scooters.
3) Motor vehicle taxation.

17. Sports & Youth Services Department :

1) Promotions of Games & Sports.
2) Purchase & distribution of Sporting materials.

18. Co-operation Department :

1) Co-operation Societies.
2) Distribution through Co-operative Societies.

19. Public Works Department :

1) Inter-village approach road to link up with the Public Work Department roads.
2) Construction and maintenance of Roads/Bridges and buildings.

20. Education Department :

1) Primary Education.
2) Adult Education.
3) Middle Schools.
4) Matters relating to education at Primary & Middle levels.
5) Appointment/posting/transfer of Primary & Middle School.
6) Training of teachers/distribution of text books.
7) Construction of School buildings/stipend/distribution of furniture to School/SSA.

21. Rural Development Department :

1) Rural Communication.
2) Construction of Community Hall.
3) Rural Housing.

22. Water Ways Department :

1) Inland Water Ways.
2) Ferry Ghat.
3) Tax on Speed Boat/Boats.

23. Relief & Rehabilitation :

1) Natural Calamities/Drought & flood relief.
2) Gratuitous Relief.
3) Importing training to mass people on Disaster Management.
4) Conducting of Awareness Campaign on Disaster Management.
5) Purchase and Distribution of tools/medicine etc.to prevent natural calamity.

24. Land Revenue & Settlement :

1) Land Revenue.
2) Land Settlement.
3) Land Records.
4) Compensation on account of damage of crops/private properties.
5) Trade License/Video/cable license.
6) Land Acts.

25. Land Revenue (Taxation) :

1) Professional tax.

26. Legislative Department :

1) Date of summoning and propagation of the Chakma Autonomous District Council Session.
2) Salary, allowances and pension of the MDCs.
3) Liaison with Leaders and Whips of various parties and Groups represented in the session.
4) Matters relating to powers, privilege and immunities of the MDCs.
5) Appointment of Advisory Committee.
6) Planning and coordination Legislative & other official business in the session.
7) All Legislative matters.
8) MDC Hostels.

27. Law & Judicial Department :

1) Administration of Justice Rules.
2) Chakma Customary Law.
3) Matters relating to inheritance of property under (inheritance)Act.
4) Advice in legal matters.
5) Contract deeds and Arbitration case.
6) General supervision of subordinate and village council courts.

28. <u>District School Education Board</u> :

1) To prescribe course of instruction including teaching of practical works and the like where necessary for pre-primary, primary, middle schools and adult education.
2) To conduct and supervise the examinations based in such course as prescribed.
3) To demand and receive such fees and fines.
4) To institute and award scholarship prizes and the like.
5) To prescribe, prepare and select text books and supplementary books or cause to prepare or publish and select Text book for any or all of its prescribed courses for its various examinations.
6) To lay down conditions for recognition of Schools, Pre-Primary candidates for various school courses or such other courses.
7) To recognition Pre-Primary, Primary, Middle School in CADC and withdrew such recognition on grounds considered reasonable.
8) To take disciplinary action against institutions, the teachers and the employees which it thinks fit.
9) To prescribe necessary qualifications of teachers in recognized schools.
10) To receive grants from District Council & Govt.& donations from Private individuals and other non-govt., semi govt. bodies or Central govt. for some specific purpose and to administer it.
11) To prescribe and administer school syllabus curriculums, school calendar and school time tables.
12) To receive, purchase & hold any property movable and immovable which may become essential for it and to dispose off.

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THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (MOTOR VEHICLE TAXATION) REGULATION' 2014.

No.C.31011/2/2013-DCA(C), the 12th February,2014.In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India,the following Regulations passed by the Chakma Autonomous District Council and approved by his Excellency the Governor of Mizoram on 23.1.2014 is hereby published for general information,namely :-

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (MOTOR VEHICLES TAXATION) REGULATION, 2014.

A
REGULATION

To provide for the levy and collection of Road Tax on motor vehicles within Chakma Autonomous District. In exercise of the powers conferred on it by clause (b), Sub-paragraph(3) of paragraph 8 of the Sixth Schedule to the Constitution of India, the Chakma Autonomous District Council is pleased to make the following regulations in the sixth fifth year of the Republic if India as follows :-

Short Title, Extent and Commencement :-_

This Regulation may be called the Chakma Autonomous DistrictCouncil (Motor Vehicles Taxation) Regulation, 2014.It shall extent to the whole of Chakma Autonomous District.It shall come into force on and from the date of publication in the Mizoram Gazette.

Definitions :-

(1) In this Regulation unless the context otherwise requires:-

"Check post" means the Check posts set up under Section 10 of this Regulation;
"District" means the Chakma Autonomous District;
"Executive Committee" means the Executive Committee of Chakma Autonomous District Council;
"License" means a permission granted to the Motor Vehicle to ply within the District;

"Licensing Officer" means an Officer appointed by the Executive Committee as such for the purpose of this Regulation;
"Prescribed" means prescribed by the riles made under this Regulation;
"Tax" means Tax livable under this Regulation;
"Transport Department" means Transport Department of the Chakma Autonomous District Council;
"Year" means the financial year.

(2) Words and expressions used but not defined in this Regulation,but defined in the Motor Vehicle Act,1988 shall have the meaning assigned to them in this Regulation.

Levy on Tax:-

On and from the commencement of this Regulation road tax shall be levied and collected on the Motor Vehicles used or kept for use and plying within the District at the rates specified as follows :

(1) All Motor Vehicle described in Column (1) of Schedule I and used or kept for use and plying within the District a tax at the rate specified in thecorresponding entry in column (2) of the said Schedule;

(2) All motor cycles,not being Transport Vehicle, described in Part 'A' of Scheduled-II and used or kept for use and plying in the District,A tax at the rate specified in the corresponding entry in column (2) of the said Schedule.

(3) All motor cars, not being transport vehicle,described in part 'B' of Schedule-II and used or kept for use and plying in the District,a tax at the rate specified in the corresponding entry in column (2) of the said Schedule.

Payment of tax and grant if License:-

(1) The tax levied under section 3 of the Regulation shall be paid in advance and in the manner specified in section-II by the register owner of the vehicle or any other person having possession or control thereof,at his choice either quarterly,half-yearly or annual on a license to be taken out by him for the quarter,half-year or year,within fifteen days from the commencement of the quarter,half-year,or year as the case may be.Tax for a half-yearly license shall not exceed twice and the tax for an annual license shall not exceed four times the tax for a quarterly license.The Executive Committee may grant such rebate as may be prescribed in case of half-yearly or annual license.

(2) Notwithstanding anything contained in sub-section (1),no person shall be liable to pay tax in respect of a motor vehicle for a particular period,if the tax due in respect of those motor vehicles for that period has already been paid by some other person.

(3) Where a tax in respect of a motor vehicle is paid by any person for a particular period or if no such tax is payable thereof, the License Officer shall grant to such person a license,in such form as may be notified by the Executive to committee to use the motor vehicle in any public in any public place in the District during the said period.

(4) Every license granted under sub-section(3)shall be valid throughout the District.

(5) Notwithstanding anything contained in section 3,the Executive Committee may,by notification from time to time, direct that temporary license for a period not exceeding thirty days at a time may be issued in respect of a motor vehicle of any class on payment of such tax,and subject to such condition as may be specified in such notification.

(6) No motor vehicle shall be used in any public place in the District at any time after commencement of this Regulation, unless a license permitting its use during such time has been obtained as specified in sub-section(3) or sub-section(5).

5.Motor vehicle to stop it on demand by certain officers :

(1) Any officer of the Transport Department not below the rank of Enforcement Inspector or any police officer in uniform not below the rank of Sub-Inspector,or such other officer as may be prescribed may require the driver of any motor vehicles in any public place to stop that motor vehicles and cause it to remain stationary so long as may reasonably be

necessary for the purpose of satisfying himself that a license has been duly obtained in respect of such motor vehicles.

(2) Any person who will fully fail to stop a motor vehicle when required to do so by an officer under sub-section (1) or resist such officer,shall be punishable with fine which may extend to one thousand rupees.

6. Penalty for failure to pay tax :

If the tax due in respect of any motor vehicles has not been paid as specified in section 4, the registered owner or the person having possession or control thereof shall,in addition to payment of the tax due be liable to penalty which may extend to twice the quarterly tax in respect of the vehicle,to be levied by such officer,by order in writing and in such manner as may be prescribed.

Provided that if the lumpsumtax under this Regulation has not been paid by the registered owner or the person having possession or control thereof shall, in addition to payment of the tax due,be liable to penalty which may extend to twice the lumpsum tax payable under sub-section (1) of section 4.

7. Recovery of tax, penalty or fine :

Any tax,penalty or fine due under this Regulation may be recovered by way of detaining or selling such Motor Vehicles or such accessories which are in the possession or control of the person liable to pay tax,penalty or fine as the case may be.

8. Power to seize and detain motor vehicles in case of non-payment of Tax :

Without prejudice to the provisions of sections 6 and 7,where any tax due in respect of any motor vehicles has not been paid as specified in section 4,such officer as may be prescribed,may seize and detain the motor vehicles in respect of which the tax is due under this Regulation and for this purpose take or cause to be taken any steps he may consider necessary for the temporary safe custody of the vehicle,until the tax due in respect of the vehicle,is paid.

9. Exemption,reduction of other modification of tax :

(1) The Executive Committee may,by notification:-

(a) grant an exemption.Make a reduction in the rate or order other modification not involving an enhancement in the rate of the tax payable:-

(i) by any person or class of person: or

(ii) in respect of any motor vehicles or class of motor vehicles or motor vehicles running in any particular area; and

(b) Cancel or vary such exemption, reduction or other modification

(2) No motor vehicle other than motor vehicles belonging to the three Autonomous District Council of Mizoram,State Government or Government of India,shall be exempted from payment of tax if not specifically exempted by the Executive Committee for certain periods not exceeding six months. Such exemption or reduction of tax;if any shall be notified in the Mizoram Gazette.

10. Setting up of check posts:

The Executive Committee may be Notification set up Check post at any suitable place and no vehicle shall pass through the check post without payment of tax,unless exempted under section 9 of this Regulation.

11. Manner of payment of dues:

Payment of every amount due under this Regulation shall be made in cash to the office of the Licensing Officer or in such other manner as may be prescribed.

12.Appeal:

Any person aggrieved :

(a) by an order of levy made under section 6.

(b) By the seizure made under section 8 may, withina period of thirty days from the date of communication to him of the order of levy or the date of seizure,as the case may be,appeal to the Executive Committee in such manner and so payment of such fees as may be prescribed.

13. Protection of Acts done in good faith:

No suit,prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith,done or intended to be done under this Regulation or under the rules made there-under.

14.Trial of offences:

No court inferior to that of a First Class magistrate shall try any offence punishable under this Regulation.

15. Procedure in certain cases:

Where an accused person pleads guilty and remits the sum specified by the court, no further proceedings in respect of the offence shall be taken against him.

16. Power to make rules:-

(1) The Executive Committee may, by notification make rules for carrying out all or any of the purpose of this Regulation.

(2) In particular and without prejudice in general of the fore-going provision, such rules may provide for all or any of the following matters, namely :-

(a) Levy of tax under section 3

(b) Payment of tax and grant of license under section 4

(c) Penalty for failure to pay under section 6

(d) Recovery of tax, penalty or fine under section 7

(e) Exemption, reduction or other modification of tax under section 9.

(f) Any other matter relation to the provisions of this Regulation or for carrying out all or any of the purpose of this Regulation.

17. Power to amend Schedules:

(1) The executive committee may by notification in the official Gazette, increase or, as the case may be, decrease from time to time, the rate(s) specified in the Schedule-I and Schedule-II in relation to any motor vehicles.

(2) When a Scheduled so amended, any reference to the schedule in this Regulation shall be construed as a reference to such schedule as so amended.

18. Power to remove difficulty :

If any difficulty arises in giving effect to the provisions of this Regulation in consequences of the transition to the said provisions from the corresponding provisions of the Regulation in force immediately before the commencement of the Regulation or otherwise, the Executive Committee may after previous publication by other published in the Mizoram Gazette, makesuch provisions not inconsistent with purpose of this Regulation, as appear to them to be necessary or expedient for removing the difficulty.

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THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (TRADING) REGULATIONS, 2016.

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (TRADING) REGULATIONS, 2016.

A BILL

to provide Regulations and control of trading within the Chakma Autonomous District Council in exercise of the powers conferred by sub-paragraph (1) of paragraph 10 of the Sixth Schedule to the Constitution of India, the Chakma Autonomous District Council is pleased to make the following Regulations in the Sixty-sixth year of the Republic of India as follows:-

1. SHORT TITLE, EXTENT AND COMMENCEMENT:

(1) These Regulations may be called the Chakma Autonomous District (Trading) Regulations, 2016.
(2) It shall extend to the whole of Chakma Autonomous District Council.
(3) It shall come into force on the date of its publication in the Mizoram Gazette.

2. DEFINITIONS:

In these Regulations enless the context otherwise requires:-
(1) "District" means the Chakma Autonomous District;
(2) "District Council" means the Chakma Autonomous District Council;
(3) "Executive Committee" means the Executive Committtee of the Chakma Autonomous District Council;
(4) "Licence" means a Licence islsued by the Chakma Autonomous District Council for the purpose of trading within the District;
(5) "Licence Holder" means a person or persons holding a licence under these Regulations;
(6) "Licencing Authority" means Officer or any officers authorized in this behalf by the Executive Committee;
(7) "Non-Residents" a temporary inhabitant allowed to stay in Mizoram for a specified period of time by the competent authority;
(8) "Prescribed" means prescribed by rules made under thses Regulations;
(9) "Residents" a permanent inhabitant of Chakma Autonomous District.
(10) "Temporary Licence" means a licence granted temporarily for a specified period of time not exceeding one year at a time.
(11) "Trade" means any trade, business, industry, transportation, professions or of the like nature, occupation relating to production, manufacturing supply and distribution of goods.

3. CONTROL OF TRADING:

On and from such date of publication in the Mizoram Gazette, no persons, resident in the Chakma Autonomous District Council lshall carry on any trade within the Chakma Autonomous District except in accordanc with terms and conditions of a licence issued under these Regulations and the rules made thereunder.

4. APPLICATION FOR LICENCE:

(1) Any person desiring to carry on by himself any trade within the Chakma Autonomous District may make an application for the grant of a licence to the Authority.

(2) Every application under sub-section (1) of Section 4 shall lbe made in the prescribed form along with the prescribed fee and shall contain such particulars as may be prescribed.

5. MODE OF SUBMISSION OF APPLICATION:

All applications fro Trade Licence under sub-section (2) of section 4 shall be submitted to the Authority in Form-I & II on payment of Rs.50/-(fifty) as application fee which is non-refundable.

6. QUALIFICATION OF LICENCE HOLDER:

(1) The person or persons shall be a resident within the Chakma Autonomous District.

Provided that, temporary licence may be islsued to a non-resident citizen if the person desires to carry on trade within the Chakma Autonomous District.

Provided further, that if the person is non-tribal, he or she should have one year valid Inner Line Permit.

(2) The person(s) shall not hold any office of profit under the Government or under any local authority lsubject to the control of any of the said Government.

7. TYPE OF TRADE LICENCE:

On and from the commencement of these regulations, there shall be the following types of Trade Licence:-

(1) "Dealer Licence" is a licence granted for the prupose of trade within the Chakma Autonomous District and automatically permitted to export/import goods from outside/inside the Chakma Autonomous District. The licence shall be valid for one year and renewable on payment of such fee as prescribed in Appendix 'A'. (Note:- Manufacturing, production and repairing works of all kind shall be included in this category).

(2) "Retail Licence" is licence granted for the purpose of trade within the Chakma Autonomous District and not permitted to import goods from outside the Chakma Autonomous District. The licence shall be valid for one calener year and renewable on payment f such fee as prescribed in Appendix 'B'.

(3) "Temporary Licence" is licence granted for temporary trade/work within the Chakma Autonomous District Council. The licence shall be valid for 1 (one) year and renewable on payment of such fee as prescribed in Appendix 'C'.

8. VERIFICATION, GRANT OF LICENCE AND REFUSAL OF ISSUE OF LICENCE:

(1) On receipt of an application for the grant of a licence under section 4, the Authority shall hold inquiry with regards to necessary qualifications as may be prescribed in the regulations made here under.

(2) The Authority may, after holding necessary inquiry under sub-section (1) issue a licence or temporary licence on payment of such fees as may be prescribed in the regulations made there under.

(3) The Authority may refuse to grant licence if, in his opinion, the applicant does not fulfill such qualifications as may be prescribed in the regulations or on any other sufficient and reasonable grounds.

(4) Any person or persons who has/have been carrying out trade or business within the Chakma Autonomous District before the commencement of these regulations shall apply or make an application with the authority within 3 months from the date of commencement of these regulations.

Provided that no application for grant of licence shall be refused to aperson or persons who has/have been carrying on trade within the Chakma Autonomous District immediately before the commencement of these Regulations unless otherwise disqualified under these Regulations.

9. RENEWAL OF LICENCE:

(1) When a licence has been granted under section 8 for a definite period and the same has not been cancelled earlier under section 15, then, such licence may, on an application made by the licence holder, be renewed by the Authority for such period on payment of such fees as may be prescribed.

(2) If the licence holder fails to furnish the application along with the fees before he expiry of the licence the Authority may entertain the application for renewal upto one month on payment of the late fee as may be prescribed by rules made under these regulations.

10. ADDITION, DELETION AND ALTERATION:

The authority may make additions, deletions or alterations in the entries made in the licence relating to places of business, items of trade articles as it deems necessary.

11. DECISION OF THE EXECUTIVE COMMITTEE TO BE FINAL:

The decision of the Executive Committee in granting, rejecting or cancellation or suspension of licence to any persons for dealing in any items of trade shall be final.

12. LICENCE NOT TRANSFERABLE:

Licence granted under these Regulations is not transferable.

Provided that when a licence holder dies, the licence shall automatically stand cancelled.

Provided that if an application is made by his/her legal heir to continue the business, the Authority may consider by granting a fresh licence to such applicant.

13. MAINTENANCE OF ACCOUNTS:

(1) Every licence holder shall maintain such account books and other records as may be prescribed.

(2) Every book of account or other record maintained under sub-section (1) shall, at all reasobale itmes, be open dto inspection by the Authority or Officers authorized to do so in this behalf by the Executive Committee.

14. POWER TO EXEMPT:

(1) The Executive Committee may, by general or special order, and subject to such condition or restriction as may be specified in such order, exempt any person or class of persons, association of persons or any co-operative society from the operation of all or any provisions of the Regulations and may at any time suspend or rescind such exemption.

(2) Nothing in these Regulations shall apply to any trading by on behalf of:-

(a) the Central Government.

(b) the State Government.

(c) the Office, Department, Institution or any other Organization of the District Council or such agencies so declared by the Disltrict Council.

15. SUSPENSION & CANCELLATION OF LICENCE:

(1) If any licence holder or his agent or servant or of any other person acting on his behalf contravenes any terms and conditions of the licence, his licence may be cancelled or suspended by an order in writing, of the Authority and an entry will be made in his licence relating to such suspension or cancellation.

(2) A licence holder or his agent or servant or any other person acting on his behalf shall be given a notice in writing, giving an opportunity to show cause on such suspension or cancellation being contemplated against him/her, within a period of thilrty days.

16. POWER TO MAKE RULES:

(1) Subject to the prior approval of the Governor of Mizoram, the Executive Committee may make rules for the purpose of carrying out the provisions of these Regulations.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may be provided for:-

(a) the terms and condition of the licence.

(b) the fees that should be paid for the licence.

(c) procedure in which an application for licence shall be submitted.

(d) the proforma in which the Authority shall keep account.

(f) any other matters connected with ancillary to the matter aforesaid.

17. SPECIAL PROVISION:

(1) The Executive Committee may:

(a) by order fixed the rate of price of any goods or ommodities which are to be sold undere the licence.

(b)from time to time increase or derease on all the fees payable under these regulations.

(2) If the licencee desires to employ and assistant in the trade, the person concerned and the trader should make an application jointly to the Authority. On receipt of such

application the Authority after obtaining permission from the Executive Committee may grant Work Permit to the person concerned in Appendix 'D' subject to payment of Rs.500/-(rupees five hundred) only as permit fee.

18. TERMS AND CONDITIONS:

(1) The licencee shall not lend his licence to others.
(2) No goods and commodities other than those permitted in the licence shall be allowed to be transacted.
(3) The licencee shall confine his trading operation only to the area specified in the licence.
(4) No licence holder is allowed to sell expired goods/items.
(5) The licence holder must pay royalty for exporting any goods.
(6) The licence holder is required to submit such returns as may be prescribed by the authority.
(7) The licencee shall comply with the price or rate of goods and commodities fixed by the Executive Committee under sub-rule (1) of rules 17.
(8) Failure to comply with any condition of the licence and the provisions of the Chakma Autonomous District Council (Trading) Regulations, 2016 and to these rules may entail cancellation of the licence.

19. PENALTY:

Whoever willfully refuses or fails to comply with any direction or terms and conditions of a licence under section 18 shall be punished with imprisionment for a period upto one year or fine which may extent to two thousand five hundred rupees or both.

Provided that if any person or persons, after having been previously convicted of an offence punishable under any section of these Regulations shall be liable to face twice the punishment which might be imposed on a first conviction under these Regulations.

FORM-I

APPLICATION FORM FOR TRADE LICENCE
(RESIDENT)

Form No._____ Rs. 50

1. Name of applicant (in block letter): _____
2. Father/Husband Name: _____
3. Date of birth (Age): _____ Sex: _____
4. Marital Syayus: _____
5. Permanent Address: _____
   P/S: _____
   Dist: _____
   State: _____
6. Station of Business: _____
7. Name of Shop: _____
8. Nature of Trade: _____
9. Name of goods & commodities want to trade (for Dealer only)_____
10. Investment Amount: _____
11. Documents to be enclosed: (a) Voter ID Card (Xerox)
    (b) Recent passport size photo 2 copies.

The above statement is true to the best of my knowledge and belief.

Date: _____
Place: _____

Signature of Applicant

(Round Seal)

FORM-II

APPLICATION FORM FOR TRADE LICENCE (NON-RESIDENT)

Form No._____ Rs. 50

1. Name of applicant (in block letter): _____
2. Father/Husband Name: _____
3. Date of birth (Age): _____ Sex: _____
4. Marital Syayus: _____
5. Present Address: Vill: _____
   P/S: _____
   Dist: _____
   State: _____
6. Permanent Address: Vill:_____
   P/S: _____
   Dist: _____
   State: _____
7. Station of Business: _____
8. Name of Shop: _____
9. Nature of Trade: _____
10. Name of goods & commodities want to trade (for Dealer only)_____
11. Investment Amount: _____
12. Documents to be enclosed: (a) Attested copy of Inner Line Permit (For Non-Resident)
    (b) Attested copy of Voter ID Card)
    (c) 2 (two) copies of recent passport size photo.
    (d) Character Certificate from concerned VCP.
    (e) Preceding Licence if any.

The above statement is true to the best of my knowledge and belief.

Date: _____
Place: _____

Signature of Applicant

(Round Seal)

Appendix 'A'
(See rule 7 (1)

No. _____

LAND REVENUE & SETTLEMENT DEPARTMENT
CHAKMA AUTONOMOUS DISTRICT COUNCIL
KAMALANAGAR, MIZORAM.

Passport Photo

DEALER LICENCE

Dealer Licence No._____/20___ Dated Kamalanagar, the _____

This is to permit Shri/Smt. _____
s/o, w/o, d/o Shri/Smt. _____ Village _____
P/S _____ District _____ State _____
to trade in the goods and commodities and place specified below subject to the fulfillment of the conditions in this behalf under the Regulations and the rules made there under.

The licence shall strictly follow the conditions laid down in the aforesaid term and conditions printed overleaf and in the event of non compliance of any section of the Regulations and the rules made there under the licence shall be ancelled. This licence covers only one specific location. For opening any branch at another place, a fresh licence will be required.

1. Name of Shop: _____
2. Place of Trade: _____
3. Name of goods and commodities permitted to trade: _____
4. Validity: _____
5. Name of Assistants permitted to be employed: 1._____
   2._____
   3._____
6. Certified that the trader has deposited Rs. _____ /- (Rupees _____) only as licence fee vide Receipt No. _____ of _____.

(Round Seal)

Signature of Ilslsuing Authority
Chakma Autonomous District Council
Kamalnagar, Mizoram
(Seal)

Memo No. _____ Dated Kamalanagar, the _____
Copy for information & necessary action to :

1. Shri/Smt. _____ of _____ for information and necessary action.
2. The Revenue Officer (Taxation) CADC, Kamalanagar.
3. The Asst. Revenue Officer, _____ (Name of Village) for information.
4. Guard file.

Signature of Ilslsuing Authority
Chakma Autonomous District Council
Kamalnagar, Mizoram
(Seal

(to be printed overleaf)

TERMS AND CONDITIONS

1. The licencee shall not lend his licence to others.
2. No goods and commodities other than those permitted in the licence shall be allowed o be transacted.
3. The licncee shall confine his trading operation only to the area specified in the licence.
4. No licence holder is allowed to sell expired goods/items.
5. The licence holder must pay rayalty for exporting any goods.
6. The licence holder is required to submit such returns as may be prescribed by the Authority.
7. The licencee shall comply with the price or rate of goods and commodities fixed by the Executive Committee under sub-rule (1) of rule 17.
8. Failure to comply with any condition of the licence and the provisions of the Chakma Autonomous District Council (Trading) Regulaltions, 2016 and to these drules may entail cancellation of the licence.

I accept the above conditions.

Signature of Licencee
Name _____

Appendix 'B'
(See rule 7 (2)

No. _____
LAND REVENUE & SETTLEMENT DEPARTMENT
CHAKMA AUTONOMOUS DISTRICT COUNCIL
KAMALANAGAR, MIZORAM.

Passport Photo

RETAIL LICENCE

Dealer Licence No._____/20___ Dated Kamalanagar, the _____

This is to permit Shri/Smt. _____ s/o, w/o, d/o Shri/Smt. _____ Village _____ P/S _____ District _____ State _____ to trade in the goods and commodities and place specified below subject to the fulfillment of the conditions in this behalf under the Regulations and the rules made there under.

The licence shall strictly follow the conditions laid down in the aforesaid term and conditions printed overleaf and in the event of non compliance of any section of the Regulations and the rules made there under the licence shall be ancelled. This licence covers only one specific location. For opening any branch at another place, a fresh licence will be required.

1. Name of Shop: _____
2. Place of Trade: _____
3. Name of goods and commodities permitted to trade: _____
4. Validity: _____
5. Name of Assistants permitted to be employed: 1._____
   2._____
   3._____
6. Certified that the trader has deposited Rs. _____ /- (Rupees _____) only as licence fee vide Receipt No. _____ of _____.

(Round Seal)

Signature of Ilslsuing Authority
Chakma Autonomous District Council
Kamalnagar, Mizoram
(Seal)

Memo No. _____ Dated Kamalanagar, the _____
Copy for information & necessary action to :

1. Shri/Smt. _____ of _____ for information and necessary action.
2. The Revenue Officer (Taxation) CADC, Kamalanagar.
3. The Asst. Revenue Officer, _____ (Name of Village) for information.
4. Guard file.

Signature of Ilslsuing Authority
Chakma Autonomous District Council
Kamalnagar, Mizoram
(Seal

Appendix ‘C’

(See rule 7 (3)

No. _____

LAND REVENUE & SETTLEMENT DEPARTMENT
CHAKMA AUTONOMOUS DISTRICT COUNCIL
KAMALANAGAR, MIZORAM.

Passport photo

TEMPORARY LICENCE

Dealer Licence No._____/20___ Dated Kamalanagar, the _____

This is to permit Shri/Smt. _____
s/o, w/o, d/o Shri/Smt. _____ Village _____
P/S _____ District _____ State _____
to trade in the goods and commodities and place specified below:-

1. Name of goods and commodities permitted to trade: _____
2. Validity of permit:_____
3. Place of Trade permitted: _____
4. Certified that the trader has deposited Rs. _____ /- (Rupees _____) only as licence fee vide Receipt No. _____ of _____.

(Round Seal)

Signature of Ilslsuing Authority
Chakma Autonomous District Council
Kamalnagar, Mizoram
(Seal)

Memo No. _____ Dated Kamalanagar, the _____
Copy for information & necessary action to :

1. Shri/Smt. _____ of _____ for information and necessary action.
2. The Revenue Officer (Taxation) CADC, Kamalanagar.
3. The Asst. Revenue Officer, _____ (Name of Village) for information.
4. Guard file.

Signature of Ilslsuing Authority
Chakma Autonomous District Council
Kamalnagar, Mizoram
(Seal

(to be printed overleaf)

TERMS AND CONDITIONS

1. The licencee shall not lend his licence to others.
2. No goods and commodities other than those permitted in the licence shall be allowed o be transacted.
3. The licncee shall confine his trading operation only to the area specified in the licence.
4. No licence holder is allowed to sell expired goods/items.
5. The licence holder must pay rayalty for exporting any goods.
6. The licence holder is required to submit such returns as may be prescribed by the Authority.
7. The licencee shall comply with the price or rate of goods and commodities fixed by the Executive Committee under sub-rule (1) of rule 17.
8. Failure to comply with any condition of the licence and the provisions of the Chakma Autonomous District Council (Trading) Regulaltions, 2016 and to these drules may entail cancellation of the licence.

I accept the above conditions.

Signature of Licencee
Name _____

Appendix 'D'
(See rule 7 (2)

No. _____

LAND REVENUE & SETTLEMENT DEPARTMENT
CHAKMA AUTONOMOUS DISTRICT COUNCIL
KAMALANAGAR, MIZORAM.

WORK PERMIT

Passport photo

Dealer Licence No._____/20___ Dated Kamalanagar, the _____

This is to permit Shri/Smt. _____
s/o, w/o, d/o Shri/Smt. _____ Village _____
P/S _____ District _____ State _____
to employed by _____ s/o, w/o, d/o _____
address _____ in his/her personal business/construction/manufacture work at _____ (Name of place) Sponsored by _____ (if any) for a period of _____.

Certified that the worker has deposited Rs. _____ /- (Rupees _____) only as licence fee vide Receipt No. _____ of _____.

(Round Seal)

Signature of Ilslsuing Authority
Chakma Autonomous District Council
Kamalnagar, Mizoram
(Seal)

Memo No. _____ Dated Kamalanagar, the _____
Copy for information & necessary action to :

1. Shri/Smt. _____ of _____ for information and necessary action.
2. The Revenue Officer (Taxation) CADC, Kamalanagar.
3. The Asst. Revenue Officer, _____ (Name of Village) for information.
4. Guard file.

Signature of Ilslsuing Authority
Chakma Autonomous District Council
Kamalnagar, Mizoram
(Seal

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL MONEY LENDING AND CONTROL REGULATIONS, 2016

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL MONEY LENDING AND CONTROL REGULATIONS, 2016

to provide for Regulations of money lending within the area of the Chakma Autonomous District Council. The Chakma Autonomous District, in exercise of powers conferred by sub-paragraph (1) of Paragraph 10 of the Sixth Schedule to the Constitution of India, read with the modigfication made vide Section 2 of Act No. 67 of 1988 is pleased to make the following Regulations in Sixty-Sixth year of the Republic of India.

1. SHORT TITLE, EXTENT AND COMMENCEMENT:
   (i) This Regulation shall be called the Chakma Autonomous District Council (Money Lending and Control) Regulations, 2016.
   (ii) It shall come into force on the publication in the Mizoram Gazette.
   (iii) It shall extend into the whole of the Chakma Autonomous District Council areas.

2. DEFINITIONS: In this Regulations, unless the context otherwise requires;
   (a) "Agent" means a person who, on behalf of the Money Lender lends money on commission accruing from the money lender.
   (b) "Autonomous District" means the Chakma Autonomous District;
   (c) "Chief Executive Member" means the Chief Exeutive Member of the Chakma Autonomous District Council;
   (d) "Court" means a Civil Court established as per the provision of the Code of Civil Procedure 1908 (Act No.V of 1908) or as established by the Chakma Autonomous District Council;
   (e) "District Council" means the Chakma Autonomous District Council;
   (f) "Executive Member" means the Executive Member of Land Revenue and Settlement Department of Chakma Autonomous District Council;
   (g) "License" means a license issued by the Executive Committee or any competent authority that may be entrusted by the Executive Committee on that behalf for the purpose of money lending;
   (h) "License Holder" means a person or persons holding a license under this regulation;
   (i) "Licensing Authority" means the Executive Committee or any other Officer(s) as may be authorized by the Executive Committee on that behalf;
   (j) "Money Lending" means a business on lending money on interest;
   (k) "Money Lender" means a person who carries out business on money lending on proper license as the provision of this Regulation.

3. APPLICATION FOR LICENSE:
   Any permanent resident of Chakma Autonomous District desires to carry out money lending business within the Chakma Autonomous District Council may apply to the Licensing Authority in such form as may be prescribed by the Executive Committee, for grant of a license.

4. VEERIFICATION AND GRANT OF LICENSE AND REFUSAL OF ISSUE OF LICENSE:
   On receipt of an application for grant of alicense under section 3, the Licensing Authority shall verify in this regard to required qualification as may be prescribed in this Regulation.

(1) The Licensing Authority may, after holding necessary verification, issue a license on payment of such fee as may be prescribed.
(2) The Licensing Authority may, refuse to grant license, is in its opinion, the applicant does not fulfill such qualification as may be prescribed or on other sufficient and reasonable grounds justifying such refusal on merit and not on technicalities, and after hearing the applicant.

5. RENEWAL OF LICENSE:
(1) Whereas a license has been granted under sub-section (2) of section 4 for a definite period and the same has not been cancelled earlier under section 6 than lsuch licencse may be, on a written application signed and made by the license-holder, be renewed by the Licensing Authority for such period, on payment of such fees as may be prescribed.
(2) If the license-holder fails to apply for renewal immediately its expiry and applies after fifteen days, the Licensing Authority may entertain the application for renewal on payment of such late fee as may be prescribed.

6. CANCELLATION OF LICENSE:
(1) If any license-holder or his/her agent or any other person on his/her behalf contravenes any term and condition of the license, his/her license may be cancelled or suspended by an order in writing to the Licensing Authority and an entry shall be made in his/her license relating to such suspension or cancellation.
(2) A license-holder or his/her agent or any other person acting on his/her behalf shall be given a notice in writing allowing an opportunity on suspension or cancellation being contemplated against his/her within a period of thirty days.

7. LICENSE NOT TRANSFERABLE:
A license issued under sub-section (2) of Section 4 shall not transferable or inheritable. In the event of death of a licnse-holder, the License so issued shall automatically stand cancelled.

8. BAR ON NON-RESIDENT:
No person other than a permanent resident of Chakma Autonomous District Council shall be allowed to carry out the business of the money lending in the Chakma Autonomous District Council.

Explanation: This provision is felt imperative contemplating non-resident carrying out such business may lead to sever dispute, disposal of which may be beyond jurisdiction of Chakma Autonomous District Council. It is, therefore, for interest of the poor borrowers.

9. COMPETENT COURT:
Any dispute that may arisen in regard to money lending and recovery of loan amount, disposal of such case shall be under the jurisdiction of Civil Court or any other higher Court.

10. MODE OF MONEY LENDING:

Taking mortgage of any movable or immovable property as security may carry out money lending.

11. DISPOSAL OF MORTGAGE PROPERTY:

In the event of movable or immovable property retained by a money lender as security against the amount lent and the borrower subsequently failed to redeem such property within the stipulated time and hereby claimed that the principal amount and the interest so accrued repayable is too less than the market value of the mortgaged property, the Licensing Authority shall have power to assess the market value of such property and shall fixed the amount to be paid by the money lender to the borrower.

12. TRANSACTION UNDER PROPER RECEIPT OR VOUCHER:

Every money lending, borrowing, repayment f amount and mortgaging or redeeming of properties shall be made under receipt or voucher as per prescribed proforma.

13. MAINTENANCE OF RECORDS:

In addition to the provision under Section 12 the money lender shall maintain records of all transaction of both cash and property in a proforma that may be prescribed by the Licensing Authority.

14. PRODUCTION OF RECORDS:

The license holder shall be liable to produce any records of money lending to the Licensing Authority on demand or to any other Officer Authorized by the Executive Committee on that behalf.

15. LICENSE FEE:

The license fee shall as may be fixed by the Executive Committee from time to time.

16. RATE OF INTEREST:

The rate of interest on the money to be lent shall be fixed by the Executive Committee from time to time.

17. PROFIT SHARE PAYABLE TO CADC:

Every license holder shall pay 1% (one percent) to Chakma Autonomous District Council out of the amount earned on the capital so invested.

18. PENALTY FOR MONEY LENDING WITHOUT LICENSE:

Any person or persons found carrying out money lending business without proper license shall be liable to pay a fine of Rs.5000/- (Rupees five thousand), unless the penalty so imposed is realized no License shall be issued to that particular person.

Further, such action of the Licensing Authority shall not be challengable any court of Law.

19. PENALTY:

Whoever willfully refuses of fails to comply with any direction or terms and conditions under any section of this Regulation or Rules made there shall on conviction by a competent court, be punishable with imprisonment for a term not exceeding one year or with fine which may extend to two thousand five hundred rupees or with both.

Provided that any person or persons, after having been previously convicted of an offence punishable under any section of this Regulation again commits an offence, shall, on conviction by a competent court, be liable to twice the punishment which might be imposed on a first conviction under this Regulation.

20. DECLARATION OF TOTAL AMOUNT TO BE INVESTED:

The money lender has to declare his/her total amount of investment before the Executive Committee or the Licensing Authority.

21. PENALTY FOR UNDECLARED AMOUNT:

If a money lender ids detected to have invested interest money more than the declared amount he/she shall be penalized to pay three times more than the normal rate of tax.

22. OFFENCE TO BE NON-COGNIGIBLE:

An offence under any section of this Regulation other than Section 9 shall non-cognigible.

23. POWER TO MAKE RULES:

The Executive Committee may with prior approval of the Governor, shall make rules for carrying out any provision of this Regulation, whenever it deems necessary.

(Published in the Mizoram Gazette on 21.02.2020)

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (MANANGEMENT AND CONTROL OF CREMATION AND BURIAL GROUNDS) REGULATIONS, 2024.

In exercise of the powers conferred by Sub-Paragraph 7(a) of Paragraph 2 of the Sixth Schedule to the constitution, the Chakma Autonomous District Council is pleased to make the following regulations as follows:-

"THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (MANAGEMENT AND CONTROL OF CREMATION AND BURIAL GROUNDS) REGULATIONS, 2024".

1. SHORT TITLE, EXTENT AND COMMENCEMENT:

(1) These regulations may be called the Chakma Autonomous District Council (Management and Control of Cremation and Burial Grounds) Regulations, 2024.
(2) They shall extend to the whole of the Chakma Autonomous District Council.
(3) They shall come into force from the date of their publication in the Mizoram Official Gazette.

2. DEFINITIONS:

(1) "**Cremation and burial ground**" means a specified area of a village solely used for disposal of dead bodies.

(2) "**Crematorium**" means a well facilitated structure where dead bodies are cremated or incinerated.

(3) "**Disposal of dead body**" means action or process of getting rid of a dead body.

(4) "**Executive Committee**" means the Executive Committee of the Chakma Autonomous District Council.

(5) **"Mortician"** means a person whose job is to prepare dead people to be burnt and to arrange and manage funerals and to look after the rest shed/crematorium.

(6) "**Unclaimed dead body**" means a dead body which is not claimed by anyone or whose relatives cannot be traced or identified for collection of the dead body.

3. ESTABLISHMENT OF COMMON CREMATION AND BURIAL GROUND:

(1) There shall be a common cremation and burial ground at each village as far as practicable.

(2) In case of non-availability of suitable/vacant plot, a common cremation and Burial ground shall be used by 2(two) or more contiguous villages.

(3) No private/personal cremation and burial site meant for a particular family shall be allowed.

(4) A portion of the common cremation/burial ground of a particular village shall be reserved for cremation site of Bhikkus & Bhikkunis if required.

4. ALLOTMENT OF PLOT:

(1) The monitoring Committee shall arrange/select a suitable site/plot of land for a cremation and burial ground within its jurisdiction.

(2) Site of the cremation and burial ground must be located at a safe distance away from residential area of the village and water sources.

(3) Land Settlement Certificate/Land Lease must be obtained against any plot chosen for cremation and burial ground from the LRS Department, CADC.

(4) Each cremation and burial site must be registered with the Local Administration Department of Chakma Autonomous District Council.

5. CONSTRUCTION OF CREMATION SHED/CREMATORIUM:

(1) A rest shed with a mini store room attached may be constructed within the complex of the cremation ground.

(2) Well equipped crematorium may be constructed in urban areas subject b to availability of fund.

(3) There shall be a mortician to manage and look after the rest shed or the crematorium as the case may be.

6. PROCUREMENT OF ESSENTIAL MATERIALS:

The Monitoring Committee may ensure procurement of essential tools and materials like spade, shovel, etc for use in the cremation and burial ground.

7. DISPOSAL OF DEAD BODIES:

(1) No person shall be allowed to dispose of dead bodies anywhere outside the designated cremation and burial ground at any cost.

(2) Cremated remains/ash of dead bodies shall be buried inside the cremation ground.

(3) Throwing of cremated remains of dead bodies into water sources shall not be allowed.

(4) No private land nor any plot other than the designated cremation and burial ground shall be allowed to be used for disposal of dead bodies.

(5) Disposal of unclaimed dead bodies (if any) shall be the responsibility of

the Monitoring Committee under whose jurisdiction the corpse is located.

8. SAFETY MEASURES:

(1) The Monitoring Committee shall ensure safety of the cremation ground and its assets.

(2) The Monitoring Committee shall take any measure it thinks necessary to safeguard and protect the cremation and burial ground.

9. PENALTY:

(1) Violation of any of the provisions as envisaged in Section 7 with regards to disposal of dead bodies by anybody shall attract penalty which includes up to 2(two) years of imprisonment or imposition of fine amounting up to Rs. 50,000/- (Rupees fifty thousand) only or both.

(2) Encroachment of any sort within the cremation and burial site shall be considered illegal and is a punishable offence.

(3) In case of any such violation as indicated above, the Monitoring Committee shall forthwith bring the matter to the notice of the CADC authority which shall initiate legal action as per sub-section (1).

10. CONSTITUTION OF MONITORING COMMITTEE:

(1) There shall be a Monitoring Committee comprising of the following members of a village to manage, maintain and look after the cremation and burial ground and its assets.

(i) the VCP shall be the Chairman.

(ii) The Head of an Educational Institution shall be the Secretary.

(iii) All VCMs, Presidents of local NGOs and not less than 2 senior citizens shall be the members of the Monitoring Committee.

(2) In case of a single cremation ground covering 2 or more villages, the Monitoring Committee shall be constituted by the Executive Committee.

11. POWERS AND FUNCTIONS OF MONITORING COMMITTEE:

(1) To keep the cremation and burial site neat and clean.

(2) To maintain a register containing details of the deceased persons as per format as prescribed.

(3) To keep the register updated and ready for periodical inspection by an Officer as may be appointed by the Executive Committee in this behalf.

(4) The Monitoring Committee may collect nominal fee for using the Cremation/Burial Ground for disposal of dead bodies as may be fixed by the Executive Committee from time to time.

(5) The Monitoring Committee may issue a disposal certificate certifying that the dead body of a particular person is disposed of in the cremation and burial ground of its jurisdiction on payment of nominal fee to be fixed by the Executive Committee.

12. SAVINGS:

All existing cremation and burial sites shall not be affected by this regulation unless they are contradictory to these laws. However, the Executive Committee shall have the power to cancel any LSC or plot of land allotted for cremation or burial site if exigency arises.

(LAKKHAN CHAKMA)
Executive Member
i/c LAD, etc.
Chakma Autonomous District Council
Kamalanagar.

See Rule 11(2)

(REGISTER FORMAT)

FOR THE CREMATION AND BURIAL GROUND

OF

_____Village Council/Colony

S.No.	Name of Deceased person	Parents' Name	Date of Birth	Date of Death	Cause of deaths	Date of Cremation

[See Rule 11 (5)]

CERTIFICATE OF DISPOSAL

Date:_____

Certified that the dead body of (Late) Dg/Dgb._____ son/daughter/wife of _____ of _____ died on _____ has been disposed of at the Cremation and Burial Ground of _____(Village/Locality).

Chairman
Monitoring Committee
Cremation & Burial Ground
_____(Village/Locality)
(with Seal)

See Rule 11(4) &(5)

RECEIPT

S.No. _____ Date:_____

Received a sum of Rs._____ (Rupees _____) only being payment of fees against the issue of disposal certificate/use of Cremation and Burial Ground of _____ for disposal of dead body of (Late) Dg/Dgb_____ Son/daughter/wife of _____ of _____(address).

Chairman
Monitoring Committee
Cremation & Burial Ground
_____(Village/Locality)
(with Seal)

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (CONSTITUTION OF PLANNING AND DEVELOPMENT BOARD) RULES, 2024.

A Bill to provide for the constitution of Planning and Development Board for the preparation of plan for the development of the Chakma Autonomous District area and for coordinating and monitoring the implementation of such plan.

Whereas under clause (a) of sub-paragraph (7) of Paragraph 2 of the Sixth Scheduled to the constitution of India, the District council is empowered to make rules regulating the formation of Boards and the procedures and conduct of their business.

Now, therefore, in exercise of the said powers, the Chakma Autonomous District Council is pleased to make the following rules in the 74th year of Republic of India as follows:

CHAPTER-1
Preliminary

1. Short title and commencement:

1) These rules may be called the Chakma Autonomous District Council (Constitution of Planning and Development Board) Rules, 2024.

2) It shall come into force from the date of publication in the Official Gazette.

2. Definitions:

In these rules unless the context otherwise requires:

1) **'Board'** means the Chakma Autonomous District Council Planning and Development Board constituted under sub-rule (1) of Rule 3 of these Rules.
2) **'Chairman'** means the Chairman of the Board.
3) **'Chief Executive Member'** means the Chief Executive Member of the Chakma Autonomous District Council.
4) **'District Council'** means the Chakma Autonomous District Council.
5) **'Executive Committee"** means the Executive Committee of the Chakma Autonomous District Council.
6) **'Governor'** means the Governor of Mizoram.
7) **'Official Gazette'** means the Mizoram Gazette.
8) **'State'** means the state of Mizoram.

CHAPTER-II
Constitution, Term, Resignation, Vacancies and Entitlement

3. Constitution of the Board:

1) On and from the commencement of these rules, the Executive Committee shall, by notification in the Official Gazette, constitute a Board to be called Chakma Autonomous District Council Planning and Development Board.

2) The Board shall consist of a Chairman, a Vice Chairman, a Member Secretary and 4 (four) other members.

3) The Chief Executive Member shall be the ex-officio Chairman of the Board.

4) The Vice Chairman of the Board shall be appointed by the Governor on the recommendation of the Chief Executive Member.

5) The other Members of the Board shall be nominated by the Executive Committee having regard to their knowledge and experience relevant to the functions and powers of the Board.

6) The Planning and Development Officer of the District Council shall be the Member-Secretary of the Board. In the absence of the Member-Secretary, Assistant Planning and Development Officer may take the charge of the Member-Secretary.

4. Term of the members of the Board:

1) Unless sooner dissolved, every member of the Board shall hold the membership for a period of three years from the date of his/her nomination.

   Provided that a member nominated under sub-rule (5) of rule 3 may be removed by the Executive Committee on the ground of proved misbehavior or incapacity.

2) The Vice Chairman of the Board shall hold office during the pleasure of the Chief Executive Member.

5. Resignation:

Any member nominated under sub-rule (5) of rule 3 may by writing under his/her hand addressed to the Chief Executive Member, resign his/her membership and such resignation shall take effect from the date of its acceptance by the Chief Executive Member.

6. Vacancy:

1) When a vacancy occurs in the office of a member by reason of resignation, death, removal, or otherwise the vacancy shall be filled immediately, by nomination.

2) A person who is nominated to fill up a vacancy shall hold office for the remaining period of the term of office of the member in whose place who is nominated.

7. Entitlement of the Vice Chairman and Members of the Board:

1) The Vice Chairman of the Board shall be entitled to such salaries and other allowances as the Executive Member of the Chakma Autonomous District Council.

2) Non-official members of the Board shall be entitled to sitting allowances as may be determined by the Executive Committee, from time to time, for each day of the actual meeting of the Board.

3) Non-Official member of the Board shall also be entitled to draw travelling allowances and other allowances for each day he/she is engaged in the work of the Board, at the highest rate admissible to a Gazetted Group A Officer of the District Council.

CHAPTER-III
Conduct of Business and Functions of the Board

8. Meeting of the Board:

1) The Board shall meet for the transaction of business from time to time.

2) The Chairman shall preside over the meeting of the Board

3) In the absence of the Chairman, the Vice Chairman of the Board shall preside over the meeting

4) Any meeting of the Board shall be adjourned until the next day or any subsequent date and an adjourned meeting may be further adjourned in like manner.

9. Issue of meeting notice:

A meeting notice shall be served seven days advance in an ordinary meeting and three days advance in a special meeting specifying the date, time and place.

10. Items for discussion in the meeting:

1) Every member who have agenda item for the meeting of the Board shall send the same to the Member-Secretary at least three days before the date of the meeting.

2) Only those items which are approved by the Chairman or Vice Chairman of the Board for inclusion will be entertained in the Agenda.

11. Quorum of the meeting:

No business shall be transacted at any meeting unless at least four members of the Board including the Chairman and Vice Chairman are present.

12. Voting:

1) All matters required to be decided by the Board shall be decided by the majority of votes of the members present.

2) The Chairman or in his absence the Vice Chairman of the Board for the purpose of presiding over the meeting as the case may be, shall have and exercise the right of casting vote in all cases of equality.

13. Minute of proceedings:

The names of the members present and the proceedings of the meeting shall be recorded by the Member-Secretary in a Minute Book to be provided for the purpose which shall be signed by the Chairman or in his absence the Vice Chairman of the Board and shall at all reasonable times be open to inspection by any member.

14. Conduct of meetings:

1) At an ordinary meeting, business shall be conducted in the following order:

a) Review of the minutes of the previous meeting.
b) The business postponed at the previous meeting shall be considered.
c) Subjects included in the Agenda shall thereafter be considered.
d) Any other items may also be considered if permitted by the Chairman or in his absence the Vice Chairman of the board.

2) At a special meeting only the business for the purpose of considering which the special meeting has been called shall be concluded.

15. Powers and Functions of the Board:

The powers and functions of the Board shall be:

1) To assist and advice the Executive Committee and various department of the District Council in the formulation of plan, projects, including family-oriented projects. Annual plan and also perspective plan for a longer period.

2) To examine and determine the basic needs of the people and to collect data for proper planning of various development program within the powers vested with the authority of the District Council.

3) To inspect and monitor execution of plan projects and utilization of plan fund, including Centrally Sponsor Schemes, subject to guidelines issued by the Central Government from time to time.

4) To ensure proper co-ordination of departments of the District Council in respect to plan preparation and implementation.

5) To examine and approve the Annual plan incorporation of item wise sectoral allocations of each department under the District Council.
6) To engage with predetermined amount of fees, other terms and conditions and with prior approval of the Executive Committee, the services of experts, expertise or know-how persons for the preparation of documents and plan projects for specified period of time and with definite program of works.

7) To call for any documents from any department of the District Council relating to plan formulation and implementation except secret documents and matters relating to security o state and the National.

8) To co-ordinate and monitor NLCPR/NESIDS, NEC schemes and any other CSS executed by the department of the District Council.

9) To determine plan priorities and also define the stages in which the plan should be carried out and propose the allocation of resources for the due completion of each stage.

10) To include the factors which are tending to retard economic development and determine the conditions which in view of the current social and political situation, should be established for the successful execution of plan.

11) To determine the nature of the machinery which will be necessary for securing the successful implementation of each stage of the plan in all aspects.

12) To appraise from time to time the progress achieved in the execution of each stage of the plan and recommend the adjustment of policy and measures that such appraisal may be necessary.

13) To take up any other functions as may be assigned to it by the Executive Committee from time to time.

14) To advice the Executive Committee of the District Council in all matters relating to development programs.

CHAPTER-IV
Miscellaneous

16. Nodal department of the Board:

The Planning and Program Implementation Department of the District Council shall be the Nodal Department of the Board and the conduct of business of the Board shall be in line with the Planning and Program Implementation Department from time to time.

17. Accountability:

The Board shall be accountable to the Executive Committee.

18. Power to make regulations:

(1) The Executive Committee may make regulations for carrying out the purpose of thee rules.

(2) Every regulation made by the Executive Committee under these rules shall be published in the Official Gazette and on such publication is shall have the force of law.

[No.11015/5/2023-DC&MA(C), the 30th September, 2024: (Vol-LIII Aizawl, Friday 04.10.2024 Asvina 12, SE 1946, Issue No.666)]

THE CHAKMA AUTONOMOUS DISTRICT COUNCIL (Biological Diversity) RULES, 2024

an adoption of

THE MIZORAM STATE BIOLOGICAL DIVERSITY RULES, 2010

Whereas the Chakma Autonomous District Council with a view to provide for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto felt it necessary to adopt "The Mizoram State Biological Diversity Rules, 2010" with modification, alteration, addition etc of the said Rules.

Now therefore the Council of the Chakma Autonomous District is pleased to adopt "The Mizoram State Biological Diversity Rules, 2010" with the following modifications:-

1.Short title, extent and commencement

(1) These rules may be called "The Chakma Autonomous District Council(Biological Diversity) Rules, 2024 an adoption of the Mizoram State Biological Diversity Rules, 2010".

(2) It extends to the whole of the Chakma Autonomous District.

(3) These rules shall come into force on such date as the Chakma Autonomous District Council may by a notification in the Official Gazette appoint.

2. Modification of Rules 2

(1) In Rule 2 of the Principle Rules, 2010 of **Clause (c)** "**Board**" means the Mizoram State Biodiversity Board established under Section 8 of the Act or as the case may be the CADC Biodiversity Board establish under the Rules. And "**CADC**" means The Chakma Autonomous District Council.

(2) In Rule 2 of the Principle Rules, 2010 of **Clause (e)** "**Chairperson**" means the Chairperson of the State Biodiversity Board or as the case may be Chairperson of the CADC Biodiversity Board.

(3) In Rule 2 of the Principle Rules, 2010 of **Clause (k)** "**Member**" means a member of Mizoram State Biodiversity Board, and includes the Chairperson or as the case may be member of the CADC Biodiversity Board and includes Chairperson.

(4) In Rule 2 of the Principle Rules, 2010 of **Clause (l)** "**Member Secretary**" means Member Secretary of the State Board or as the case may be Member Secretary of the CADC Biodiversity Board.

(5) In Rule 2 of the Principle Rules, 2010 after **Clause (p)** the following **clauses (q) & (r)** shall be added, namely "**(q)** '**Executive Member**' means Executive Member of the Chakma Autonomous District Council".

And Clause "(**r**) '**Executive Committee**' means Executive Committee of Chakma Autonomous District Council"

3. Insertion of Rules 25, 26, 27, 28 and 29 after Rule 24 of the Principle Rules, 2010, the following new Rules shall be added namely

25. Establishment of Chakma Autonomous District Council Biodiversity Board -

(1) With effect from such date as the Executive Committee of CADC may by notification in the Official Gazette appoint in this behalf, there shall be established by the Executive Committee of CADC for the purpose of the Rules, a Board for the District to be known as the Chakma Autonomous District Council Biodiversity Board in short the CADC Biodiversity Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both moveable and immoveable, and to contract and shall by the said name sue and be sued.

(3) The Board shall consist of the following members, namely:-

(a) A Chairperson who shall be an Executive Member in charge of Environment & Forest Department of CADC, to be appointed by the Executive Committee of CADC.

(b) There shall be five ex officio members to represent Forest, Agricultural, Horticultural, Sericulture and Fishery Department respectively, to be appointed by the Executive Committee of CADC.

(c) The District Council Conservator of Forest (DCCF) of CADC shall be the ex-officio Member Secretary of the Board.

(d) The Executive Committee of CADC may nominate three members from amongst experts in matters relating to conservation of wild biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources.

(e) The meeting procedure of the Board shall be as specified under Rule 12 of the Rules.

(4) Notwithstanding any other provision of the Rules, their continuance in the office shall be at the pleasure of the Executive Committee of CADC.

(5) The Office of the Board shall be at Kamalanagar. The Chakma Autonomous District Council shall provide adequate manpower and establishment costs for the effective and smooth functioning of the Board. The Board will be an autonomous body and have full administrative and financial autonomy as provided for by the Rules.

26. Removal of the Members of the Board

The Executive Committee of CADC may remove from the CADC Biodiversity Board any member who in its opinion has

(a) been adjudged as an insolvent; or

(b) been convicted of an offence which involves moral turpitude; or

(c) become physically or mentally incapable of acting as a member; or

(d) so abused his position as to render his continuance in office detrimental to the public interest; or

(e) acquired such financial or other interest as is likely to affect prejudicially his functions as a member.

Provided that no member of the Board shall be removed from the office without a due and proper enquiry by an officer appointed by the Chairperson for the purpose and without giving an opportunity to the member concerned to explain his/her conducts.

27. Power, Duties and Functions of the CADC Biodiversity Board

(1) The CADC Biodiversity Board shall be an intermediary entity of the State Biodiversity Board and the local Biodiversity Management Committees.
(2) The CADC Biodiversity Board may perform such powers and functions under the supervision and directions of the State Biodiversity Board.
(3) The functions of the Member Secretary of the CADC Biodiversity Board may be as specified to the member Secretary of the Stated Board under Rule 11 of the Principal Rules.
(4) The power and duties of the Chairperson of the CADC Biodiversity Board may be as specified to the Chairperson of State Board under Rule 15 of the Rules.
(5) The CADC Biodiversity Board may perform such other functions as specified in Rule 14 of the Principal Rules.
(6) The Powers and duties of CADC Biodiversity Board may be as specified under Rule 15 of the Principal Rules.

28. Operation of biodiversity fund

(1) The Board shall have bank accounts in a nationalized bank, which shall be operated by the Member Secretary of the Board or by such other officer of the Board as may be authorized by it in this regard.
(2) The biodiversity fund of the district shall be routed through the CADC Biodiversity Board.
(3) The CADC Biodiversity Fund will have two separate heads of accounts, one relating to the receipts (grants and loans) from the Central Government/ National Biodiversity Authority and State Government, including receipts from such other

(4) sources as decided by the Board and other concerning the fee, license fee, royalty and other receipts of the Board.

(5) The Board shall have powers to receive the funds from national and international donor agencies duly complying with the provisions of Foreign Contribution (Regulation) Act 1976. The Member Secretary or the Chairperson shall have the power to prepare and submit such proposals and also execute such projects after approval of the Board.

(6) The Board will frame guidelines on ways to ensure that decisions regarding the management and use of the Fund are transparent and accountable to the public.

29. Any other rules directly not specified to the CADC Biodiversity Board may have the same expression as specified to the State Biodiversity Board of the Rules".

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