

# AIZAWL MUNICIPAL COUNCIL: A STUDY OF THE ELECTION PROCESS (2010)

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**Master of Philosophy**

By

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## **DECLARATION**

I, Debbie Lalrintluangi, hereby declare that the subject matter of this dissertation is the record work done by me and that the contents of this dissertation did not form basis of the award of any previous degree to me or to anybody else, and that this work has not been submitted by me for any other degree in other University or Institute.

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**CERTIFICATE**

This is to certify that Ms. Debbie Lalrintluangi has prepared the dissertation titled ***Aizawl Municipal Council: A Study of the Election Process (2010)*** under my guidance and supervision for the M. Phil degree in Political Science of Mizoram University. In preparing the dissertation, Ms. Debbie Lalrintluangi has complied with all the requirements as laid down in the M. Phil Regulations of the University. This dissertation is the original work of the scholar and has not been submitted for any degree to any other University.

Date: \_\_\_\_\_

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Dated 11<sup>th</sup> December, 2013

(DEBBIE LALRINTLUANGI)

# AIZAWL MUNICIPAL COUNCIL AREA MAP



## CHAPTER – I

### INTRODUCTION

#### CONCEPTUAL FRAMEWORK OF LOCAL SELF-GOVERNMENT

In a democracy, it is not sufficient to have an elected government at the centre and at the State level. It is also necessary that even at the local level; there should be an elected government to look after local affairs. Local Self-Government implies the management of local affairs by the people of locality and management of local affairs such as water supply, drainage, primary education maintenance of roads etc. The goal to be aimed at is the betterment or welfare of every citizen. Local Self-Government is a system under which the people of locality possess a certain responsibility of public local affairs, and in the raising of money to meet their expenses. Local Self-Government in changing world seems to be essential for the administration of national services and the enforcement of national laws.

A local self government means a democratic decentralized government in the sense that it is elected and responsive to the felt needs of the people of a limited geographical area, legal, political, administrative, functional and financial. Administratively, it is important that civic services which every community would need for planned programmes and integrated in terms of region of area inhabited by them. Local Self-Government involves distribution of work on a territorial basis<sup>1</sup>. Local Self-Government is also necessary precisely because some public requirements are local in their intensity, character and scope. It provides an extensive range of services to the people and performs functions of great variety and magnitude. Local Self-Government ensures two-way communications between the State and itself. Desires and aspirations of the State Government, and plans and programmes

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<sup>1</sup> U.B Singh, Urban Administration in India, New Delhi, Serials Publication, 2004, p.1

of the State and Central Governments flow in the reverse directions. Thus it can be said that Local Self-Government contributes to resilience, strength and richness of democracy by promoting diversification of political experience, and by setting itself up as yet another centre of creative activity through democratic action.<sup>2</sup> The provision of the Panchayati Raj system as a framework of rural self government which has inbuilt decentralizing tendencies was incorporated in the non-justifiable part IV of the Directive principles of State Policy of the Constitution of India. Article 40 which is a directive to the State stipulates that States shall take steps to organized village panchayat and endow them with such power and authority as may be necessary to enable them to function as units of self-government.<sup>3</sup> Local government believes that local knowledge and local interest are essential ingredients for democratic decision making. They are also necessary for efficient and people-friendly administration and it is convenient for the people to approach the local governments for solving their problems both quickly and with minimum cost.

#### *GROWTH OF LOCAL SELF-GOVERNMENT IN INDIA*

The local government of India in the light of the constitution 73<sup>rd</sup> and 74<sup>th</sup> Amendment Act, 1992 had been introduced in rural and urban governance in India. The growth of Local Self-Government in India is the process of common interest that cannot deal with individually, it is the process of devolution of power into larger units in to the smaller one. Local government in a changing world seems to be essential for the administration of the national services and the enforcement of the national laws.<sup>4</sup> In the

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<sup>2</sup> *Ibid.*, p.2

<sup>3</sup> U.B.Singh, *Urban Administration in India*, Serials Publication, New Delhi, 2004, p.3

<sup>4</sup> R.N.Prasad, *Urban Local Self Government in India*, A Mittal Pblcation, New Delhi, 2006, p.6



modern world, democracy has come to stay and it has been accepted that democratic form of government is the best instrument of governing society.

In fact, the history of Local Self Government dates back to ancient times though it was introduced in the post independent India in the early fifty's with Rajasthan taking the lead. There are variations in the form of democracy, but the general philosophy is that there should be maximum involvement of people in the decision making processes.<sup>5</sup> The good governance depends upon efficient productive, flexible and accountable public administration. Governance means the process as well as the result of making authoritative decisions for the benefit of the whole society. The governance extends beyond governments and includes all the institutions and organizations that serve the citizens, whether in public, private, cooperative or voluntary capacity. The concept of local self government is based on the assumption that there are certain basic human needs having direct bearing on the lives of individuals and the community as a whole. Such needs can be better fulfilled by a government to which the individuals and the local community have direct and easy access.<sup>6</sup> In modern times, elected local government bodies were created after 1882. Lord Ripon, who was the Viceroy of India at that time, took the initiative in creating these bodies; they were called the local boards. However, due to slow progress in this regard, the Indian National Congress urged the government to take necessary steps to make all local bodies more effective. Following the Government of India Act 1919, village panchayats were established in a number of provinces. This trend continued after the Government of India Act of 1935. During India's freedom movement, Mahatma Gandhi had strongly pleaded for decentralization of economic and political power.

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<sup>5</sup> Manoj Sharma, *Local Government (Rural and Urban)*, Anmol Publications, New Delhi, 1986, p.8

<sup>6</sup> R.N.Prasad, *op.cit.*, p.144

Local government got an impetus after the 73<sup>rd</sup> and 74<sup>th</sup> Constitution Amendment Acts. First in the line was the Community Development Programmed in 1952, which required promoting people's participation in local progress in a range of activities. In this background, a three tier Panchayati Raj system of local government was recommended for the rural areas. They were very much dependent on the State and Central governments for financial assistance.<sup>7</sup> After 1987, a thorough review of the functioning of local government institutions was initiated. In 1989 the P.K.Thungon Committee recommended constitutional recognition for the local bodies. A constitutional amendment to provide for periodic elections to local government institutions, and enlistment of appropriate functions to them, along with funds and also it was recommended.

In 1989, the central government introduced two constitutional amendments. These amendments aimed at strengthening local governments and ensuring an element of uniformity in their structure and functioning across the country. Later in 1992, the 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendments were passed by the Parliament which was also known as Panchayati Raj Institutions or (PRI's) and the 74<sup>th</sup> amendment made the provisions relating to urban local government (Nagarpalikas). The 73<sup>rd</sup> and 74<sup>th</sup> Amendments came into force in 1993.<sup>8</sup> As per the Constitution (73<sup>rd</sup> Amendment) Act, the Panchayati Raj institutions have been endowed with such powers and authority as may be necessary to function as institutions of self government. Art 243-G of the Constitution of India provides that the States/ UT's may, by law provide the panchayats with such powers and ability as may be necessary to facilitate them to purpose as institutions of self-government and to prepare plans for economic enlargement and social justice and their realization as well as those in relation to the matters listed in the Eleventh Schedule.

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<sup>7</sup> U.B.Singh,*op.cit.*,p.6

<sup>8</sup> *Ibid.*,pp.7-8

It may be further noted that the powers, and functions and responsibilities of the Deputy Commissioners of the districts have been curtailed/ reduced following the introduction of the provisions of the Constitution (Seventy Third Amendment) Act, 1992.<sup>9</sup> Practically, the local self-government institutions are the training position for hopeful leaders in social and political arena. In Indian context, big political leaders like Dadabhai Naoroji, Firozeshah Mehta, G.K. Gokhale, Jawahar Lal Nehru, Subhas Chandra Bose, C.R. Das, Sardar Patel and many others were associated with Municipality and their chairs of seat.<sup>10</sup>

#### *URBAN LOCAL/MUNICIPAL GOVERNMENT*

In many ways the 74<sup>th</sup> Amendment is a repetition of the 73<sup>rd</sup> Amendment, except that it applies to urban areas. All the provisions of the 73<sup>rd</sup> Amendment relating to direct elections, reservation of seats, transfer of subjects, State Election Commission and the State Finance Commission are incorporated in the 74<sup>th</sup> Amendment also and thus apply to Nagarpalikas. The Constitution also mandated the transfer of a list of functions from the State government to the urban local bodies. The first urban government in India was set up as early as in the East India Company- the place of honor being Madras. But it cannot be said that urban/municipal government has been great success in India despite its history of over three hundred years. This is all the more unforeseen when it is remembered that well-known nationalist leaders like Dadabhai Naoroji, Feroze Shah Mehta, Balgangadhar Tilak, Gopal Krishna Gokhale, C.R.Das, Subhas Chandra Bose and Jawahar Lal Nehru etc., This level of government along with the rural part was transferred by the British rulers in to the hands of Indians under diarchy introduced under the

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<sup>9</sup> R.N.Prasad,*op.cit.*,pp.7-9

<sup>10</sup> *Ibid.*,p.12

Government of India Act, 1919. The setting up of provincial autonomy under the Government of India Act 1935 gave further drive to the development of municipal government in India. The Act was abolished the system of diarchy and introduced all the rage government in the provinces and the local government was classified as provincial subject. The British left in 1947 with no firmly establish a self dependent, healthy and resourceful system of municipal government.

The constitution of India provided that local government was to be a State subject and as such was to be managed by the State government. The Constitution abolished communal representation and made a provision of universal adult franchise and the local government gave a reservation seats for Scheduled Castes and Scheduled Tribes. India has a three level system of government, the Union, the States and the Local Government. The Central and the State Government have a constitutional status. So the Indian Constitution provides the legislative, executive, financial powers for the Union and States only. Local government is exclusively a State subject, and the structures and powers of urban local bodies are distinct by the municipal laws enacted by the concerned State government. The local government thus, does not benefit from any constitutional status of its own but has constitutional status under the State laws.<sup>11</sup>

The government led by P.V.Narasimha Rao came into authority, drafted the Constitution (Seventy Third Amendment) Bill 1991 relating to Municipalities and introduced it in the Lok Sabha in September, 1991. The Lok Sabha and the Rajya Sabha passed the Bill in December, 1992. After having if ratified by more than half the State Assemblies, the President assented it on 20 April, 1993 which is known as the Constitution (Seventy-Fourth Amendment) Act, 1992. This amendment became functioning since April,

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<sup>11</sup> R.N.Prasad,*ibid.*,pp.146-147

1993 which has been inserted in new part IX-A of the Indian Constitution relating to urban/municipal government (Nagarpalika).<sup>12</sup> The 74<sup>th</sup> Amendment have created equality in structures across the country to look after the urban problems and the presence of this local institution is a significant achievement and would create an atmosphere and platform for people's participation in the State government. In order to improve the taking part of urban people in the process of their social and economic development and participation in decision-making and decentralized planning directly affecting their life. The Government of India provides Constitutional Status for municipalities under the Constitution (Seventy Fourth Amendment) Act, 1992 and it also envisages achieving grass-roots democratic polity by making municipal government/Nagarpalika as an implement of local self government and urban community development.<sup>13</sup> As regard the composition of the municipal government. The urban local bodies have a range of different types be present in the country which is such as Municipal Corporations, Municipalities, Town Area Committees, Notified Area Committees and Cantonments. The seats in the Municipality shall be filled by direct elections except as provided below. For the purpose of elections, the territorial constituencies in a municipal area shall be divided into wards. Each ward has an elected representative in the Municipality. Besides the seats filled by direct elections, some seats may be filled by nominations of papers, having special knowledge or experience in municipal administration. The State law may lay down conditions and procedure for the nomination of such persons. But nominated members will not have exactly to vote in the meetings of the municipality.

The member of the Lok Sabha (MP) and MLA's of State representing constituencies which consist of entirely or to some extent, the municipal area

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<sup>12</sup> *Ibid.*,p.149

<sup>13</sup> *Ibid.*,p.150

concerned will be voting members in the municipality. The chairpersons of the committees (apart from ward committees) will have representation in a municipality with voting rights. The State Legislature is empowered to identify the system of election of the chairpersons of municipalities. This may be either by direct election or from amongst the elected members of the municipality concerned.<sup>14</sup> As regards the Wards committee, each municipality is divided into Wards. In the smaller and medium sized municipalities, the average population per ward varies from 1500 to 6000. In larger cities, however, average Ward size may be fairly large ranging from a population of 30,000 to even two (two) lakhs.<sup>15</sup> There will be no bar in constituting Wards Committees with a population less than three (3) lakhs. Two or more Wards can be combined to represent a Wards Committee also a member of Municipality on behalf of a Ward within the territorial area of the Wards Committee shall be a member of that Wards Committee. In other words, such a member of a Municipality will perform as an ex-officio member of the Wards Committee. If a Wards Committee exists for one Ward only, the Councilors in place of that Ward in the Municipality shall be chairperson of the Wards Committee. Where the Wards Committee consists of two or more Wards, one of the Councilors representing such Wards in the Municipality shall be elected by the members of the Wards Committee as the chairperson of the Wards Committee.

The law enacted by the State may also present with for the Constitution of Committee away from each other the Wards Committee (Standing Committee, Zonal Committees etc.). The chairperson of such Committees will have description and voting rights in the municipality concerned. On the subject of the reservation of seats the Act provides reservation for Scheduled Castes and Scheduled Tribes and women to make

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<sup>14</sup> *Ibid*,p.151

<sup>15</sup> *Ibid*,p.152

certain their representation/involvement at all levels of the municipal bodies. The proportion of seats to be reserved for SCs and STs to the total number of seats shall be the same as the proportion of the population of SCs and STs in the municipal area to the total population of that constituency. The reserved seats will be filled by direct elections only. Not less than one-third of the total number of seats reserved for SCs/STs shall be reserved for women belonging to SCs and STs, this provision is mandatory. One-third of the totality seats shall be reserved for women (This shall be inclusive of seats to be reserved for women belonging to SCs and STs). These reserved seats will be filled by direct elections only and this is also a mandatory provision. The seats so reserved for women and for SCs/STs may be allotted by rotation in different constituencies in a municipality and this is prerequisite optional. The State government decides on the manner of allocation of the reserved seats.<sup>16</sup>

The state governing body will to endow with by law for the reservation of the office of chairpersons for SCs/STs and women in municipalities. The extent to which reservation is to be completed and the manners of such reservation will be decided by the state suggestion of SCs/STs and women pertaining to the office of chairpersons of municipalities to take jointly the spirit of the Constitutional Amendment. The State Legislature is complimentary to provide reservation of seats for any backward class of citizens in any municipality or office of chairpersons in the municipalities for any backward class of citizens, though this is an optional provision. The Municipality is for five years term from the date of its first meeting, the State Legislatures have no powers to amend any law following in supersession or closure of new municipality before the expiry of its five years. In the Municipal

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<sup>16</sup> R.N.Prasad, *Urban Local Self Government in India*, New Delhi, A Mittal Publications, 2006, p.153

election the age to contest is 21 years where as for MLA the age to contest is 25 years of age.<sup>17</sup>

The 74<sup>th</sup> Amendment to the Constitution is a landmark in the history of Urban Local Government in the country. The Act provides for a constitutional status to urban local government institutions. It contains two types of provisions-mandatory as well as discretionary. Mandatory provisions were those which were compulsory to be adopted the whole time for the country. Such provisions included the uniform structuring, definite term, constancy, reservation of seats for different segments of society, constituting the wards committees, District Planning and Metropolitan Planning Committees, Finance Commission and Election Commission, etc. The local government being the State Subject, the discretionary provisions were left to the states to enact according to their needs and local situations.<sup>18</sup>

The 74<sup>th</sup> Amendment aims at systematic constitutions of urban sections, proper representation of all sections of people in the councils, regularly in election, well differentiated and financial allocations and above all devolution of planning down to grass root level. The Act facilitates the democratic decentralization, and firmness to urban local government units is meant to carry out the idea of being administration closer to the people. The representation or weaker and other unable to help groups of the society ensures people's participation in administration by way of management their own affairs. The administrative decentralization is accomplished by setting up of wards committees in large towns. The State government is also essential to appoint State Finance Commission once in five years to examine the financial position of the local government in the State.<sup>19</sup> The Constitution (Seventy-Fourth Amendment) Act, 1992 provides the 12<sup>th</sup> Schedule for Municipalities

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<sup>17</sup> *Ibid.*,p.154

<sup>18</sup> U.B.Singh,*op.cit.*,p.21

<sup>19</sup> *Ibid.*,p.22



(Article 234 W) concerning to their functions such as urban planning including town planning, regulation of land use and construction of buildings, planning for economic and social development, roads and bridges, water supply for domestic, and people's participation in the State. However, Article 243-M of the Constitution (Seventy Third Amendment) Act, 1992 relating to Panchayats is not applicable in some of the certain hills district because of the traditional institution was practice in these areas and covered by the Sixth Schedule to the Constitution of India.

## **SEVENTY FOURTH CONSTITUTIONAL AMENDMENT ACT, 1992 and MIZORAM**

### *A PROFILE OF THE MIZORAM*

During the 1972, Mizoram was one of the components of Assam known as Mizo District. The Deputy Commissioner, Mizo District was the Chief Executive of the district and was in charge for all aspects for an improvement, development and progress. All the departments of Government of Assam and implementation within Mizo District were under the direct control and administration of the Deputy Commissioner. Yet, the responsibilities of the Superintendent of Police were shouldered by the Deputy Commissioner in charge of Police as far as Police functioning was concerned. He also had significant role to play in the functioning of the District Council. The Mizoram District then became a Union Territory and was renamed Mizoram in 1972 after the Parliament passed the North Eastern (Re-organization) Act, 1971. The whole Union Territory was then divided into three districts namely, Aizawl, Lunglei, and Chhimtuipui.<sup>20</sup> After the creation of Union Territory, many departments were created and a large part of the responsibilities and firm duties till now is shouldered by the Deputy Commissioner were entrusted to

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<sup>20</sup> R.N.Prasad, *Urban Local Self Government in India*, A Mittal Publications, New Delhi, 2006, p.99

the newly created departments of the government. Mizoram then became a state on February 20, 1987.<sup>21</sup>

For the period of the pre-independence in Mizoram, each group of people in the rural community or village had a traditional institution of oppressive chiefship to administer village affairs. At the same time the Chief was the absolute administrator, reviewer, defender and protector of his village, management of his village administration with a Council of Elders “Upas” in Mizo language. These “Upas” were usually men of the Chief’s preference, nominated/selected with no the villager’s view or inference, there is no a villagers opinion regarding the selection of the “Upas” this is the full authority by the Chiefs to select or nominate Council of Elders for those who can assist the Chiefs to the administration in their respective areas. The Chief tried to give his rule to the impression of people’s rule within his village through the ruling body of the Elders. There is, no doubt, the British Superintendent never interfered to the Chiefs. Sometimes, the Chiefs also misuse their rights and civil liberties by treating the villagers as their own servants, reducing them to slaves. Even in this misuse of powers and civil liberties by the Chiefs, the British Superintendent did not make any suggestions or to make a better negotiate between the Chiefs and his villagers. The Superintendent and the Chiefs ruled the people as virtual dictators. The effect is being that the people were awake with the Chiefs tyrannical rule over and over again, intolerable rule and also felt oppressed at their hands.<sup>22</sup>

A most recent system of the supervision, management and administration of the tribesmen of certain hills districts of the State of Assam based on the recommendations of the North-Eastern Frontier Tribal and Excluded Areas Sub-Committee and the Constituent Assembly known as the

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<sup>21</sup> *Ibid.*,p.100

<sup>22</sup> Lalneihzovi, *District Administration in Mizoram*, New Delhi, Mittal Publications,2006,p.97

Bordoloi Sub-Committee was included in the Sixth Schedule of the Constitution of India.<sup>23</sup> The constitution provided the Autonomous Regional Councils (ADCs), for major tribesmen and Autonomous Regional Councils for the minor tribesmen accompanying than the most important tribal people within a district. The Autonomous Mizo Hills District Council under the Lushai Hills District (Acquisition of the Chiefs Rights) Act, April 1955 abolished the unequal and autocratic chiefships.<sup>24</sup> The Pawi-Lakher Regional Council also abolished the chiefship surrounded by its authority under the Act. Both the Councils democratized the village administration and organization or supervision by enacting the Lushai Hills District (Village Councils) Act, 1953 and the Pawi-Lakher Autonomous Region (Village Councils) Act, 1954 under Sub-Clause (e) of Clause (3) of the Sixth Schedule to the Constitution of India.

By means of the organization of an Autonomous District Council in the Lushai Hills (now Mizoram) under this circumstances the Sixth Schedule to the Constitution of India and a District Council or a Regional Council were agreed powers to establish Village Council under them bounded by their respective areas and there was no organization for election of a Village Chief. On the other hand, after freedom of India and even the Lushai Hills District also given such powers as it would manage the administration of the Village Councils by a District Council that Village Council could be taken over by them and in that a Village Council was formed at village level through election at hand.<sup>25</sup> Under the provisions of the Sixth Schedule to the Constitution the autonomous District Councils and the autonomous Regional Councils are allowed to constitute Village Councils and Village Courts within their jurisdiction, and to build laws or rules for the administration of village or justice at the village level.

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<sup>23</sup> *Ibid.*,p.109

<sup>24</sup> *Ibid.*,p.110

<sup>25</sup> H.C.Thanhranga, *District Councils in the Mizo Hills (updated)*, Aizawl, Lengchhawn Press, 2007,p.331

A Village Council, though very small in size, is very important relating to village administration. Although, it is the lowest political institution or association under a District Council it cannot be ignored in that once a political party captures the majority of a Village Council it is sure to control the District Council.<sup>26</sup> The Village Council has a very limited functions and powers generally administrative and judicial of unrelated nature under the Village Council Act, 1953 and 1954. The administration or running of the Village Councils has been lay under the Local Administration Department and Town and Country Planning by the Government of Mizoram. In a few words, Mizoram has two sets of government, both in rural and urban areas over which the Government of Mizoram and the District Councils to make longer their jurisdiction or authority in separately. But at this point to mention that the Village Councils, which have been made to order by the Government of Mizoram in the carry out of its village administration, have been enacted by the then Mizo Hills District Council in 1953 as provided for by the Sixth Schedule of the Constitution of India to manage its rural affairs or rural dealings, do not form a part of Local Self Government. It is understandable to clear that the Local Self Government is set up/created by the enactment/laws/acts of the State government; it is clearly true that Local Self Government is the subject matter of the State government. It may be further pointed out that the former Mizo District Council in compliance with by means of the pursuance of paragraph II of the Sixth Schedule to the Constitution of India enacted the Mizo District (Administration of Town Committees) Act, 1955, which the Mizo Hills District Council had not implemented in its areas. The Mizo Hills District was important status of Union Territory of Mizoram due to the North-Eastern Areas (Reorganization) Act, 1971. In consequence of the Mizo Hills District Council stood abolished. But the Government of Mizoram

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<sup>26</sup> *Ibid*,p.332

had not made in order that the Mizo District (Administration of Town Committees) Act, 1955 to manage, supervise or to deal with its notified urban.

The State Government instead of the village affairs could have adapted the Mizo District (Administration of Town Committees) Act, 1955 to carry out or to bring about the urban administration till the purpose to the Constitution (Seventy-Fourth Amendment) Act, 1992 relating to Municipalities to the State of Mizoram, as regards the administration of twenty three notified urban areas.<sup>27</sup> There is a question to the State government could bring about the urban problems and administration. So, to set up an urban structure in the notified towns under the 74<sup>th</sup> Constitutional Amendment, Act has become a constitutional requirement and also necessity on the machinery of the Government of Mizoram.

An observance in different analysis, it is necessary to set-up of the urban local governments to handle or touch such large number of civics problems, for the people more participate in the State government and many urban facility, competent services are even on the edge of to fall down and to carry out the socio-economic development of the urbanities of the notified towns of the State, it would be an improvement and enhancement to emphasize the 74<sup>th</sup> Constitutional provisions to make the political leaders and legislators of the State understand of their association, effectiveness and compensation or advantage to legislate to constitute a democratic decentralized urban organizational machineries. The 74<sup>th</sup> Constitution Amendment aims at well-organized constitution or orderly, full arranged of urban sections of people in the councils, election on a regular basis, well differentiated economic policy or financial allocations and above all decentralization of planning down to grass root level. Thus the requirements of the 74<sup>th</sup> Amendment re-arrange the structural understanding of the urban

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<sup>27</sup> R.N.Prasad, *op.cit.*, pp.108-110

local bodies in a comprehensive throughout the country<sup>28</sup>. The provisions of the constitution of Nagar Panchayats for a halfway area from rural to urban areas, Municipal Council for smaller urban areas and Municipal Corporation for a larger urban area. It is also a transitional area from rural to urban Municipal Council and Corporation.

The Constitution (Seventy-Fourth Amendment) Act, 1992 provides the 12<sup>th</sup> Schedule for Municipalities (Article 234 W) with reference to their functions such as, urban arrangement including urban development, directives of land use and construction of buildings, roads and bridges, water supply for domestic, community health, sanitation or hygiene, parking fees, urban poverty alleviation, provision of urban amenities and facilities, including street lighting, parking lots, etc. The State Election Commission set up by the State Government prepares electoral rolls and conducts elections to the Municipality and also the Governor of State shall set up a Finance Commission, put up and to review the financial situation of Municipalities and recommend the principle to govern/settle on the financial allocation of the net proceeds so that the Municipalities attain their own shares. The Commission shall settle on the taxes to be appropriated by the Municipalities and the extent or coverage of the grant-in-aid to be owed to them. The State Legislature shall formulate necessities on the subject of the maintenance or preservation of accounts by Municipalities and audits of such financial records.<sup>29</sup>

The Village Councils, which are lay down and set up their supplies or the people's necessities amended by the Government of Mizoram, do not type a branch of Local Self-Government (rural and urban).<sup>30</sup> The Municipalities are formed by the Constitution of India having a constitutional status and also

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<sup>28</sup> *Ibid.*, pp.110-112

<sup>29</sup> *Ibid.*, p.113

<sup>30</sup> *Ibid.*, p.113

part of the Constitution was having a Constitutional category. The Village Council is a single tier and do not formed by the Constitution of India also there has no a constitutional status. The provisions of the Constitutions (Seventy-Fourth Amendment) Act, 1992 relating to Municipalities based on democratic decentralized authority or governance, reflecting the courage essence of local government all over the world. Accurately, it is said that the urban local government (a part of local government) the third tier of Indian Federal Government, it necessitate to be set up by the Government of Mizoram to obtain government closer to the urbanities/ urban people of the notified towns and in this manner, to provide them a good judgment of taking part in the political processes, be it in a command or taking sides that control their everyday lives. Undoubtedly, the need to establish a Municipal government indicates a distressing growth of urban population in Aizawl due to rural-urban resettlement, though it is reasonably high in the cities of India. A large number of migrants have motivated from rural to Aizawl and other town areas generally for economic reasons. Owing to over people movement to Aizawl, the most important troubles of this town are joblessness, overcrowding, housing shortages, straining of urban services/amenities, drinking water, pollution, transportation, etc and the growth of the population along with the number of vehicles is tremendously increasing at high rate. It is therefore, required to establish a Municipality to carry out the administration of the newly born city and also solve the problems of the urban people and management for the civic amenities.<sup>31</sup>

Therefore, the Government of Mizoram takes well-organized/successful strategies to guarantee for the management of their urban affairs/a new Municipal government in other urban areas and Municipal Corporation in Aizawl as envisaged in the Constitution (Seventy-Fourth Amendment) Act, 1992 relating to Municipalities. Keeping in analysis, the

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<sup>31</sup> *Ibid.*,p.116

Aizawl Municipal Council started an operation from 1<sup>st</sup> July in its office at Thuampui Veng Aizawl, which was formally formed in Nov 2010 by way of the election of 19 members. It is a north worthy or significant to declare that the Aizawl Municipal Council has been entrusted with civic administration, management, organization of Aizawl city. In addition to the powers transfer by the State Government is now eight subject to functions such as, roads and bridges, public health, sanitation, including street lighting, land revenue, building regulations, parking fee and solid waste management, burial and burials ground, slaughter house etc., in Aizawl city.

#### **STATEMENT OF THE PROBLEM**

The level of Aizawl Municipal Council Election represents the living standard of the society and the political parties. The following variables shall be selected for the study of Election process of Aizawl Municipal Council.

One aspect of Municipality is that of democratic decentralization and public participation in urban development administration. In the context of Mizoram, Village Councils meant for the management of rural affairs that are unable to handle such large number of people and civic problems. The need to have asset up of Municipality for exercising the urban administration will also include in the study. Again, State Election Commission set up by the State Government prepares electoral rolls and conducts elections to the Municipality. So, this particular aspect will also be investigated in the present study.

Aizawl Municipal Council is meant for the welfare of the people and they have authority of urban areas. The need to have a major authority shall be vested in the Municipality for maintaining economic and social development and their implementation, and to protect natural calamity and



other problem. The government should give more powers and functions to the Municipal for the growth of rural and urban areas.

Mizoram is having a multi party system where many political parties are in operation competing for political power. At present they could not capture even a single seat the Municipal election, the Congress ZNP party coalition is being administered by Municipality. Again many parties could not play an effective role in the state because of the lack of mass support. So, this particular aspect will also be investigated in the present study.

## **REVIEW OF LITERATURE**

A Local Self-Government has assumed great significance for rural and urban administration and implementation of anti-poverty programmed. There have been many standard books and articles and works of Municipality in different parts of India. Of those, the present scholar has reviewed the following literature pertaining to the role of Municipality in general of Mizoram in particular

Manoj Sharma (1986) in his book *Local Government (Rural and Urban)* deals with the meaning, nature and scope, its functions and role of Local Government in India. The book also highlighted State Local Relations in India, functions and role of Local Government in India.

R.N. Prasad (2006) in his book *Urban Local Self Government in India* suggests to implementing the 74th Constitutional Amendment Act, 1992 and to set-up the Urban Governants in the notified towns, to enable the urbanities to participate in decision-making and implementing processes of complicated urban problems affecting directly their daily lives. The book emphasizes

people's empowerment, democratic, decentralized and participative civic governance that the 74th Constitutional Amendment Act envisages.

Apurba Kumar Basiston (1986) in his book *Urban Local Administration (Growth and Development)* deals with the Municipal functionaries and provides suggestions for improving urban administration and for eradicating some of the nagging problems. The book also highlighted the various problems being faced by all democratic.

R.N. Prasad (1987) in his book *Government and Politics in Mizoram* deals with land and brief history of the people, tribal political system, executive and judicial authority of the Mizo Chief and Village Administration. The book also explains the emergence of political party and factors leading to the formation of autonomous bodies- the Mizo District Council and the Pawi-Lakher Regional Council.

H.C. Thanhranga (2007) in his book *District Councils in the Mizo Hills (updated)* attempts to highlight the constitutional history on the Constitution of the Sixth Schedule to the constitution of India and the background of the constitution of Autonomous District Councils.

J.K. Chopra (2004) in his book *Local-Self Government and Municipal Administration* deals with public participation in local government and municipal administration in India. The book also explains the origin and functioning of local self governments in India.

S.S. Dhaliwal (1999) in his book *Municipal Administration* highlights theoretical and practical aspects of the municipal administration employees and the obligatory and optional functions of the municipal councils. The book also shows the problems being faced by the employees from bureaucracy,

politicians and citizens. The book will help the municipal employees in giving a better administration and results

Hoshiar Singh (2000) in his book *Local Governance Concepts & Networks* highlights the concepts, structural changes, reorganization, people's participation and new public management and local governance. The book also attempts local government organization in a post-bureaucratic age.

Lalnehzovi (2006) in her book *District Administration in Mizoram* traces a theoretical concept of district administration and its evolution from ancient period till date in India and the functioning of district administration in the North-East region. The book also shows village and urban administration, need for democratic decentralized governance and new panchyati Raj system and municipality.

U.B. Singh (2004) in his book *Urban Administration in India* traces Urban Government in India, historical overview and explains the 74th Amendment to the Constitution is a landmark in the history of Urban Local Government in the country and the Act provides for constitutional status to urban local government institutions. The book also highlighted the democratic decentralization and public participation in Urban Development Administration.

The literature that we surveyed in the above paragraphs does not deal directly or indirectly with Aizawl Municipal Council. The present work will attempt to examine Aizawl Municipal Council and will fill the gap in the existing literature.

## **OBJECTIVES**

The proposed work has the following objectives:

- 1) To explore the circumstances leading to the evolution of Aizawl Municipal Council
- 2) To study the role of State Election Commission
- 3) To study the election manifestoes of political parties and campaigning process of Municipal election
- 4) To analyze the outcome of the Election

### **RESEARCH QUESTIONS**

The proposed work will examine the following research questions:

- 1) What are the main reasons for the establishment of Aizawl Municipal Council?
- 2) What are the main election manifestoes of political parties contesting the Aizawl Municipal Council?
- 3) What is the main role played by the State Election Commission in conducting Municipal Election?

### **METHODOLOGY ADOPTED**

The proposed work will be studied with the help of both primary and secondary data. Primary data will be collected through the use of interview schedule to obtain information from the key functionaries of Municipality of Aizawl. Secondary data will also be collected from different sources such as

books, articles, journals, booklets, and government documents on the subject and related areas.

### **IMPORTANCE OF THE STUDY**

Municipal government is an important institution that provides urban civic amenities to the urban dwellers. In this task, Municipality could become an important instrument for bringing government closer to the urban people or notified towns and thereby to give them a sense of involvement in the political processes that control their daily lives.

### **LIMITATION:**

Since it is an M.phil dissertation the constraint of time and financial resource was very much present. Further, as Aizawl Municipal Council is recently, the real working of the Municipality has to yet take off to the extent of evaluating them.

## CHAPTER- II

### AIZAWL MUNICIPAL

- **A Profile of Aizawl City**
- **Evolution and the Present System**
- **History of Local Self Govt in Mizoram**

### AIZAWL-A BRIEF PROFILE

The district is named after the head quarter of the district, Aizawl city. In Mizo language *ai* also known as *aidu* refers to an herb (one of the turmeric speci) and *zawl* means plain or field. The name of the city was probably derived from the abundance of the aidu in the area during the previous years. Aizawl is the largest city as well as the capital of the state of Mizoram in India. The city is located north of the tropic of cancer in the northern part of Mizoram and is situated on a ridge 1132 metre (3715ft) above sea level, with the Tlawng river valley to its west and the Tuirial river valley to its east.<sup>32</sup> In 1871-72, the disorderly conduct of Khalkam, a mizo chief compelled the British to established an outpost that later became the Aizawl village.

In 1980, Officer Daily of the Assam Police and his 400 men arrived at Aizawl to support Colonel Skinner's troops during a British Military operation against the Mizo tribals. On Dally's recommendation, Aizawl was selected as the side of fortified post that Colonel Skinner had been ordered to construct. The troops constructed stockades and buildings at the side. In 1892-95, Aizawl became accessible from Silchar by fair weather road under the supervision of Major Loch. The Indian Air Force carried out air strikes on the town during the March 1966, Aizawl was a large village but the regrouping of mizo villages after the uprising made it become a larger town and then a City. Aizawl has become the center of road network in Mizoram connecting the North and

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<sup>32</sup> Accredited journalist,DIPR Mizoram,Retrieved 5 September 2012

South, East and West. More than 25% of the Mizoram reside in Aizawl.<sup>33</sup> Aizawl is a beautiful place and its breathtaking beauty and also it is a storehouse of all important Government offices, State Assembly House and Civil Secretariat. It also enhances different communities of Mizo wherein they maintain peaceful co-existence as the main theme. Aizawl is the important city of Mizoram and with a resident's population 291,822 and it is the largest city within the state.<sup>34</sup>

### *CLIMATE*

Aizawl has a mild, sub-tropical climate due to its location and alleviation. Under the Koppen climate classification, Aizawl features a humid sub tropical climate albeit a more moderate version of the climate. In the summer, the temperature ranges from 20-30 degree Celsius, and in the winter 11-21 degree Celsius.<sup>35</sup>

### *DEMOGRAPHICS*

According to the 2011 census, Aizawl district has a population of 404,054, roughly equal to the nation of Brunei. This gives it a ranking of 557<sup>th</sup> in India (out of a total of 640). The district has a population density of 113 inhabitants per square kilometer (290/sq mt). Its population growth rate over decade 2001-2011 was 20.07%. Aizawl has a sex ratio of 1009 females for every 1000 males and a literacy rate of 98.5%.<sup>36</sup> Christianity is the dominant religion in the city and other religion include Islam, Buddhism, and Hinduism. Presbyterians make up the majority of the population; there are also significant numbers of the Salvation Army, Baptists, Seventh Day Adventists, United Penticostal Church and Roman Catholic in the city. There are also some

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<sup>33</sup> *Ibid.*,

<sup>34</sup> Aizawl City Population, Census 2011.co.in.Retrieved, 15 August 2012

<sup>35</sup> Aizawl-the state capital,Mizoram, Retrieved 2012-11.09

<sup>36</sup> Aizawl City Population, census, 2011.co.in.Retrieved,*op.cit.*,

cultural based Christian sects. Hinduism and Islam are also represented in every small numbers in the city population.<sup>37</sup>

### *DIVISIONS*

The district has 5 R.D Blocks, Aibawk, Darlawn, Phullen, Thingsulthiah and Tlangnuam. The district has 14 legislative assembly constituencies. These are Tuivawl, Chalfilh, Tawi, Aizawl North I, Aizawl North II, Aizawl North III, Aizawl East I, Aizawl East II, Aizawl East II, Aizawl West I, Aizawl West II, Aizawl West III, Aizawl South I, Aizawl South II, and Aizawl South III.

### *ECONOMY*

The economy of Aizawl is basically sustained by Government services as it is capital of Mizoram. The major Banks are also located within Aizawl. A - 3 star category hotel, hotel Regency has recently been inaugurated at Zarkawt a central location within a city. It provides a much needed hospitality service for tourists and business visitors to Aizawl.

### *CIVIC ADMINISTRATION*

Aizawl is the largest city as well as the capital of the state of Mizoram in India. In civic administration the Aizawl Municipal Council is in charge of Civic Administration of Aizawl City. It provides the civic amenities and facilities to the urban dwellers and it also provides the civic necessities in the different areas within the city. Aizawl Municipal Council was formally formed in 2010 with 19 members. The Congress ZNP party coalition was voted the power with 10 members and is being administered by one Council Chairman, Vice Chairman, and three Executive members.<sup>38</sup> The Aizawl Municipal Council consists of 19 members representing 19 Wards of the city of Aizawl and others appointed by the Governor of Mizoram. One – thirds of the total membership

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<sup>37</sup> The Aizawl Post, Retrieved 7 September 2012

<sup>38</sup> Dr, L.H. Chhuanawma, *Aizawl Municipal Council*, T.Romana College, Retrieved 7 September 2012



is reserved for women; these six seats shall be rotated after every five years.<sup>39</sup> The tenure of the Council is five years and there is a Ward Committee in every Ward. The Ward Committee is consists of a Chairman, who is elected Councilor from that Ward, and two members each from the Local Councils within the Ward. After the Aizawl Municipal was established the Village Council was replaced by the Local Council within Aizawl City. Presently, there is 78 Local Council in Aizawl with a term of three (3) years.<sup>40</sup>

Aizawl is the important center of all Government offices as well as the rural people who get the necessity from Aizawl. The population of Aizawl was strongly reflects the different communities of the ethnic Mizo people. Aizawl has a combination of varieties of jungle goods, monuments, and memorials related with tradition and folklores are also presented. This lively and bustling city is certainly, delightful and worth visiting.

#### *CONDITIONS OF SEVENTY FOURTH AMENDMENTS*

The origin of the seventy-fourth constitutional amendment can be traced in the report of L.M. Singhvi Committee, which was constituted in 1986. Based on this report, the Rajiv Gandhi government introduced the sixty-fifth constitution amendment bill in the Parliament. The bill was conceded in the Lok Sabha but fell through in the Rajya Sabha due to the shortage of requisite majority of votes. Then the Narasimha Rao government took up the matter again and introduced seventy third amendment bills in the Parliament, which subsequently became the seventy-fourth amendment Act in 1992. It came into force on 1.6.1993<sup>41</sup>

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<sup>39</sup> *Ibid.*,

<sup>40</sup> *Ibid.*,

<sup>41</sup> R.N.Prasad, *Urban Local Self Government in India*, New Delhi, Mittal Publications, 2006, p.166

The 74<sup>th</sup> Constitution Amendment recommends the decentralization of planning by committees at district level. The District Planning Committee (DPC) consolidates the plans prepared by the panchayats and the Municipalities in the district and prepares a draft development plan for the district as a whole. The State Legislature may by-law provide for the composition of the District Planning Committee, the manner of filling of seats that 80% will be elected members from Panchayats and Municipalities exactly in proportion of their respective population, and the manner in which the chairperson of such committees shall be chosen. Such committees will deal with matters of common interest between the Panchayats and Municipalities, sharing of water and natural resources, the integrated development of infrastructure and environmental conservation and the extent and type of financial resources on the specification of the Governor of the State; it will consult the institution and organizations<sup>42</sup>.

The Chairpersons of every District Planning Committee shall forward the development plan to the Government of the State. Similarly, Metropolitan Planning Committee (MPC) shall be constituted for each metropolitan area to prepare a draft development plan for the area as a whole taking into consideration Municipalities and Panchayats constituting the metropolitan area. The Chairperson shall forward the development plan to the State Government<sup>43</sup>. This has been envisaged by the 73<sup>rd</sup> and 74<sup>th</sup> Amendments with clear provision of a three tier Government: Union, States and the Local Governments (rural and urban). Not less than one third is reserved for women. This uniform by urban-rural legislative break through will usher a new era for development of women. A superseded or suspended Panchayats or Municipalities cannot continue for more than six months in any situation as

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<sup>42</sup> Lalneihzovi, *District Administration in Mizoram*, New Delhi, Mittal Publications, 2006, p.113

<sup>43</sup> *Ibid.*, pp.113-114

per this legislation and a mid-term election are mandatory within this period.<sup>44</sup>

The Constitution Amendment provides financial assurances for rural as well as urban bodies, though not full financial autonomy. The State Finance Commission, to be held every five years may be another milestone in improving financial capacity of the local governing institutions. As regards the devolution of planning, decentralized planning is the perception of needs and resources of local areas, facilitating more informed decisions. Local people get better chance of decision-making in their own affairs, development of coordination, integrated approach, effective mobilization of resources, fuller exploitation of growth potential and improved productivity. Thus, the devolution of planning to state level for metropolitan, municipal and panchayats areas are well coordinated plan for development of the country from the grassroots level.

The Government of Union Territory of Mizoram adapted the Lushai Hills District (Village Councils) Act, 1953 in 1972 to carry out the village administration in its respective areas. The Village Council is a democratically elected body whose provision can be amended by the executive/administrative orders of the Government of Mizoram, the administration of the Village Councils has been put under the Local Administration Department (LAD) and Town Planning and Housing(now town and country planning). Briefly, the Village Councils are rural structures to manage rural affairs. However, at this point to mention that the Government of Mizoram has created and notified 23 towns without constituting urban structure to manage urban affairs/ problems of urbanities of the notified towns. Instead, the Village Councils meant for the rural governance have been allowed by the Government to continue functioning in 23 towns, which are

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<sup>44</sup> *Ibid.*,p.115

different to the fundamental/principles of Urban Local-Self Government. This, no doubt, contradicts the provision of the Constitution (Seventy Fourth Amendment) Act, 1992 relating to Municipalities.<sup>45</sup> The Amendment Act provides democratic decentralized governance for the urban people of the notified towns of the States, which enables the most active or vigorous political participation and contribution of all people of the urban areas.

Therefore, to set up the Municipalities under the provisions of the Constitutional Amendment Act by the Government of Mizoram seems to be a necessary need and thereby Mizoram will certainly join the national majority, deriving a lot of benefits from the democratically, politically and economically viable arrangement to improve the socio- economic conditions of the urban people tribesmen. Since the Local Self-Government (rural and urban) is the subject matter of the State government, the legislature of the State of Mizoram may by law extend the Constitutional Amendment Act concerning the Municipalities to its urban areas or jurisdictions.

The Village Councils, which are set up and their requirements amended by the Government of Mizoram, do not a structure of Local-Self Government (rural and urban). The Municipalities are created by the Constitution of India having a constitutional condition. The Village Council ensures women to contest elections to the Village Council but does not safeguard as seats for women. But the Municipalities have one third reserved seats for women. This legislative break through will usher a new era for the progress of women.

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<sup>45</sup> *Ibid.*,p.115

## MAIN FEATURES OF THE SEVENTY- FOURTH AMENDMENT

The seventy-fourth amendment to the Constitution of India has brought about a revolutionary change in the urban local-self government according to its constitutional status and providing it a respectable place in our constitutional system. Before the amendment, there was no specific mention about the local-self government let alone urban local self government except Article 40 and item no. 5 of the State List under Seventh Schedule of the Constitution.<sup>46</sup> Part IX –A of the Constitution deals with Municipalities. It starts with Article 243-P and ends with Article 243-ZG. Article 243-Q stipulates the Constitution of Municipalities in every State. Of course, Article 243-ZC makes it inapplicable to certain areas such as Scheduled Areas and Tribal Areas referred to in Clause 1 and 2 respectively of Article 244 and also Gorkha Hill Areas of Darjeeling.<sup>47</sup> Article 244 Clause 2 provides “The provision of the Sixth Schedule shall apply to the administration of the Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram.”<sup>48</sup>

While constituting municipality, it may be

- a) A nagar panchayat for a transitional area from rural to urban habitation;
- b) Municipal council for a smaller urban areas;
- c) A municipal corporation for a larger urban area.

While making this categorization, population of the areas, density of the population therein, the revenue generated for local administration, the percentage of employment in non agricultural activities, the economic importance, and other factors are to be taken into consideration.<sup>49</sup> Governor of the concerned state issues a public notification in this regard.

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<sup>46</sup> R.N.Prasad, *op.cit.*, p.165

<sup>47</sup> *Ibid.*, p.116

<sup>48</sup> *Ibid.*, p.116

<sup>49</sup> *Ibid.*, pp.116-117

*Composition:* Municipal area is divided into territorial constituencies known as wards. Although the amendment is silent regarding the basis of such division and it is left to the discretion of the states, it is implied that the size of the population is the main consideration for the formation of wards. According to Article 243-R (1), one person shall be chosen by directly elected representative, the state legislature may, by law, have the provision of following representations

- a) Persons having specialized knowledge or experience in municipal administration who do not have right to vote;
- b) MLAs and Members of Lok Sabha representing from the concerned municipal areas;
- c) MLCs and Members of Rajya Sabha registered as electors from the concerned municipal areas;
- d) Chairpersons of committees constituted under Clause 5 of Article 243-S

The State Legislatures determine the manner of election for Chairpersons of municipalities.<sup>50</sup>

*Wards Committee:* For a municipality having a population of 3 lakhs or more, there shall be a wards committee consisting of one or more wards. The state legislature is empowered to make provisions regarding the composition and territorial limits of the wards committee. All wards members within the territorial area of the wards committee shall be its members. If the wards committee consists of one ward, the ward member shall be the chairperson. If it is more than one ward, the chairperson shall be elected from among the ward members.

*Reservation of Seats:* The amended has provided for 3 types of reservation- reservation for Scheduled Castes and Scheduled Tribes;

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<sup>50</sup> *Ibid.*, pp.116-117

reservation for women; and reservation for other backward classes. (A) The total number of seats to be reserved for SC&ST shall be determined on the basis of their proportional strength to the total population in the municipality. Within the reservation for SC & ST. (B) One third of the total seats shall be reserved for women including the reservation of women belonging to SC & ST. (C) Apart from these reservations, the state legislature may make provision for the reservation of other backward classes. The reserved seats are allotted on rotation basis. The states are empowered to make laws relating to the reservation of the offices of chairpersons.<sup>51</sup>

*Qualifications of Membership:* A person, who is qualified to be a member of the state legislature, shall be eligible to contest for the membership of a municipality. The only difference between the two is that while a member for state assembly should be at least 25 years of age, a member for the municipality should have attained the age of 21 years. The state legislature is authorized to make law for any other disqualification for municipal membership. Also the state legislature is empowered to make laws on all matters relating to municipal elections.

*Election Process:* The State Election Commission, which is responsible for the entire electoral process of the panchayat elections under Article 243-K, shall have also the power of superintendence, direction and control of the preparation of electoral roles for, and the conduct of, all elections to the municipalities. The Governor shall appoint the state election commission consisting of a state election commissioner.

Article 243-ZG lies down that the Courts have no jurisdiction to examine the validity of a law, relating to the delimitation of constituencies or the allotment of seats under Article 243-ZA. An election to a municipality can be questioned only by an election petition which should be presented to such authority and

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<sup>51</sup> *Ibid.*,p.168

in such manner as may be prescribed by the law made by the state legislature<sup>52</sup>.

*Duration of Municipalities:* The normal duration of a municipality is 5 years from the date of its first meeting. But it can be dissolved earlier. Before dissolution, the municipality shall be given reasonable opportunity to express its views.

*Twelfth Schedule:* The last Schedule of the Constitution of India was also annexed to the Constitution as a result of the seventy fourth amendment's with reference to Article 243-W. It contains eighteen items over which the municipalities are empowered to deal with. The main items are- urban planning including town planning, regulation of land use and construction of buildings, roads and bridges, public health and sanitation, urban poverty alleviation, public amenities, etc.<sup>53</sup>

*Power to Impose Taxes and other Financial Resources:* The state legislature may, by law, authorize a municipality to levy, collect, appropriate taxes, duties, tolls, etc. with limits and the procedures to be followed. Municipalities receive grants-in-aid from the Consolidated Fund of the state, which is their major source of resources. The state legislature also may law providing for constitution of funds of municipalities.

*Finance Commission and Audit of Account:* The Finance Commission which is constituted by the Governor under Article 243-I to review the financial position of panchayats in the state, is also assigned the responsibility to review the financial position of the municipalities. The Commission, which was constituted within one year of the commencement of the seventy-third amendment act, has a five-year term.

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<sup>52</sup> *Ibid.*, pp.168-169

<sup>53</sup> *Ibid.*, p.169



The Commission shall make recommendations to the Governor as to (a) the principles governing the distribution of the net proceeds of the taxes, duties, tolls and fees between the state and municipalities<sup>54</sup>; (b) the taxes, duties, tolls and fees that may be assigned to the state;(c) the grants-in-aid to the municipalities; (d) the measures needed to improve the financial position of the municipalities; (e) any other matter referred to it by the Governor in the interests of the municipalities. The Governor shall cause every recommendation of the Finance Commission before the state legislature along with an explanatory memorandum as to the action taken thereon. Article 243-Z empowers the state legislatures to make law with respect to the maintenance of accounts by the municipalities and auditing of such accounts.

The Seventy-Fourth Constitution Act has infused new lease of life to these urban bodies and has provided ample opportunity to make them vibrant institutions of local self-government. There are some marked differences in the nature, power and function and financial autonomy of municipalities before the amendment and after the amendment. Wide representation and popular direct election have made municipalities truly democratic and representative bodies. One –third reservation for women (which has not been possible for state Assemblies and Parliament so far), reservation for Scheduled Castes and Scheduled Tribes and provision for reservation of other backward classes carry forward the neglected section of our society for the meaningful participation in this Institution of local self government. The real devolution of power to these bodies fulfills the aspirations of making the third tier effective and purposive organization of our polity. The most important features of this amendment are the financial autonomy. With wide ranging powers assigned to them, municipalities have enough scope to be financially self-sufficient.<sup>55</sup>

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<sup>54</sup> *Ibid.*,p.169

<sup>55</sup> *Ibid.*,p.171

## EVOLUTION OF AIZAWL MUNICIPAL COUNCIL

The seventy-fourth amendment has not only made municipal system compulsory for all states but also has taken care to maintain broad uniformity in the system throughout the country. In Mizoram context, municipal government is an important institution that provides civic amenities, facilities to the urban dwellers and to provide for the administration of town areas and to establish municipalities in towns, transitional areas and urban areas in Mizoram. For long ago, Aizawl have been having Village Councils although it became an urban settlement for much of post-independence period.<sup>56</sup> Whereas it is a measure and necessary to provide for the administration of town areas viz., transitional areas and urban areas to introduced municipalities in Mizoram for the intention of bringing them in compliance with the purpose, substance and path of the Constitution (Seventy-fourth) Amendment Act,1992 in common, and in particular to endow the municipalities with functions and powers so as to enable them to function as vibrant Institution of Local Self Government with greater People's participation in managing their own affairs besides importing certainty, continuity and democratic content and dignity, aiming among other things at the realization of economic and social justice.<sup>57</sup>

In the direction of the Constitution (Seventy-Fourth Amendment) Act, 1992 relating to Municipalities based on democratic decentralized governance, reflecting the spirit and substance of local administration all over the world. The Government of Mizoram, in observance the constitutional responsibility must take steps of implementing a set up of the Municipalities to empower the urbanities by abandoning the operation of the Village Councils in the created towns. Thus, the population statistics clearly indicates

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<sup>56</sup> Dr.L.H.Chuanawma,*op.cit*,p.1

<sup>57</sup> The Mizoram Gazette extra ordinary,Aizawl,Published by Authority,VOL-XXXVI,Issue no.123,2007,p.1

an alarming growth of urban population in Aizawl owing to rural-urban resettlement, despite the fact that it is quite high in the cities of India.<sup>58</sup> Most of the migrants have moved from rural to Aizawl and other urban areas generally for economic/financial reasons. Due to over migration to Aizawl, the main problems of this city are unemployment, overcrowding, housing shortages, expansion of slums, straining of urban services/amenities, drinking water, pollution, transportation and increase in crime rates leading to security problems.

The length and breadth of Aizawl City remains the same, but the growth of population along with the number of vehicles is tremendously increasing at a high rate and the inadequacy of road net work with rapid growth of vehicles rises to serious congestion problems in Aizawl City. The newly born city has confronted such situation which needs serious attention, with the prevailing situations in Aizawl city the functions of Village Councils in the city could no more cope up with its administrative requirements. It is therefore, required to establish a Municipal Council to carry out the administration of the newly born city. Keeping in view the various dimensions of urban problems emerging in urban in Mizoram, it may be rightly inferred that the costs created by our urban problems are out stripping the benefits, the urbanities should receive from the proper functioning of our urban areas. Therefore, the Government of Mizoram must take an effective strategies to replace the Village Councils by a new Municipal Government and this will ensure the urbanities participation and cooperation in the management of their urban affairs. In spite of People's demand for establishing municipality for Aizawl in line with the 74th Constitutional Amendment (1993) hitherto no political party state government really demonstrated willingness to have one. It is therefore interesting to note that the Aizawl Municipal Council owes its

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<sup>58</sup> Lalneihzovi, *op.cit.*, p.116

origin to the Jawaharlal Nehru National Urban Renewal Mission (JNNURM), a pressure exerted from outside Delhi.<sup>59</sup>

JNNURM was launched in the country by Dr. Manmohan Singh, the Indian Prime Minister in December 2005; JNNURM envisaged addressing infrastructural deficiencies, poor service delivery systems and poor governance in 63 selected cities including Aizawl. The JNNURM made it compulsory on the part of state governments receiving funds for city infrastructural developments to necessarily carry out reforms such as starting Municipalities and holding elections for such decentralized Urban Local Bodies (ULB).<sup>60</sup>

The state government then enacted the Municipalities Act, 2007. The said Act was notified on April 20, 2007 (it came into effect from this date). The act provides for establishment of (a) A Municipal Board for a specified transitional area, (b) A Municipal Council for a smaller urban area, (c) A municipal Corporation for a larger urban area. Short title, extent and commencement this Act may be called the Mizoram Municipalities Act, 2007. It shall extend to the whole of State of Mizoram except the area which has been or may hereafter be declared as, or included in, a Panchayat or a Village Council under the Provisions of any law in force in Mizoram, but shall not extend to the Mizoram Tribal Areas, as referred to in PART III of the paragraph 20 of the Sixth Schedule of the Constitution. And also it shall come into force on such date or dates and in such area or areas as the State Government may, by notification, appoint. It has already been noted that the JNNURM has very clearly bound the state government as well as the Aizawl Municipal Council to carry out some crucial reforms aimed at strengthening the Aizawl Municipal Council.

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<sup>59</sup> Dr.L.H.Chhuanawma, *op.cit.*,p.1

<sup>60</sup> *Ibid.*,p.2

There is another set of reforms agenda set in motion through Asian Development Bank Programmed called the North Eastern Region Capital Cities Development Investment program, launched since 2009 is the five state capitals of Aizawl, Tripura, Gangtok, Kohima, and Shillong. This Asian Development aided program, much like the JNNURM, makes it mandatory on the part of the state government and the Aizawl Municipal Council to necessarily implement both institutional and infrastructural reforms with regard to governance of the Aizawl Municipal Council<sup>61</sup>

Put in June 12, 2007 the State Government of Mizoram, Urban Development & Poverty Alleviation Department of Mizoram and the Union Ministry of Urban Development signed a tripartite Memorandum of Agreement (MOA). The MOA explicitly binds the state government to implement reform agenda under the JNNURM (such as establishment of Urban Local Bodies under 74th Amendment), failure to do so would entail with holding subsequent installments of grants given by the centre to the State of Mizoram.<sup>62</sup>

The Aizawl Municipal Council started functioning from 1<sup>st</sup> July 2008 as its office at Thuampui Veng Aizawl. The council is headed by a Chief Executive Officer. The first election held in Nov 2010 saw the Indian National Congress and Zoram Nationalist Party alliance forming the Council (INC=5,ZNP=5) and the opposition alliance Mizo National Front and the Mizoram People Conference trailing by just one seat (MNF=5, MPC=4). Urban amenities and infrastructure in Aizawl with a view to eventually make the Aizawl Municipal Council to fully sustain itself financially as well by 2017.<sup>63</sup> Most of all, the people of Aizawl are by and large enthusiastic about the Aizawl Municipal

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<sup>61</sup> *Ibid.*, pp.1-2

<sup>62</sup> *Ibid.*, p.2

<sup>63</sup> *Ibid.*, p.3

Council. They seem to be quite keen to see a vibrant and effective Municipal Council in their capital city.

#### *COMPOSITION AND THE PRESENT SYSTEM*

The Aizawl Municipal Council consists of 19 elected members representing 19 wards of the city of Aizawl and others are appointed by the Governor of Mizoram. Roughly one-thirds (i.e.6) of the total membership is reserved for women, these six seats shall be rotated after every five years. The tenure of the Council is five years. A member of Lok Sabha from Mizoram and unspecified number of members of Legislative Assembly representing the Municipality area shall also be members without voting rights. On November 12, 2010 the state government appointed 12 persons as members of the Board of Councilors. They were CL Ruala, MP LS, R. Romawia, H. Liansailova, Lal Thanzara, R. Lalrinawma, Lalsawta, R. Selthuama, Col ZS Zuala, K S Thanga all from INC; Lalduhawma, K. Liantlinga from ZNP; Brig T. Sailo, from MPC. This Board of Councilor headed by the Chairman is similar to the State Legislative Assembly. It is the highest decision-making body of the Aizawl Municipal Council.

There is an Executive Council of the Aizawl Municipal Council consisting of the Chairman and the Vice Chairman both elected Councilors, besides three members of the Executive Council known as Executive Councilors to be appointed by the Chairman. The Chairman is the executive head of the Aizawl Municipal Council. The Executive Council exercises all the executive powers of the Aizawl municipal council.<sup>64</sup> The first and current members of the Executive Councilors are: C.T. Zakhuma (INC), Chairman: General Administration Department, Account & Cash Department; Zarzoliana

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<sup>64</sup> *Ibid.*, pp.2-3

(ZNP), Vice Chairman: Public Works Department; Lalziriana (INC): Public Health & Convenience Department, Education Department; F.Lalhuthangi (INC): Water Supply Department, Lighting & Electricity Department.

There is a Ward Committee in every ward. The Ward Committee consists of Chairman, who is an elected Councilor from that Ward and two members each from all the Local Councils within the Ward. Besides this, the Ward Committee Chairman shall appoint three others from amongst prominent citizens of the Ward, one of which shall be women. There shall be in each locality, a locality having less than 1500 voters shall have five members while a locality with more than 1500 voters shall have seven members.

The term of the Local Council is three years. It may be noted that since November 24, 2010 all the Village Councils in Aizawl have functioned as Local Council and there are currently 78 Local Councils in Aizawl City<sup>65</sup>. Hence, on 2013 on completion of the three year term of the Municipal administration in Mizoram, the 74th Amendment has created an entirely reverse position of its intended objectives and strengthening and ensuring introduction of the Municipality. The Municipal Council has a great extent to provide a large problem of civic amenities and urban dwellers. Municipal Council ensuring and checking if there are some problems in their perspective areas and try to eliminate the urban problems.

The first actual transfer of power from the State government to the Aizawl Municipal was regarding the transfer of management of Ch. Chhunga Bus Terminal at Thuampui Veng and Ch.Saprawnga Truck Terminal at Rangvamual. It has been clear that Aizawl Municipal Council has been entrusted with civic administration of Aizawl city. At present, the management of urban administration in Aizawl city are in the hands of Aizawl Municipal Council. Their functions to the areas such as, roads and bridges,

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<sup>65</sup> *Ibid.*,p.3

public health and sanitation including street lighting, land revenue, building regulations, parking fee and solid waste management, slum improvement and up gradation, Urban Development and Poverty Alleviation, burial and burials grounds, cattle ponds and animal controls, slaughter house and markets<sup>66</sup>. These are the subjects that are presently being considered by the State government for transfer to the Aizawl Municipal Council and the State government also tries to transfer all the powers which are included in the 12<sup>th</sup> Schedule for growing urban people and also the problems being faced in the urban area.

The sources of finance of the Aizawl Municipal Council are; Finance Commission of India, grants for Local Bodies- Panchayati Raj Institutions and Urban Local Bodies and internal resource mobilization through taxation and the last one, loan borrowing from external sources with the prior approval of the state government. Aizawl Municipal is meant for the welfare of the people and they have authority in urban areas. The government should give more powers and functions to the Municipality for the growth of urban areas and for maintaining economic and social development and other problem<sup>67</sup>

## **HISTORY OF LOCAL SELF GOVERNMENT OF MIZORAM**

### *TRADITIONAL INSTITUTIONS OF MIZORAM*

In the pre-British period, the Mizos had neither systematic political institution nor explicit judicial system while they were moving to the west and northward from Burma in order to settle down in the present habitat. They moved clan wise each having its own customs which were acting as legal sanctions<sup>68</sup>. Customs had later become customary laws to decide their

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<sup>66</sup> *Ibid.*, pp.3-4

<sup>67</sup> *Ibid.*, p.4

<sup>68</sup> R.N.Prasad, *Government and Politics in Mizoram*, New Delhi, Northern Book Centre, 1987, p.8



disputes and conflicts arising among them. But there was no such institution to interpret these customs and apply them for the decision of the disputes. Hence, apart from various circumstances such as protection of the villagers from the enemy's attack, guiding them in various walks of life and to manage their administration. As a result, the clan-wise chiefship came into existence.<sup>69</sup>

The leader used to lead his people in feuds/wars and quarrel with other tribes and other villages. Hence, they were in constant strife and wars. At that time, there was no permanent leadership to care for them (villagers). However, with the emergence of Zahmuaka and his six sturdy sons, permanent political leadership in terms of ruling clans gradually came into being.<sup>70</sup> The chiefs was the guardian of his people, leader and protector in times of attack by the enemy and above all giver of food in times of scarcity, disputes of all types in family or between persons were taken to him for settlement. He used to settle such disputes as per prevalent customs; his decision in this matter was final and acceptable to all.

In pre-British period, each village became an independent unit with a democratic village government of its own, resembling Miniature Republic in which an individual was as good as the other. The chief being strong and powerful never used absolute powers in the administration of his village. He had, thus, many executive and judicial powers that he used to exercise with the advice of his elders. Since the post of the chief was hereditary without any honorarium, he used to receive three mounds of paddy from each household which was called Fathang.<sup>71</sup> In the long run, Sailo clan among the Mizos emerged very powerful and stronger who ruled over many Mizos villages for many years and also offered more resistance to the British annexation of this territory. In addition, there were also many other ruling clans emerged among

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<sup>69</sup> *Ibid.*,p.8

<sup>70</sup> *Ibid.*,pp.8-9

<sup>71</sup> *Ibid.*,p.9

the Pawis and the Lakhers, inhabiting the southern part of Mizoram who also had a lot of administrative and judicial powers in the administration of their Lushai chiefs. But the organization of the village administration of the Lakhers differed from the Mizos.

In Lakher society, chief families and patricians had certain privileges which were not enjoyed by the common people. But it is interesting to note that the Lakhers have no single royal clan like the Sailo. Each tribe has its own royal clan but within the village, the same principle of mutual help between chief and people prevailed. The Lakher chieftainship was also hereditary. The village system of the government under the chiefs continued was to maintain peace, law and order in Mizoram.<sup>72</sup> The Mizo had the first contact with the British village of Cachar, Sylhet, Tiperrah and the state of Manipur where the people were more docile, civilized and having settled means of livelihood and could easily be a prey of the Lushais. Secondly, the expansion of tea-garden in Cachar towards the foothills, leading to the encroachment on their hunting grounds and rubber tapping areas were said to have been felt by the Mizos.<sup>73</sup>

The Sailo Chief also entered the Mizo Hills. Even after entering, by virtue of their paramouncy in war and skill in administration, they established their domination throughout the Lushai Hills excepting the South Eastern part of the Lushai Hills where the Pawi and Lakher Chiefs were ruling. However, the other smaller chiefs of non-Sailo Chiefs like Vuite chiefs, Sukte chiefs, Thado chiefs, Hualngo chiefs, Thaute chiefs, Ralte chiefs, Chenkual chiefs, Hmar chiefs, Zahau and Fanai chiefs were influenced by the Sailo Chiefs.<sup>74</sup> The non-Sailo Chiefs were called by the British Administrators when they took over the land, as 'Hnamchawm Lal' (common chiefs).

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<sup>72</sup> *Ibid.*, p.10

<sup>73</sup> *Ibid.*, p.13

<sup>74</sup> H.C. Thanhranga, *District Councils in the Mizo Hills (updated)*, Aizawl, Lengchhawn press, 2007. p.20

### *POSITION OF CHIEFS*

The Chiefs were the sovereign authorities. Capt. T.H. Lewin who was the first British to have intimate knowledge of the Mizo described the village system among the mizo as a number of pretty States, each under a Dictator or President. Shakespeare described the chief as a despotic heads of small Independent States.

The Chieftainship was heritable. A son of o chief on marriage was given a certain number of households from his father's village set up a new village of his own.<sup>75</sup> The youngest son remained in his father's village and when he died the son inherited the village and all the properties. The Chief was all powerful. But the subjects when aggrieved migrated without prior permission of the chief. Such subject loses half of his paddy or any property left behind belonged to the Chief, however, to a great extent the chief was constrained to govern according to custom.<sup>76</sup>

### *ADMINISTRATION OF CHIEFS*

The chief was assisted by Council of Ministers appointed by the Chief known as 'Lal Upa' (chief's elders) who advised the chiefs, discussed all matters of the village and decided all disputes in the village. There was a system of fines levied on the party who lost the case called 'Salam'. This may be in kind or in cash. If it was in cash, Rs.5/- and if in kind, it was 'Vawkpui'.<sup>77</sup> The Chiefs had also some village officials to assist him, as follows-(1) Zalen or Ramhual, (2) Tlangau, (3) Thirdeng, (4) puithiam.<sup>78</sup> They were the main helpers of the chief. They derived certain benefits. They had the first choice of

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<sup>75</sup> *Ibid.*,p.21

<sup>76</sup> *Ibid.*,p.21

<sup>77</sup> *Ibid.*,pp.21-22

<sup>78</sup> *Ibid.*,p.22

jhum-land over others and in turn they had to give more paddies 'Fathang Chhiah' to the chief for this. There was the 'Tlangau' (Village crier or announcer), the 'Tlangau' proclaimed the chief's orders. For the service rendered he got a basket of paddy from each house in the village annually. The 'Thirdeng' was the village blacksmith and he made all agricultural implements and weapons for the villagers and for this each house gave him a basket of paddy to him annually. The 'Puithiam' (The sorcerer) was one who conducted all sacrifices required by the chief and the villagers and as a whole of the village too to pacify the spirits or for the welfare of the village in respect of paddy or hunting. He too received a basket of paddy from each house.

#### *ABOLITION OF CHIEFTAINSHIP*

The traditional hereditary chieftainship was abolished under the provisions of the Assam Lushai Hills District (Acquisition of Chiefs' Rights) Act, 1954; their rights and interests of all the Mizo and the Pawi-Lakher Chiefs were acquired by the government with effect from the 1<sup>st</sup> April, 1956 respectively.<sup>79</sup> When the chieftainship was abolished, there were 309 chiefs under the Mizo District Council 249 chiefs, (Aizawl sub-division 182, Lunglei sub-division 67) and the pawli and Lakher chiefs under the Pawli Lakher Regional Council 60 chiefs.<sup>80</sup> The Govt of Assam while taking away of rights of chiefs, compensated them by giving Rs 14,68,960/- in respect of one of the tributes called Fathang (Jhumming tax) for a period of ten years from 1955-1965 and exgratia grant of Rs 3,48,878/-. The total compensation was Rs 18,18,958/-.<sup>81</sup> The administration of the land which was hitherto in the hands of

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<sup>79</sup> H.C.Thanhranga,*District Administration in the Mizo Hills(updated)*,Aizawl,Lengchhawn Press,2007,p.28

<sup>80</sup> *Ibid.*,p.28

<sup>81</sup> *Ibid.*,p.29

the chiefs was then handed over to the Mizo District Council under the provisions of the Sixth Schedule to the Constitution of India.

Under the provisions of the Sixth Schedule, the Mizo District Council were created in 1952 and the Pawi-Lakher Regional Council in 1953. Before the abolition of chieftainship in 1955, chiefs in the Mizo Hills were under the control of the Councils. The District Council was empowered to appoint Chiefs or headman when the chief died. For instance, chief of Reiek, Kailuia died, and the Mizo District Council appointed his oldest son Lalbiaka as chief of Reiek in 1954.<sup>82</sup> Similarly, when the headmen of Zamadar veng, Champhai, Saidan Rai died, the Mizo District Council appointed by election Zathuama as headmen thereof in 1953.<sup>83</sup> With the abolition of chieftainship together with its rights and privileges in 1955, the powers of chiefs were transferred to the Village Council in 1955. This subject has been dealt with in detail under chapter X111 Village Council and under the provision of the Sixth Schedule to the Constitution of India and a District Council or a Regional Council was given powers to established Village Council under them within their respective areas. There was no system for election of a Village Chief. However, after freedom of India and even the Lushai Hills District too was given such powers as it would manage the administration of the Village Councils by a District Council that Village Council could be taken over by them and in that a Village Council was formed at village level through election there for.

#### *FORMATION OF VILLAGE COUNCILS*

Under the provisions of the Sixth Schedule to the Constitution the autonomous District Councils and the autonomous Regional Councils are allowed to constitute Village Councils and Village Courts within their

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<sup>82</sup> *Ibid.*,p.28

<sup>83</sup> *Ibid.*,pp.28-30

jurisdiction, and to make laws or rules for the administration of village or of justice at the village level. A Village Council, though very in small size, is very important relating to village administration. Although it is the lowest political institution under a District Council it cannot be ignored in that once a political party captures the majority of a Village Council it is sure to control the District Council. The first election to the Village Council in the Mizo Hills was held on 7<sup>th</sup> June, 1954.<sup>84</sup>

The first Village Council was constituted on 16<sup>th</sup> August, 1954, and as such all the powers of the Chiefs were transferred to the Village Council. The people got what they had been looking for since 1946. The event was celebrated by a bon fire arranged on the hill-top of every village, in 1954, out of 410 villages, 288 Village Councils were constituted.<sup>85</sup> It is interesting to note that in the first election to the Village Councils even Pastors of the Church were engaged as presiding officers. As stated elsewhere all the Villages did not have Village Council. In order that a village should have a Village Council, there must be first of all a village establishment by a District Council having an area demarcating its boundaries.<sup>86</sup> However, most of the Village Councils within the Aizawl and Lunglei towns do not have areas for agricultural or jhuming land although their areas are demarcated.

A member of the Village Council must be a member of a Scheduled Tribe, he must have attained the age of 25 years on the qualifying date, he must be a sound mind, he must be a voter where he seeks election and he must not be a member of any other Village Council. Normally the term of a Village Council is 3 years, unless sooner dissolved, from the date of its first meeting. However, the life of a Village Council may be extended or shortened

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<sup>84</sup> *Ibid.*,p.332

<sup>85</sup> Mizo District Council Notification Memo No E/6610-15/1-5 dt,12.8.1954

<sup>86</sup> H.C.Thanhranga.,*op.cit.*,p.334

for a period not exceeding 18 months.<sup>87</sup> Although the term of the office of a Village Council is 3 years normally, if the District Council finds that the Village Council is too weak, inefficient or is not able to carry on the village administration, it can dissolve such Village Council and during the period of such dissolution the District Council can appoint its Circle Assistant or some other officers to look after the administration of the dissolved Village Council.

#### *COMPOSITION:*

A Village Council should have at least 30 houses, with 3 members, and however, a village having more houses will have more members as per the provisions of the law. The Executive of a Village Council consists of the President, the Vice-President, the members and the Secretary. However, the Secretary should not be a member of the Village Council. Similarly, either the President or the Vice-President should not be eligible to hold the office of the Secretary of the Village Council. The President and the Vice-President of the Village Council should be elected from amongst the members of the Council.

#### *ADMINISTRATION AND FUNCTIONS OF VILLAGE COUNCILS*

The Village Council is a democratically elected body whose provisions can be amended by the executive/administrative orders of the Government of Mizoram, the administrative of the Village Councils has been put under the Local Administrative Department (LAD) AND Town Planning and Housing.<sup>88</sup> Briefly, the Village Councils are rural structures to manage rural affairs and the Village Council can administer justice within the jurisdiction of the village.<sup>89</sup>

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<sup>87</sup> Mizo D.C. Notification Memo No DLC.23/67/70, dt.24.11.1967

<sup>88</sup> R.N.Prasad, *Urban Local Self Government in India*, New Delhi, Mittal Publications, 2006, p.19

<sup>89</sup> Saponti Borthakur, *Village Panchayats and the Governance in North-East India*, April-June, 2004, Volume 5 No.40

The history records that Mizo villages were organized as small states of republic. The executive functions of the Village Councils includes distribution of jhum-land within its jurisdiction, enforcement of 'Hnatlang' whenever occasion arises in the Village, collection of land revenue taxes, etc, in the village and aspect of sanitation of the village. The President of a Village Council is responsible to carry out the instruction of the District Council for the prevention of dangers such as outbreak of fire and epidemic, etc in the village which is to be informed to the villagers by engaging the 'Tlangau'. In addition to, the Village Council is responsible to inform the Government in any severe incident that takes place in a village. In short, the main important works of a Village Council is the day-to-day administration of village and to do this it should carry out the orders or directions of the Government.

Another important administration of a Village Council is judicial administration. A Village Council Courts can try suits and petty cases in which both the parties belong to Scheduled Tribes or Tribes resident within its jurisdiction(Village) in accordance with Customary law, but the Court should not try offences in respect of which the punishment of imprisonment is obligatory under Indian Penal Court.<sup>90</sup> A Village Council, although it is the lowest political institution, is very important in view of the fact that it is constituted in pursuance of the provisions of valid law. The members of the Village Council including the President and the Vice-President and 'tlangau' are entitled to receive remuneration under the provision of the Village Councils Act.

It may be present that even after the Mizo District was changed into a Union Territory of Mizoram in 1972, the method of having Village Council was not closed in Mizoram. A Village Council is one of the most important traditional institutions of Mizoram. The Village Council is a democratically

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<sup>90</sup> H.C.Thanhranga,*op.cit.*,p.340



elected body whose provisions can be amended by the decision-making/administrative or governmental instructions of the Government of Mizoram.<sup>91</sup> In its place, the Village Council was intended for the rural governance have been permitted by the Government to maintain and carrying out in 23 notified towns, which are contrary to the fundamental/principles of Urban Local-Self Government. For long ago, Mizoram had practice traditional institution and also continued till today. In the urban place, the improvement of urban necessary and to provide the civic amenities can handle by the Municipal government to reduce the problems. The Chief is the protector or guardian of the village; he is also the supreme authority. So, Village Council was proposed for the rural governance and to maintain within their village<sup>92</sup>

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<sup>91</sup> Lalneihzovi, *District Administration in Mizoram*, New Delhi, Mittal Publications, 2006, p.114

<sup>92</sup> *Ibid.*, pp.114-115

## CHAPTER- III

### ROLE OF STATE ELECTION COMMISSION

#### HISTORY AND FORMATION OF MIZORAM STATE ELECTION COMMISSION

Mizoram is among the seven north eastern states of India that lie far- flung from the Indian mainland. It was carved out of the state of Assam on February 20<sup>th</sup>, 1987 when the residents of the Mizo hills demanded unique State hood for themselves. Due to their prevalent ethnicity in the region. Mizoram became the 23<sup>rd</sup> State of the Indian Union. The newly formed State was a comparatively smaller one, having a population of just about a million. Therefore, the State Government may make the procedure and functioning of election within a State. The back behind of the election procedure and successful in a State was State Election Commission. The jurisdiction of the Election Commission is wide enough to include all powers necessary for smooth conduct of elections and the word 'election' is used in a wide sense to include the entire process of election which consists of several stages and embraces many steps.

The State Election Commission was accordingly constituted Vide Notification No.B.13017/11/2008-UD&PA (m) Dt. 28.8.2008 and the State Election Commissioner had been appointed by way of selection from amongst such persons as having sufficient experience in administration, law or process of election appointed by the Governor under clause (1) of Article 243K of the Constitution.<sup>93</sup> The State Election Commission is a constitutional body constituted by the Government of Mizoram with Article 243K and 243ZA of the Constitution of India is read with sub-section (1) of Section 345 of the Mizoram Municipalities Act, 2007 as amended in 2009.<sup>94</sup>

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<sup>93</sup> The Mizoram Gazette, Issue No.123, VOL-XXXVI, Regn.No.NE-313(MZ),Aizawl, 24.2.2007

<sup>94</sup> Urban Development and Poverty Alleviation, No.B.13018/2/2008-UD&PA (SEC), Govt of Mizoram,p.1

The Governor shall constitute a State Election Commission for superintendence, direction and control of the preparation, revision and correction of electoral rolls and for conduct of all elections to the various local bodies in the State. Greater public information and sufficient sensitization, transparency and citizens' participation in democratic process are the key areas to be addressed for realization of Democratic Decentralization. Accordingly, the Commission's website with a view to generate greater public awareness about the electoral law and process, and rights and duties of the voters has been created extracts from the relevant Laws, Model Code of Conduct, Electoral Rolls for elections, forms to be used for nominating candidates, appointment of election/polling votes and declaration of results and various other issues pertaining to conduct of elections.<sup>95</sup>

The State Election Commission of Mizoram has been under constitutional mandate to hold General Election to constitute the first Municipal Council in the states of Mizoram and duly constituted by the Governor has been enjoined upon the responsibilities for superintendence, direction and control of the preparation of electoral rolls and for the conduct of Election of various local bodies. The State Election Commission had successfully conducted General Election to Village Councils on 24<sup>th</sup> February, 2009. Subsequently, it had also conducted Election to 7 newly created Village Councils & dissolved Village Councils on 7<sup>th</sup> April, 2010, as well as By-Election to 3 (Three) Village Councils on 13<sup>th</sup> October, 2010 & 13<sup>th</sup> April, 2011.<sup>96</sup> To provide for the administration of town areas and establishment of Municipal towns, transitional areas, and urban areas in Mizoram for the purpose of bringing conformity with a purpose, substance and direction of the 74<sup>th</sup> Constitution Amendment Act, 1992 in general and in particular to endow the Municipality with functioning powers so as to enable them to function as

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<sup>95</sup> Based on Interview Schedule, H. Darzika, Secretary SEC Mizoram, Dt. 21.11.2013

<sup>96</sup> *Ibid.*,

vibrant Institution of Local Self Government and greater people's participation aiming at the realization of economic and social development in the State. State Legislative Assembly of Mizoram enacted official bill which has become the Municipalities Act, 2007 as amended in 2009.

The State Election Commissioner had been appointed by way of selection; the Governor shall appoint a State Election Commissioner on the recommendation of the State Government.<sup>97</sup> Provided that a person shall not be qualified for appointment as a State Election Commissioner, unless he holds or has held office in the rank of Secretary to the Government of Mizoram and such a person as having knowledge, having sufficient experience in administration, law or process and experience in conducting elections.<sup>98</sup> The State Election Commissioner shall be eligible for appointment as Chief Election Commissioner or Election Commissioner under Article 324 of the Constitution of India or as State Election Commissioner in any other State under Article 243K of the Constitution of India, but not for any other employment either under the Government of India or under the State Government.<sup>99</sup>

The State Election Commissioner shall hold office for a term of five years from the date on which he enters upon his office until he attains the age of 65 years, whichever is earlier. Provided that the State Election Commissioner shall not be removed from his office except in the manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointed.<sup>100</sup> The vacancy of the post of State Election Commissioner occurs due to his death, resignation or expiry of the term of his office, due to this reason the Governor shall notify, designate an officer of the State

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<sup>97</sup> *Ibid.*,

<sup>98</sup> The Mizoram Gazzete, Issue No.123,*op.cit.*,

<sup>99</sup> Urban Development and Poverty Alleviation, File No.B.13018/2/2008, *op.cit.*,

<sup>100</sup> *Ibid.*,p.3

Government who shall act as the State Election Commissioner during the period of such temporarily inability.

#### *CODE OF CONDUCT- DO'S AND DON'T'S*

The Commission of India has issued various instructions on observance of code of conduct from time to time. The Commission has drawn up a list of 'dos' and 'don'ts' to be followed by candidates and political parties after the announcement of elections and till the completion of the process of elections. The Commission has directed that this be given the widest possible publicity and its contents brought to the knowledge of all candidates and political parties including in the official language of the State.<sup>101</sup>

#### *GENERAL CONDUCT*

- 1) No party or candidate shall include in any activity which may aggravate existing differences or create mutual hatred or cause of tension between different castes and communities, religious or linguistic.
- 2) Criticism of other political parties, when made shall be confined to their policies and programmed, past record and work. Parties and Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties.<sup>102</sup>
- 3) There shall be no appeal to castes or communal feelings for securing votes. Mosque, Churches, Temples or other places of worship shall not be used as forum for election propaganda.
- 4) All parties and candidates shall avoid scrupulously all activities which are 'corrupt practice', canvassing within 100 meters of polling stations, holding public meetings during the period of 48 hours ending with the hour fixed close

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<sup>101</sup> Election Commission of India, File No.464/INST/2007-PLN-I, New Delhi-110001, dt.07.01.07

<sup>102</sup> *Ibid.*,p.1

of the poll, and the transport and conveyance of voters to and from polling station.<sup>103</sup>

- 5) The right of every individual for peaceful and undisturbed home-life shall be respected.

### *MEETINGS*

- 1) The party or candidate shall inform the local police authorities of the venue and time any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.
- 2) If permission or license is to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, the party or candidate shall apply to the authority concerned well in advance.<sup>104</sup>

### *PROCESSION*

- 1) A party or candidate organizing a procession shall decide beforehand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall give advance intimation to the local police authorities of the programmed so as to enable the letter to make necessary arrangement.
- 2) The organizers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic.

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<sup>103</sup> *Ibid.*,p.2

<sup>104</sup> *Ibid.*,pp.2-3

- 3) Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police duty shall be strictly complied with.
- 4) The political parties or candidates shall exercise control to the maximum extent possible in the matter of percussionists carrying articles which may be put to misuse by undesirable elements especially in moments of excitement.<sup>105</sup>

#### *POLLING DAY*

- 1) All political parties and candidates shall co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction.
- 2) All political parties shall supply to their authorized workers suitable badges or identity cards.
- 3) All political parties and candidates agree that the identity slip supplied by them to voters shall be on plain (white) paper and shall not contain any symbol, name of the candidate or the name of the party.<sup>106</sup>
- 4) To refrain from serving or disturbing liquor on polling day and during the twenty-four hours preceding it.
- 5) All political parties and candidates shall not allow unnecessary crowd to be collected near the camps set up by the political parties and candidates near the polling booths so as to avoid confrontation and tension among workers and sympathizers of the parties and the candidates.

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<sup>105</sup> *Ibid.*, p.5

<sup>106</sup> *Ibid.*, pp.5-6

- 6) To ensure that the candidate's camps shall be simple. There shall not display any posters, flags, symbols or any other propaganda material. No eatable shall be served or crowd allowed at the camps.<sup>107</sup>

#### *POLLING BOOTH*

Excepting the voters, no one without a valid pass from the Election Commission shall enter the polling booth.

#### *OBSERVERS*

The Election Commission is appointing Observers. If the candidates or their agents have any specific complaint or problem regarding the conduct of elections they may bring the same to the notice of the Observer.

It is further clarified that simply because a budget provision has been made for any particular scheme or the scheme has been sanctioned earlier or a reference to the scheme was made in the address of the Governor or the budget speech of the Minister it does not automatically mean that such scheme can be announced or inaugurated or otherwise taken up after the announcement of elections while the Model Code of conduct is in operation, since they will clearly be intended to influence the voters. Such actions if undertaken will be considered a violation of the model code of conduct.<sup>108</sup> During model code of conduct is in operation, there is no fresh sanctions for governmental schemes should be made and no fresh release of funds on welfare schemes and works should be made or contract for works awarded in any part of the state where election is in progress without prior permission of the Commission. This includes works under the Member of Parliament, Local

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<sup>107</sup> *Ibid.*, p.6

<sup>108</sup> State Election Commission Mizoram, File No.B.14015/7/2009-SEC/MC/457, Dt.20.04.2011



Area Development fund or MLA's/MLC's LOCAL Area Development Fund, if any such scheme is in operation in the State. No appointments or promotions in Government/Public Undertakings shall be made during this period, without prior clearance of the Commission.

## **POWER TO MAKE RULES BY THE STATE ELECTION COMMISSION IN CONDUCTING OF AIZAWL MUNICIPAL COUNCIL ELECTION**

The Municipal Council in respect of Aizawl City (State Capital) is being set up for the first time in Mizoram. The area to be covered by the Aizawl Municipal Council has been specified only on 26<sup>th</sup> June 2009 vide Notification No.B.13017/15/2007-UD&PA.<sup>109</sup>The number of wards within Aizawl Municipal area is being fixed by the Government of Mizoram and Delimitation of ward will be taken up in the near future. State Election Commission, Mizoram is entrusted to conduct of election to the Aizawl Municipal Council for which the Mizoram Municipalities Act, 2007, and the Mizoram Municipalities (Election of Councilors) Rules, 2007 had already been framed.

The entire process of election was handling over to State Election Commission. The Commission conduct election and to make rules and regulations and make all the necessary information for all the political parties and candidates, and the Commission revised conduct of election rules and to disseminate to the political parties and candidates.

*Final Decision on the area of Aizawl Municipality:* The consensus decision of the meeting to the end product that the Aizawl Municipal Area already declared by the Government of Mizoram on June 26<sup>th</sup>, 2009 covering 76 localities (Village Councils) should stand, and further inclusion or exclusion

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<sup>109</sup> State Election Commission Mizoram, File No.H.11011/2/2009- SEC (M),Aizawl, Dt.22.July.2009

of some localities (Village Councils) would hamper the process for final fixation of no. of wards and also for delimitation of wards.<sup>110</sup>

*Delimitation of Wards:* The matter relating to delimitation of wards in Aizawl Municipality was discussed in detail. It was expressed that Delimitation Committee as proposed earlier in the meeting held on 30.11.09 would prolong the process for the preparation of election to Aizawl Municipality; whereas early election to Aizawl Municipality is required as the Government of India had given grace period up to 31<sup>st</sup> March, 2010 for the conduct of election to Aizawl Municipality. At the same time, the Government of Mizoram had committed to the Government of India to conduct election to Aizawl Municipality before the end of 2009-2010 financial years.<sup>111</sup> The final Delimitation of Wards duly published in the official Gazzete will facilitate the process for revision of electoral rolls of all the Wards indicating Polling stations required and electoral assigned to each of the polling stations. The exercise for the revision of electoral rolls under section 346 of the Mizoram Municipalities Act 2007, as amended in 2009 will be made after issuance of Notification/Publication of the Delimitation of Aizawl Municipality area in the Official Gazette.

#### *REVISION OF ELECTORAL ROLLS IN THE GENERAL ELECTION TO AIZAWL MUNICIPALITY*

Special Summary revision of Electoral Rolls shall be initiated and under-taken by Deputy Commissioner and District Municipal Election Officer, Aizawl. The electoral rolls used in the last election to the Local Bodies in Mizoram as it existed then in the area shall be used as shall be updated according to the Rules governing preparation of Electoral Rolls under section

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<sup>110</sup> *Ibid.*,

<sup>111</sup> *Ibid.*,

28, 29, 30, and 31 of the Mizoram Municipalities Act, 2007 as amended in 2009.<sup>112</sup> The qualifying date for registration or inclusion of electors of each Ward shall be 1<sup>st</sup> January 2010.

A new Electoral Rolls have to be prepared for each of the 19 Wards indicating required polling stations with electors assigned for each of the polling stations, the Deputy Commissioner and District Municipal Election Officer, Aizawl stressed the need of more time for taking up the difficult task of preparing fresh Electoral Rolls for each of the 19 Wards in Aizawl Municipality.<sup>113</sup> However, in order to avoid overlapping of the simultaneous exercises, the duration of Revision earlier stipulated as 40 days needs to be extended to 60 days.<sup>114</sup> Accordingly, the draft schedule for the same may be chalked out by the District Municipal Election Officer after checking programmed already chalked out for Summary Revision of Assembly Electoral Rolls and submit to the State Election Commissioner for approval. It was resolved that within the stipulated 60 days, various steps viz., Rationalization of Polling Stations/ Creation of New Polling Stations/ Identification of Polling Station buildings, Verification and preparation/ Integration of existing V/C Electoral Rolls, Publication of Draft Rolls, Filling of Claims & Objections, Disposal of Claims & Objections, Preparation & Printing of Supplements etc., shall be undertaken and the final Electoral Rolls shall be published on 6<sup>th</sup> August, 2010.<sup>115</sup> As per final rolls, there are 1, 68,649 electors in the Aizawl Municipal Council area, among which 88,259 are females and 80,390 are male electors.<sup>116</sup>

### *ELECTRONIC VOTING MACHINES (EVMs)*

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<sup>112</sup> Minutes Meeting ,Dt.22.April.2010, State Election Commissioner Office,Aizawl,p.1

<sup>113</sup> *Ibid.*,p.1-2

<sup>114</sup> Minutes Meeting, Dt.25.May.2010, State Election Commissioner Office, Aizawl,p.2

<sup>115</sup> *Ibid.*,p.3

<sup>116</sup> State Election Commission Mizoram, File No.B.14015/7/2009-SEC/MC/35, Dt.20.Sept.2010

The poll will be conducted at all polling stations using ECI's EVMs. The State Election Commission has already made arrangements to ensure availability of adequate number of EVMs for the smooth conduct of elections. It was ascertained that out of 400 no's of EVMs allotted to the District Election Officer, Aizawl, 107 nos. are kept in the custody of Jt.CEO and 293 nos. of polled EVMs are kept in the custody of District Election Officer, Aizawl. The requirement of EVM for the coming Election to Aizawl Municipal Council is estimated to be 180 nos. and DC/DEO, Aizawl may take up the matter with Chief Electoral Officer, Mizoram and take necessary steps as provided under Rule 94(a) of the conduct of Election Rules, 1961 for deletion of the memory of the polled EVMs since there is no Court case/election petition even after a lapse of one year from the last MP Election, 2009.

It was also mentioned in this regard that the Election Commission of India has stipulated certain conditions for loaning of EVMs that the loaned should have proper Rules for use of EVMs.<sup>117</sup> A two –stage randomization of EVMs will be made. In the first stage, all the EVMs stored in the District Storage Center will be randomized by the DC & District Municipal Election Officer (DMEO) in the presence of the representatives of the recognized political parties for allocation of EVMs to specified Ward of Aizawl Municipality. Secondly, after the list of Ward –wise candidates is finalized and the EVMs of respective Wards are prepared for the poll by the concerned Returning Officer ( including affixing of ballot papers on balloting units), the EVMs will once again be randomized to decide the actual polling stations within the Ward in which they will be ultimately used. This second stage randomization will be done in the presence of Observers, candidates or their election agents.<sup>118</sup>

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<sup>117</sup> Minutes Meeting, Dt.25.May.2010,*op.,cit*

<sup>118</sup> State Election Commission Mizoram File No.B.14015/7/2009-SEC/MC/135, *op.cit.,*

### *IDENTIFICATION OF ELECTORS AND ELECTORS PHOTO IDENTITY CARDS (EPIC)*

Identification of the voters at the polling booth at the time of poll shall be compulsory. Electors who have been provided with EPIC issued by the Election Commission of India (ECI) shall be identified through EPIC only. If any elector fails to produce his/her EPIC, such elector shall have to produce any one of the following alternative documents for establishing his/her identity:

- (i) Passport,
- (ii) Driving License,
- (iii) Income Tax Identity (PAN) Card,
- (iv) Service Identity Card issued to its employees by State/Central Government, Public Sector Undertakings, Local Bodies or Public Limited Companies,
- (v) Passbooks issued by Public Sector Banks/Post Office and Kisan Passbooks (accounts opened up to 6-8-2010)
- (vi) Property Documents such as Pattas, Registered Deeds, etc. with photograph
- (vii) SC/ST/OBC Certificates and Residential Certificate issued by competent authority (issued up to 6-8-2010)
- (viii) Pension documents such as ex-servicemen's Pension Book/Pension Payment Order, ex-servicemen's Widow/Dependent Certificate, Old Pension Order, Widow Pension Order (issued up to 6-8-2010)
- (ix) Certificate of Physically Handicapped with photograph issued by the competent authority (issued up to 6-8-2-10)
- (x) Job Card issued under NREGA with photograph (issued up to 6-8-2010)
- (xi) Students Identity Card issued by the concerned Head of Institution
- (xii) Non –Epic Certificate with photograph issued by Municipal Returning Officer or Assistant Municipal Returning Officer.<sup>119</sup>

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<sup>119</sup> State Election Commission Mizoram Press Note, File No.B.14015/7/2009-SEC/MC/134,Aizawl,Dt.20.Sept,2010,p.2

### *NO OF WARDS AND RESERVATION OF SEATS FOR WOMEN*

The total number of Municipal Wards of the Aizawl Municipal Council and the seats reserved for the Scheduled Tribes and Women as determined by the State Government and the State Election Commission under Article 243T of the Constitution of India are as follows

<b>Sl. No</b>	<b>Ward No.</b>	<b>Status</b>
1	Ward no. I	ST
2	Ward no. II	ST (Women)
3	Ward no. III	ST
4	Ward no. IV	ST (Women)
5	Ward no. V	ST
6	Ward no. VI	ST (Women)
7	Ward no. VII	ST
8	Ward no. VIII	ST
9	Ward no. IX	General
10	Ward no. X	ST
11	Ward no. XI	ST (Women)
12	Ward no. XII	ST (Women)
13	Ward no. XIII	ST
14	Ward no. XIV	ST
15	Ward no. XV	ST
16	Ward no. XVI	ST
17	Ward no. XVII	ST (Women)
18	Ward no. XVIII	ST
19	Ward no. XIX	ST

The total number of 6 (Six) seats/wards nearest to 1/3<sup>rd</sup> out of the number of 19 seats in Aizawl Municipality shall be reserved for women by rotation and the Scheduled Castes population in Aizawl Municipality mainly consists of the persons employed in various Departments of the Government of Mizoram.<sup>120</sup> Since the SC population as per 2001 census is only 0.06% of the total population in Aizawl Municipality.<sup>121</sup> The reservation of seat(s) for SC population shall be treated as 0 for the time being, subjected to review after 2011 Census figure is published. The Scheduled Tribes population in Aizawl Municipality mainly consists of persons permanently residing in various localities/Streets/Vengs, which is 91.94% of the total population of Aizawl Municipality.<sup>122</sup> Therefore, 18 seats out of the total seats of 19 in Aizawl Municipality shall be reserved for the ST population for the time being, subject to review after 2011 Census figure is published.

The remaining of 18356 which is 8.00% of the total population in Aizawl Municipality mainly consists of persons employed in various industries, workshops, para-military forces and temporary job-seekers. However, 1 (one) seat out of total seats of 19 in Aizawl Municipality shall be placed as General Ward which can be contested by any person whose name is duly registered in any part of the electoral rolls of Aizawl Municipality, Ward No. XVI having the highest population of other categories shall be treated as General Seats.<sup>123</sup>

#### *SCHEDULE FOR THE CONDUCT OF ELECTION*

The State Election Commission, in due consultation with the State Government has prepared the schedule for holding First General Election to

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<sup>120</sup> Urban Development & Poverty Alleviation Department Notification No.B. 13017/38/2010-UD&PA, Dt.13.Aug.2010, pp.1-2

<sup>121</sup> *Ibid.*,p.3

<sup>122</sup> *Ibid.*,p.3

<sup>123</sup> *Ibid.*,p.4

the Aizawl Municipal Council after taking into consideration all relevant aspects, like climatic conditions, academic schedules, festivals, prevailing law and order situation in the Municipal area and assessment of other ground realities. Accordingly, the Commission has finalized the following Schedule for General Election to Aizawl Municipal Council. The Commission notices the Announcement and Issue of Press Note on or before 20<sup>th</sup> September, 2010 (Monday).<sup>124</sup> Issue of Notification by the State Election Commission, Mizoram under Rule 30 of the Mizoram Municipalities (Election of Councilors) Rules, 2007, calling upon all the Municipal Wards in Aizawl Municipality, to elect Councilors for the purpose of constituting the first Aizawl Municipal Council will be 4<sup>th</sup> October, 2010(Monday).<sup>125</sup>

The State Election Commission issue also the Schedule of Election/Notification, Mizoram under Rule 31 of the Mizoram Municipalities (Election of Councilors) Rules, 2007 as amended in 2010 & Section 350 of the Mizoram Municipalities Act, 2007 as amended in 2009 on 4<sup>th</sup> October 2010 (Monday).<sup>126</sup> The following Schedule for the conduct of election is as under:

- (a) Last date of making nominations on 11<sup>th</sup> October, 2010 (Monday)
- (b) Scrutiny of Nominations will be held on 12<sup>th</sup> October, 2010 (Tuesday)
- (c) Last date of Withdrawal of Candidate on or before 14<sup>th</sup> October, 2010 (Thursday)
- (d) Date on which Poll shall, if necessary, be taken will be on 3<sup>rd</sup> November, 2010 (Wednesday) 7:30 A.m -4 P.m
- (e) Date of Counting Votes will be held on 4<sup>th</sup> November, 2010 (Thursday) 8 A.m onwards

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<sup>124</sup> State Election Commission Mizoram, File No.B.14015/7/2009-SEC/MC/135, *op.cit.*,

<sup>125</sup> *Ibid.*, pp.8-9

<sup>126</sup> *Ibid.*, p.9



- (f) Date before which Election process shall be completed till 16<sup>th</sup> November, 2010 (Tuesday).<sup>127</sup>

The above notification is published by the State Election Commission in pursuance of the Notification No.B.14015/7/2009-SEC/MC/150 issued on 4<sup>th</sup> October, 2010 under section 350 of the Mizoram Municipalities Act, 2007 as amended in 2009 (Act No.6 of 2007), read with Rules 31 of the Mizoram Municipalities (Election of Councilors) Rules, 2007 as amended in 2010, the General Election was held for the purpose of constituting the first Aizawl Municipal Council on 3<sup>rd</sup> November, 2010 and the result of the elections to the Aizawl Municipal Council in respect of all Municipal Wards in the said General Elections have been declared by the Municipal Returning Officers concerned on 4<sup>th</sup> November, 2010.<sup>128</sup> According to the Schedule, the entire election process should be completed before 16<sup>th</sup> November 2010. Aizawl Municipal Council has 19 Wards, out of which 6 have been reserved for women and the total number of voters stands at 1, 68,649; out of this, there is 80, 390 males voters and 88, 259 females voters within 174 polling stations.<sup>129</sup>

The Mizoram State Election Commission also announced the Awards for Best Electoral Practices in five categories-Best Polling Party; Best Ward in observance of Model Code of Conduct; Highest Voter turn –out polling station and oldest males and females would be given in a bid to strengthen the cause of free and fair elections.

#### *AFFIDAVITS BY THE CANDIDATES AND ACCOUNTS OF CANDIDATES*

The State Election Commission informed that all the candidates will be required to file two affidavits along with their nomination papers. The affidavits will include information on the criminal antecedents of the

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<sup>127</sup> *Ibid.*,p.9-10

<sup>128</sup> The Mizoram Gazette Extra Ordinary, VOL-XXXIX, RNI NO. 27009/1973, Issue No.437

<sup>129</sup> *Ibid.*,

candidate, assets (including the moveable and immoveable properties of the candidate, spouse and dependents), liabilities of the candidate and his/her educational qualifications. The filling of the affidavits is mandatory and it's non-filling in the rejection of the nomination paper by the Returning Officer. As part of the efforts of the Commission to disseminate the information contained in the affidavits to the citizens at the earliest, the Returning Officer will display the copies of these affidavits on Notice Board and make available, on demand, the copies of the affidavits freely to other candidates, general public, media, etc. on the very day of filling of affidavits by a candidate. The copies of these affidavits will also be available in a compiled form with the District Municipal Election Officer, Aizawl District. Any individual or any civil society organizations desirous of obtaining this compiled information can apply to the District Municipal Election Officer with a nominal payment towards copying charges.

The Commission appeals to the citizens, the media and all the interested parties to cooperate with the election authorities for the widest dissemination of this information as contemplated in the directions of the Courts and the Commission.<sup>130</sup> The State Election Commission make a law for all every contesting candidate and it is mandatory under the election law. Every candidate to maintain and furnish accounts of his election expenditure and the total expenditure which can be incurred or authorized to be incurred by a candidate in connection shall not exceed 1, 00,000/- (Rupees one lakh) only for each Ward.<sup>131</sup> As stipulated under sub-rule (8) of Rule 33 of the Mizoram Municipalities (Election of Councilors) Rules, 2007 as amended in 2010, it is serving upon for the Candidates to maintain a daily account of expenditure and to submit it to the Designated Officer/Election Observer three times during campaign period. The Commission has taken a serious note

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<sup>130</sup> State Election Commission Mizoram, File No.B. 14015/7/2009-SEC/MC/135.,*op.cit.*,

<sup>131</sup> *Ibid.*,p.6

of the illegal use of money power in elections and violation of expenditure norms in various manners and has decided to track such incidents closely for follow-up action.<sup>132</sup>

## **MODEL CODE OF CONDUCT FOR ELECTION TO AIZAWL MUNICIPAL COUNCIL**

The Model Code of Conduct come into force from the date of announcement of election and shall remain in force within the geographical limits of the Aizawl Municipality where the elections would be held, till the end of the election process.<sup>133</sup> As provided under Article 243ZA of the Constitution of India and all the powers vested in the State Election Commission, the Commission hereby issues the following Model Code of Conduct to be followed in order to ensure free, fair and peaceful General Election to Aizawl Municipal Council in the State of Mizoram. The Code shall apply to Political Parties, Contesting Candidates, Ministers, Members of Parliament, Members of Legislative Assembly and any other public servants connected with General Election to Aizawl Municipal Council.<sup>134</sup>

*General Conduct:* The State Election Commission informed all the political parties and all the candidates or his/her agent indulge in activities that may create or aggravate tension or hatred or differences between castes and communities and the electoral offences mentioned in the Mizoram Municipalities (Election of Councilors) Rules, 2007 as amended in 2010 and offences mentioned in the Mizoram Prevention of Defacement of Property Act, 1995.<sup>135</sup> In the election propaganda it should be mentioned using any place of worship as forum and the Commission notices within 48 hours of poll closing the 'corrupt practices' and offences under the Election Law, such

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<sup>132</sup> *Ibid.*,p.6

<sup>133</sup> *Ibid.*,p.7

<sup>134</sup> *Model Code of Conduct*,Mizoram State Election Commission,2010,p.1

<sup>135</sup> *Ibid.*,p.2

as bribing, intimidating, impersonating, transporting voters, canvassing within 100 meters of a polling station on poll day and holding election meeting should be finished.

All the candidates and his/her agent should do staging demonstration or picketing in any form in front of the residence of any individual and all the rival parties and candidates organized any activities likely to create disruption of or disturbances in any meeting, procession etc. also any kind of inducement, financial or otherwise, to a voter<sup>136</sup>

*Election Expenditure:* The Commission notices the candidates and political parties shall strictly adhere to the provisions relating to account of election expenses and ceiling of expenditure which can be incurred or authorized to be incurred by a candidate i.e., 1, 00,000/- (Rupees one lakh) for each Ward as stipulated under sub-rule 8 & 9 of Rule 33 of the Mizoram Municipalities (Election of Councilors) Rules, 2007 as amended in 2010.<sup>137</sup>

*Propaganda :* The Commission stipulated the propaganda for all the parties and agents. The Commission notice that without the permission no political party or candidate shall permit its or his/her followers to make use of any individual's land, building, compound wall etc., and without obtaining the prior permission of the District Magistrate, no political party or candidate shall use or permit the use of cut-outs, hoarding, banners, etc., in public places. And the following rules and regulations made by the Commission, no party or candidate shall use loud speakers without obtaining necessary permission from the competent authority and shall not use the loud speakers/PA system for purposes other than transmitting speeches, live or recorded. The loudspeakers /PA system shall be used only between 06.00 AM and 10.00 PM.

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<sup>136</sup> *Ibid.*,p.2

<sup>137</sup> *Ibid.*,pp.2-3

The political parties and candidates shall endeavor to see that no disturbance is caused in the vicinity of hospitals and religious place.<sup>138</sup>

*Meetings:* A party or candidate shall inform the District Magistrate and local Police authorities of the venue and time of any proposed meeting well in time so as to enable them to make necessary arrangements for controlling traffic and maintaining peace and orders. Organizers of a meeting shall invariably seek to assistance of police duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder. Organizers themselves shall not take action against such persons.

*Processions:* As the rules made by the Commission, the organizers shall ascertain if any restrictive orders are in force in the localities through which procession has to pass, and shall comply with the restrictions unless exempted specially by competent authority. Any traffic regulations or restrictions shall also be carefully adhered to. The organizers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. Political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists' carrying articles which may be put to misuse by undesirable elements, especially in moments of excitement. The Commission also informed that burning of such effigies in public and such other forms of demonstration shall not be done by any political party or candidate.<sup>139</sup>

*Polling Day:* In the polling day, all the Political Parties and Candidates shall co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction and to supply to their authorized workers identity cards, badges containing only the name of the

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<sup>138</sup> *Model Code of Conduct*, Mizoram State Election Commission, 2010, Aizawl, p.3

<sup>139</sup> *Ibid.*, pp.4-5

worker, name of the party and party symbol. All the political parties and candidates will ensure that the identity slips supplied by them to voters shall be on plain (white) paper and shall not contain any symbol, name of the candidate or name of the party.

Another restrictions of polling day is not allow unnecessary crowd to be collected in and around the camps set up by the political parties or candidates or NGOs near the polling booths so as to avoid confrontation and tension among workers and sympathizers of the parties and the candidates.<sup>140</sup>

*Polling Station and Counting Hall:* The Commission restricted only voters and persons authorized under rule 55 of the Mizoram Municipalities (Election of Councilors) Rule, 2007 as amended in 2010, shall have the right of entry to a polling station during voting, and only persons eligible under Rule 79 *ibid* shall have the right of entry to a place of counting.<sup>141</sup>

*Party in Power:* The candidate and the political party in power shall exercise utmost restraint in use of their official power and shall follow the restrictions which made by the State Election Commission. The Government vehicle, shall not use for electioneering by a Minister, Member of Parliament, Member of Legislative Assembly and any other person. After the announcement of the election by the State Election Commission, the Commission forbids there was no inauguration or foundation stone laying ceremony be organized in Aizawl Municipal areas.

The Commission also notices no financial aid, grants or inputs of any developmental scheme shall be provided to the voters by Minister and any other member of the political party in power in Aizawl Municipal areas and no

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<sup>140</sup> *Ibid.*, p.6

<sup>141</sup> *Ibid.*, p.6

Minister, Member of Parliament and Member of Legislative Assembly shall enter the polling booth in their official capacity.<sup>142</sup>

The party in power for election purposes of public places such as Community Halls, Playgrounds, etc., shall not be monopolized for holding election meetings. Other parties and candidates shall be allowed the use of such places on the same terms and conditions on which they are used by the party in power and Guest Houses, Circuit Houses, Inspection Bungalows, etc., shall be allowed to be used by other parties or candidates in a fair manner. No Government vehicle or vehicles of public sector undertaking shall be used for electioneering by candidates or political parties. Another restriction made by the law is that the party in power shall not make any promise whatsoever, that may directly or indirectly influence the voters and also no adhoc appointments shall be made either in Government or Public Sector Undertakings which may have the effect of influencing the voters in favour of the party in power and no new plan or programmed shall be announced or launched within Aizawl Municipal areas.<sup>143</sup> Provided that this restriction shall not affect continuing schemes, essential repair works measures necessary for public health and sanitation and relief measures or any other emergency measures that may be necessary.

The State Election Commission will appoint such no. of Election Observers as may be necessary. If the candidates or their agents have any specific complaint or problem regarding the Elections and other matters related thereto, they may bring the same to the notice of the Observer. The Constitutional obligation cast upon the Commission is to ensure that its compliance in letter and spirit and its violation do not go unnoticed, unattended and unpunished. Accordingly, the District Municipal Election Officer, all Returning Officers and the Police Authorities are authorized to

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<sup>142</sup> *Ibid.*,p.7

<sup>143</sup> *Ibid.*,p.8

initiate prosecution against persons responsible for violation of the Model Code of Conduct before the competent Courts under intimation to the State Election Commissioner, Mizoram.<sup>144</sup>

#### *APPOINTMENTS OF MRO AND AMERO*

The State Election Commission appoints the officers of the State Government of Mizoram in exercise of the power conferred by sub-section (1) & (2) of Section 348 of the Mizoram Municipalities Act, 2007 as amended in 2009. The Commission appoints Municipal Returning Officers and Assistant Municipal Returning Officers for General Election to Aizawl Municipal Council, 2010. The following Officers of the name and designation of Municipal Returning Officers are, Pu J. Hmingthanmawia, Addl. DC (G) and his Ward Assigned to be Ward no I-VII, Pi Sangchin Chinzah, Addl. DC (E) and her Ward Assigned to be Ward no VIII-XIII, Pi Lalzarmawii, Joint Director, DM&R and her Ward Assigned up to Ward no XIV-XIX in Aizawl Municipal Council areas. The Commission also appoints Assistant Municipal Returning Officer are, Pu Rothuama EAC, his Ward Assigned up to Ward no I-VII, Pu Lalsangliana, SDO (Sadar), his Ward Assigned to be Ward no. VIII-XIII, Pu Joseph H. Lalramsanga, ASO-I and also his Ward Assigned to be Ward no. XIV-XIX in Aizawl Municipal Council areas.

The State Election Commissioner, Mizoram hereby appoints the number of 12 Officers of the State Government of Mizoram to function as the Municipal Electoral Registration Officers and Assistant Municipal Electoral Registration Officers to supervise and assist the Municipal Returning Officer and Assistant Municipal Returning Officer. The State Election Commissioner also appoints the Deputy Commissioner, Aizawl District to function as the

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<sup>144</sup> *Ibid.*, pp.8-9



District Municipal Election Officer and Appellate Authority and his jurisdiction is the whole area of Aizawl District/Aizawl Municipal Area in exercise of the powers conferred under Section 347 & Section 31 of the Mizoram Municipalities Act, 2007 as amended in 2009.<sup>145</sup> All the appoint Officers who have jurisdiction in the election assigned of various instructions pertaining to presentation of nominations, affidavits, etc., and procurement of election materials in good time before the elections.

#### *RESERVED OR FREE SYMBOLS FOR CANDIDATES*

The State Election Commission listed the reserved symbols for candidates and notices the free symbols for those who are contesting the election under rules 39(2) of the Mizoram Municipalities (Election of Councilors Rules), 2007 as amended in 2010. Directorate of UD&PA Department may take up printing of the clear symbols by consulting the relevant instructions issued by the Election Commission of India from time to time. In case of inability position may be intimated so that printing of such pictorial symbols will be done by the Commission.<sup>146</sup>

#### *DECLARATION AND PREPARATION OF RESULTS*

The Commission has decided that the Observer will keep a close watch on the process of counting of vote and compilation of results, before the Municipal Returning Officer declares result of an election, he/she shall obtain an authorization for declaration of result from the Observer concerned. Every Observer shall completely satisfy himself/herself about the fairness of counting of votes and complete accuracy of compilation of result. After having

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<sup>145</sup> *Minutes Meetings*, Office Chamber of State Election Commission, 25<sup>th</sup> MAY,2010, 1.00 PM. pp.2-5

<sup>146</sup> *Ibid.*,p.8

done so, he shall issue an authorization to the concerned Municipal Returning Officer.<sup>147</sup> After the counting is completed and the Municipal Returning Officer has compiled the final result sheet, the Observer will tally the figures of votes obtained by the candidates with the details of round-wise breakup kept by him in his folder and allow the result to be declared only when the figures tally with each other.<sup>148</sup>

Both the Municipal Returning Officer and the Observer shall personally verify that the number of votes posted against the name of each candidate in respect of every counting table tally with the figures as shown in Part II of Form 20A (result of counting). A computer should be installed in each Counting Hall where parallel tabulation work will be done in Excel to counter check any human error. This data entry will also be done table wise, polling station wise and round wise. Even though computer tabulation will not substitute the manual tabulation being done for obtaining final result of the counting of votes, the Computer based parallel tabulation/totaling will be helpful as a double check on the accuracy of manual tabulation. So, the entire process of the election was in the hands of Election Commission from the commencement of the election and till the declaration of the result of the first election to the Aizawl Municipal Council.<sup>149</sup>

The Election Commission is vested with all powers to conduct a free and fair poll; there is no Panchayat system in the State of Mizoram. Under Article 243 M of the Constitution of India, the Panchayat system shall not apply in the States of Nagaland, Meghalaya, and Mizoram and part of the North-east India. Hence, Panchayat election is not conducted in Mizoram. However, election to members of traditional village councils in the Mizoram was conducted on 24<sup>th</sup> February 2009 under the Supervision of the State

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<sup>147</sup> Mizoram State Election Commission, File No.B.14015/7/2009-SEC/MC/276-291, 26<sup>th</sup> October,2010,p.181

<sup>148</sup> *Ibid.*,p.181

<sup>149</sup> *Ibid.*,p.182

Election Commission and the requirement for furnishing affidavit by the candidates was not mandatory as election to Village Councils was conducted as per the Mizoram (Elections to Village Councils) Rules, 1974.<sup>150</sup> With regard to Aizawl Municipal Council in respect of Aizawl City to ensure the civic problems is being set up for the first time in Mizoram. The election was conducted on Nov 2010, in this election State Election Commission, Mizoram is entrusted to conduct election to the Aizawl Municipal Council for which the Mizoram Municipalities Act, 2007 and the Mizoram Municipalities (Election of Councilors) Rules, 2007.<sup>151</sup> For the first election to the Aizawl Municipal Council the Mizoram State Election Commission conducts the election and all other powers vested by State Election Commission. The Commission had issued the Model Code of Conduct as a measure to give awareness to all the importance and necessity to have fair elections, free from money and muscle power including all unfair practices. One of the basic successful election is appointment of Gazetted Officers as Election Observers as a measure to effectively enforce the Model Code of Conduct in all the polling stations.

The Commission Warned that misuse of the short message service (Sms) would invite penalties, in an official statement; the State Election commission said the misuse would be penalized under the provisions of the IPC, Representation of the People Act, 1951, Mizoram Municipalities (Election of Councilors) Rules, 2007 and the conduct of the Election Rules, 1961. The State Election Commission also notices any violation of the election laws and the model code of conduct, should be reported to the police and the police would take action in accordance with the law and the Commission added that transmission of bulk text messages of political nature for a period of 48 hours before the end of election process of the civic polls was strictly prohibited<sup>152</sup>. The State Election Commission played its part well too by ensuring observance

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<sup>150</sup> State Election Commission Mizoram File No.H.11011/2/2009-SEC(M), 22<sup>nd</sup> July, 2009

<sup>151</sup> *Ibid.*,

<sup>152</sup> *Ibid.*,

to the Model Code of Conduct and bringing out strict directives on the publication of opinion and exit polls in the course of the election process. In this historic election for the first time in Aizawl city, the Commission will give Best Electoral Practices Award in five categories, this is a remarkable in the first election to the Aizawl Municipal Council 2010<sup>153</sup>.

The Commission calls upon all the stake-holders- the political parties, the candidates, the voting public and the entire election machinery, to fully appreciate the need for restraint and discipline to ensure free, fair and peaceful First General Election to the Aizawl Municipal Council. The time tested credibility of electoral system and civil society organizations/NGOs in the election processes is our State's pride. The State Election Commission is fully committed and will strive hard uphold and put in strength to the deeply-rooted democratic traditions of Mizoram.

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<sup>153</sup> *Ibid.*,

## CHAPTER- IV

### ELECTION MANIFESTOS OF POLITICAL PARTIES AND THE OUTCOME

#### MEANING OF ELECTION MANIFESTO

A manifesto is a published verbal declaration of the intentions, motives, or views of the issuer, be it an individual, group, political party or government. A manifesto usually accepts a previously published opinion or public consensus and promotes a new idea with prescriptive notions for carrying out changes the author believes should be made. It often is a political or artistic in nature, but may present an individual's life stance. Election manifesto is a vision and mission of contestant political parties that stand for upcoming election. This is an agenda for future plan made by the political parties with their voters. If any political parties win the election that is bound to implement to the same that was pre-committed with the people. Election manifesto is a statement by a political party, explaining what it will do they win the election. Through manifesto the voters come to know about the policies of the political party they are going to vote for and they can easily think that which party will with whose policies they want to go. Therefore, an election manifesto is very important and election is the only way to determine what is good for democracy.<sup>154</sup>

#### COMMON MANIFESTOS OF MNF AND MPC

In the first election of Aizawl Municipal Council which was held on 3<sup>rd</sup> Nov 2010, the combine two (2) parties MNF and MPC have the common manifestos which are important steps that they are intending for the

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<sup>154</sup> Allanson Wahlang, *Analysis of Election Manifestos of Major Political Parties*, Retrieved, Jan 1, 2010

promotion and for looking after the Aizawl city.<sup>155</sup> Some of the important common manifestoes are.

*Administration:* In the administration, the two party will be established to look after all the work within the domain of Aizawl Municipal in order to make all the work to bear scrutiny, the parties also stress out all the trading centre and factories within the Aizawl Municipal area will be registered and if it interrupting for the community, it will be shifted to other convenient places.<sup>156</sup> For having a good administration the parties will look after in case of disaster, immediate care and proper management for the victims will be provided and necessary implement will also be provided. Law has to be formed to solve the problems between the landlord and person who reside in the house.<sup>157</sup> As Municipal law Chapter XII said that, controlling of the construction of houses is the authority of the Municipal. In order to avoid problems that may arise for the community, the presently work of the Aizawl Development Authority (ADA) will be revised and the two parties promised the ongoing construction of houses for the poor within the Municipal area by the JNNURM will be continued.<sup>158</sup>

*Public Amenities:* The important steps to promote the urban areas is Public Amenities, so that the important measures will be taken to make the Aizawl City is one of the clearest city which will attract the tourist. Another important measures to make the newly city is advanced method of waste management( Scientific Method) the parties will tried to use this method for the management of the Aizawl City. The party also promised if they win in this election to provide more street light will be placed in each and every street that will be placed in each and every street that uses the solar energy for

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<sup>155</sup> Based on Interview Schedule, Biak Thansanga, Elected Councilor, Ward No.XVIII, Dt.19.11.2013

<sup>156</sup> 2010 Aizawl Municipal Council Election MNF-MPC Common Manifesto, Co-ordination Committee of MNF&MPC, Aizawl, Mualchin Publication, 12<sup>th</sup> Oct, 2010, p.9

<sup>157</sup> *Ibid.*,p.9

<sup>158</sup> *Ibid.*,pp.9-10

beautification of the Aizawl City and also market/ shopping centre will be constructed in every convenient place within the city.

*Youth Vision and Development Works:* The party will make better facilities for the youth and to make progress in sports, more playgrounds will be constructed as many as possible and measures will be taken for those who still do not have Community Hall. A better transportation within the Aizawl city Rope Way will be constructed in every suitable places and all the progress for the administration of Aizawl city, measures will be taken to accomplish the institute of Hotel Management, Bungbungla which was established by the MNF government. Aizawl city is one of the 65 city selected by the central government to be constructed and beautify under the JNNURM which already have a properly sanction of money for beautification. The proper construction of roads within the city and will be maintained properly, measures will be taken to overcome the problem of traffic jam and overcrowding in Aizawl city due to the different problems of Aizawl city measures will be taken and to look after the infrastructure of the city.<sup>159</sup> Fly –over bridge/elevated road will be constructed in every suitable place to overcome the problem of traffic jam and lift or escalator will be placed in every suitable placed where people and motors are crowded for making the transportation easier in the city.

*Public Health Services and Social & Community Services:* Public Health Services is the most important for the management of the urban areas. For public health, proper rules will be made to aid the measures that is already taken either by the government or private regarding the public health, purified drinking water will be given to the schools which do not have drinking water, modern toilet/lavatory will be placed in every convenient place in the city for the promotion of cleanliness and the urban cleanliness, proper rules and regulations will be made regarding animals either

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<sup>159</sup> *Ibid.*, pp.10-13

domestically or as pet animals for the promotion of cleanliness and better health.<sup>160</sup> For the social and community services, measures will be taken to have better co-operation with different NGO's in working for the social and community. As over population is going to be one of our problems in Aizawl city because of the rapid growth of population, a common cemetery will be made that will be easy in transportation for every locality and an Electric Crematorium will be made for those who want to use it and also a rest house for the elderly will be made in every suitable place to associate with each other.<sup>161</sup>

Therefore, if the two combine parties i.e., MNF and MPC are given the authority to look after and govern the Aizawl city which is the main trading and governing centre of Mizoram, several changes and progress of Aizawl city regarding beautification, cleanliness, and development have been promised. The two parties make a slogan and to set up an improvement and also solve the different problems of the urban areas declare their manifestos to have a new city. So, to make their manifestos a success and govern the city, the combine parties put all the needs and essential steps in their hands and announce it through their manifestos.

#### *COMMON MANIFESTOS OF CONGRESS AND ZNP PARTY*

The ruling Congress and ZNP have no common manifesto released because this is the first conducted of Aizawl Municipal Council election for the first time in Aizawl city, there is no need to make new manifestos because the ruling party stressed out the ongoing developmental works of the Aizawl city is the important administration of the urban areas. Although, there is no a common manifesto but they are having a common programme to look after the Aizawl city for the better improvement within a city and measures to take

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<sup>160</sup> *Ibid.*, p.14

<sup>161</sup> *Ibid.*, pp.15-16



the 19 subject included in the 12<sup>th</sup> Schedule as fast as possible.<sup>162</sup> By looking at the growth and development, different kinds of problems that are faced presently and that may also happen in the future, if the government do not have a proper plan, Aizawl city will be one of the baseless foundation in governing within a short period. Therefore, having a proper plan for the development of Aizawl is a must. The combine two parties Congress and ZNP take some measures to fulfill the needs and better improvement within a city of Aizawl.<sup>163</sup>

In the administration of Aizawl city, law has to be formed and to solve the problems being faced within the city, and necessary implement will also be provided within Aizawl city. The parties also stressed out the fund that is received from the central, JNNURM and other sources will be properly managed and making sure that it is utilized as it should be for looking after and to promotion of the area within the Municipal, the ongoing process of JNNURM will be make more efficient and reconstructed which already have a properly sanction for the poor people. The party also make a plan to reconstruct the presently work of the Aizawl Development Authority (ADA) will be put more efforts for the working of the developmental programmed and efficient to solve the urban problems. The parties will also be making a proper plan for the public amenities and measures will be taken to make the newly city of Aizawl.<sup>164</sup> Measures will be taken water supply scheme will be implemented that will be adequately supply the need of the people within the city for a years to come with this rapid growth of population and the two parties tried to make a measures to remove all the poor management of wastage in Aizawl city, and a measures will be taken to implement proper disposal of waste and drainage system will be constructed also proper

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<sup>162</sup> Based on Interview Schedule, David.M.Thangliana, Spokesperson, MPCC Committee, Dt.19.11.2011

<sup>163</sup> *Ibid.*,

<sup>164</sup> *Ibid.*,

Sewerage and Drainage system will be tried to be constructed to overcome different kinds of disaster by the rainwater during monsoon. The parties also tried to make more street light will be placed in each and every convenient places and the supply of essential commodities were some important issues which need to be addressed as soon as possible.

The parties also have a youth vision and the ongoing process of a better recreation facility will be constructed in every convenient place for the youth to spend their leisure in a better way which will be under the authority of either Government or Private. For the progress of sports, the parties will make a better progress for the youth and the ongoing construction of playground will make faster and more playgrounds will be constructed as many as possible. The parties also measures will be taken for those who still do not have Community Hall. The parties emphasized the youth sportsmen to give a chance an abroad and will try to send other places for a better achievement for the youth.

Aizawl city is one of the big city and the length and breadth of the Aizawl city is remain the same one of the big problem in Aizawl is traffic jam and overcrowding. To overcome the problem of traffic jam and overcrowding in Aizawl city, measures will be taken to make more footpaths and over bridge will be constructed and a place for car parking will also be constructed that is also practiced in some other places. Roads, traffic jams and the supply of essential commodities were some issues and important to make a measures by the governing body.<sup>165</sup>

The combine parties will also make proper rules to make the public health facilities, proper rules and regulations will be made regarding animals or pet animals for the promotion of cleanliness and better health. Proper measures will be made in the city regarding of the cleanliness of the city.

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<sup>165</sup> *Ibid.*,

Modern toilet or lavatory will be placed in every convenient places in the city for the promotion of Aizawl city and to make a newly city of Aizawl.

Therefore, the Congress and ZNP work together in the first election of the Aizawl Municipal Council, above all the common programmed which are going to implemented in Aizawl city, the Congress-ZNP party candidate in each Ward announced their manifesto for the development and a better improvement within the Ward, they emphasized for the local improvement in street lighting, roads, drinking water and the supply of commodities are the important slogan of the candidate. The ruling party and its ally ZNP emphasized vote for candidates who could work shoulder to shoulder with the state government. To make all the improvement for the city, the party emphasized to the people's put the authority and all the needs and essential steps in their hands so that they can work for the people and the urban areas.

## **THE PROCESS OF CAMPAIGNING IN THE FIRST ELECTION TO AIZAWL MUNICIPAL COUNCIL ELECTION**

Before the first election to the Aizawl Municipal Council all the candidates and the parties are trying to be success in this election. The MPF has also fixed the number of posters and banners to be displayed candidate within his Ward and also the number of copies of the pamphlets and appeals to cut down election expenditure. In this election, the Congress-ZNP alliance had warned the people that vote for candidates who could work shoulder to shoulder with the state government is the main slogan of the ruling party.<sup>166</sup> They had warned the people of Aizawl against electing candidates who would turn their back on the ruling party.<sup>167</sup> On the other hand, Opposition Mizo National Front and Mizoram People's Conference combine has been asking

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<sup>166</sup>Based on Interview Schedule, David M. Thangliana, Spokesperson, *op.cit.*,

<sup>167</sup> *Ibid.*,

the elect Councilors from the Opposition party to check the government. They claimed that the Municipal Council would get direct fund from the Centre and there would be no way the state government tie the hand of the Opposition Councilors.<sup>168</sup>

There are no posters to be seen anywhere in the city, while the handful of banners are within the size stipulated by a Local NGO. Candidates are barred from disturbing footballs and a party worker is not allowed to wear Caps, T-Shirt or badges the election symbol printed on them. For having a peaceful election one of the main role plays behind the State Election Commission is the MPF. It is the Church – based organization to watchdog controlled by the Synod. The forum has formulated 27 rules for the political parties and candidates. In this rules made by the MPF, no candidate can organize political meetings without the Forum's permission.<sup>169</sup> One of the rules advises political parties compile an election manifesto, which can be implemented instead of making empty promises.

The Forum has warned that if any political party violates any of the 27 rules, they will risk being 'invalidated' and also the Election Commission is a supportive of the Forum. The MPF has organized a common platform in each Ward and the candidates are opportunity to speak to the people and declaring their manifesto in the common platform. A Candidate in every Ward to ask voters within his ward to vote for him as he was not allowed to personally meet them in their homes in the common platform organized by the Mizoram People Forum.

The Mizoram People's Forum (MPF) prohibit door-to-door canvassing due to house-to-house campaign may lead some candidates who are using more advantages to the people or it may be a practice of misuse to convinced

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<sup>168</sup> Based on Interview Schedule, Lalrinenga Sailo, Elected Councilor, MNF, Ward No.19, dt.18.11.2013

<sup>169</sup> Election Compendium of Aizawl Municipal Council, Issued by State election Commission Mizoram. P.189

the people. However, if there are a number of newly faces for the people and respective their Wards. In particular cases, the Mizoram People's Forum make a house-to-house campaign programmed for the candidates. So, the people can recognize their candidates and in this hose-to house campaign covered by 10 days before the election. After door-to-door campaign is over, no candidate does not make any plan or programmed of door-to-door campaign. If any violation was taken place, the Mizoram People's Forum and the Commission will take action in accordance by the law.<sup>170</sup>

Later than the prohibition of door-to-door canvassing campaign, political parties and the candidates for the civil polls turned to sending Sms's to persuade the voters and refrained from door-to door campaigning, candidates for the first Aizawl Municipal Council (AMC) elections are campaigning through interviews on Local Television networks and by sending text messages on mobile phones.<sup>171</sup> It seems leave-taking door-to-door campaign; text massaging has taken over as the main mode of electioneering after the all powerful Church Organization prohibited the former process. This time round, as electioneering for the first Aizawl Municipal Council is reaching the high point, candidates and their supporters are busy sending text message to the voters, besides speaking on a common platform organized by Church Organization in each Ward.<sup>172</sup>

As and when possible, joint election campaign platform will be organized by various candidates under the guidance of Mizoram People Forum Constituency Forum. These programmed may be widely publicized in the Local TV and media, other than these joint election campaign platforms must be avoided. All public meetings, even those organized by individual party may be held under the guidance of Mizoram People Forum. In the absence of

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<sup>170</sup> Political Party and Mizoram Peole's Forum Common Programmed, Issued by MPF.

<sup>171</sup> Based on Interview Schedule, Lalrinenga Sailo, *op.cit.*,

<sup>172</sup> *Ibid.*,

Mizoram People Forum, individual political parties may make suitable arrangement. No tea or eatables shall be served on the polling day. Giving out of election numbers or slips shall be undertaken by the Mizoram People Forum duty or in a joint effort with the party workers.

Whereas, the State Election Commission has come to know that certain objectionable messages on Short Message Service (SMS) are being transmitted by some persons to vested interests in connection with ensuring General Election to the Aizawl Municipal Council, 2010, violating the provisions of election law, Model Code of Conduct and the Commission's directions/instructions issued in this behalf. It has been considered necessary to impose some restrictions on certain objectionable messages on Short Message Services (SMS) and transmitting of bulk SMS by Candidates/Parties during the course of campaigning so as to ensure a conducive atmosphere for free, fair and peaceful election.<sup>173</sup> The State Election Commission issued orders for objectionable SMS, which are violating the provisions of election law, Model Code of Conduct and the Commission's direction/instruction issued in this behalf. The Police authorities shall initiate appropriate inquiry and trace back the original sender of such SMS and take appropriate action under the relevant provisions of the Indian Penal Code, Representation of the People Act 1951, the Mizoram Municipalities (Election of Councilors) Rules, 2007 as amended in 2010, the Code of Conduct Rules, 1961.<sup>174</sup> The commission orders that no bulk SMS of political nature for a period of 48 hours ending with the hour fixed for conclusion of poll shall be transmitted by the Service providers or any stake holders. The Commission informed all the candidates that bulk SMS transmitted the campaign period as an alternative electioneering, as and when noticed by the District Municipal Election Officer or the Municipal Returning Officers will be brought to the notice of the

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<sup>173</sup> State Election Commission Mizoram, File No.B.14015/7/2009-SEC/MC/239, dt.27<sup>th</sup> October 2010

<sup>174</sup> *Ibid.*,

Secretary. The State Election Commission will find out the cost involved from the Service Provider and apportion it to the expenditure of the candidate or candidates concerned as the case may be and the Commission informed that there is no violation in the election and make a order the campaigning process of SMS should not go beyond the Model Code of Conduct and the Election Laws.

The Commission appoints the Zolife Infotech-MobCom Service to watch out all the political parties that are using SMS election campaign and their expenditure of the Voice Call expenditure and the Commission informed to submit the party expenditure and the candidate statement.<sup>175</sup>

*PARTICULARS OF BULK SMS AND VOICE CALL FOR AIZAWL MUNICIPAL COUNCIL ELECTION 2010 CAMPAIGN*

Sl.No.	Name of Party/Candidate	Particulars	Quantity
		Amount (Rs)	
1.	MNF Gen.Hqrs	SMS for AMC Election Campaign	4,00,000
		Bulk Voice Call	10,000
		Less Discount	(-) 12,944
		Total	4, 10,000
			49,500
2.	MPCC	SMS for AMC Election Campaign	3,30,000
		Less Discount	(-) 12, 9441
		Total	3,30,000
			35,000
3.	Zozangzuala Dawrpui	SMS for AMC Election Campaign	10,000
	INC, Ward-IX		
4.	J.H.Ramnghinglova,	SMS for AMC E election Campaign	10,000
			2,757

<sup>175</sup> State Election Commission Mizoram, Press Note, Dt.4<sup>th</sup> November, 2010

	INC, Ward-V			
5.	Lalremchhunga	SMS for AMC Election Campaign	10,000	2,757
	INC, Ward-III			
6.	Lalzampuii	SMS for AMC Election Campaign	20,000	3,500
	INC, Ward-IV	G. TOTAL	7.90,000	96,271

Above all the table, the political parties and the candidate put forward their expenditure according to the MobCom Service to ensure peaceful election and to protect goes beyond the Model Code of Conduct issued by the State Election Commission.<sup>176</sup>

## **OVERVIEW OF THE FIRST ELECTION TO THE AIZAWL MUNICIPAL COUNCIL 2010**

Transition from old to new at times is frequently tender and complex but the change of protector in the administration of Aizawl from village councils which held away from 1954 to the Municipal Council this year has been welcomed by all quarters of the population. Aizawl has finally graduated to a city in the true Constitutional sense as per the 74<sup>th</sup> Amendment of the Constitution of the first Aizawl Municipal Council (AMC) in November.<sup>177</sup>

Based on the 74<sup>th</sup> Constitutional Amendment, the first urban Local Self-Government called Aizawl Municipal Council was conducted on 3<sup>rd</sup> Nov, 2010 under the strict guidance of the State Election Commission has taken actions in many ways to achieve Municipality in Aizawl.<sup>178</sup>

<sup>176</sup> State Election Commission Mizoram, Press Note, Dt.4<sup>th</sup> November, 2010

<sup>177</sup> Pratab Chetri, *Aizawl Gets its First Municipal Council*, Eastern Panorama, Retrieved 14, August, 2012

<sup>178</sup> Election Compendium of Aizawl Municipal Council, State Election Commission, 2011. *op.cit.*, p.549



*DETAILS RESULTS OF THE CANDIDATE IN AIZAWL MUNICIPAL COUNCIL  
ELECTIONS-2010*

Ward No.	Name of Candidate	Locality	Party	Votes Won
I.	Lalrinenga Sailo	Durtlang North	MNF/MPC	3552
	Lalramena	Durtlang Dawrkawn	INC/ZNP	2675
	Lalchhanhima	Durtlang mel 5	BJP	8
II.	Hmingthanzami	Chaltlang Ruam Veng	ZNP/INC	3124
	C.Sangzuali	Chaltlang Lily Veng	MPC/MNF	2627
	C. Lalnunziri	Bawngkawn Brigade	BJP	240
III.	Lalthanliana	Basic Mual Ramhlun N	MPC/MNF	3315
	Lalremchhunga	Ramhlun North	INC/ZNP	3313
	K. Zoliana	Ramhlun Vengthar	BJP	86
IV.	Lalmalsawmi	Zarkawt	MNF/MPC	3486
	Lalzampuii	Aizawl Venglai	INC/ZNP	2985
V.	Rosiamngheta	Chanmari	MPC/MNF	2513
	J.H.Ramnghinglova	Chanmari	INC/ZNP	2457
VI.	Zamanthangi	Chanmari West	MNF/MPC	2170
	Biakhluni	Chanmari West	INC/ZNP	1868
VII.	Zarzoliana	Zemabawk North	ZNP/INC	3192
	Vanlalneia	Zemabawk Venglai	MNF/MPC	2866
VIII.	P.C. Lalhmingthangi	Armed Veng South	MNF/MPC	2078
	R. Laldanglova	Armed Veng	INC/ZNP	1731
	Lalnunmawia	Armed Veng	IND	135
IX.	P.C. Lalruatsanga	Chhinga Veng	MNF/MPC	2859
	Zosangzuala	Dawrpui	INC/ZNP	2686
X.	Lalzirliana	Chawnpui	INC/ZNP	2350
	C.T. Zothankhuma	Zotlang	MNF/MPC	2127
XI.	Lalchhuanmawii	Tanhriil Venglai	ZNP/INC	2918
	Helen Vanlalduhi	Luangmual	MNF/MPC	2819

	Hmingthankhumi	Tanhril	IND	372
XII.	Laldinsangi	Dinthar 1	INC/ZNP	3187
	Rohmingliani	Tuikual South	MNF/MPC	2729
XIII.	W. Chhuanawma	Vaivakawn	ZNP/INC	2090
	Zoramthanga	Dawrpui Vengthar	MPC/MNF	2067
XIV.	Lal Rimawia	Khatla	ZNP/INC	3473
	Malsawma Chuauhang	Khatla	MPC/MNF	2027
XV.	C.T.Zakhuma	Nursery Veng	INC/ZNP	2854
	K.Lalnunmawia	Bungkawn	MNF/MPC	2558
	C.Ramkinlova	Bungkawn Vengthar	BJP	155
	Lalawmpuia Chhangte	Nursery Veng	NCP	38
XVI.	C.Lalsawivunga	Bethlehem Vengthlang	MPC/MNF	3412
	R.Vanlaltluanga	Bethlehem Veng	ZNP/INC	2995
XVII.	F.Lalhuthangi	Republic Veng	INC/ZNP	2825
	Rita Lalnunsangi	Republic Vengthlang	MNF/MPC	2652
XVIII.	Biak Thansanga	Venghnuai	MNF/MPC	4351
	J.Lalmachhuana	Mission Veng North	INC/ZNP	3069
XIX.	Ramhlunsanga	Kulikawn	INC/ZNP	3069
	C. Lalthansanga	Tlangnuam	MNF/MPC	2947

Above all the table shows that there are 45 candidates, out of 45 candidates there are 15 female candidates and two (2) Independent candidates and three (3) BJP candidates, and among Nationalist Congress Party (NCP) Lalawmpuia Chhangte is the only one from the NCP candidate. It also point out that the entire Candidate along with their party affiliation and also all the candidate to get votes in the first election to the Aizawl Municipal Council which was held on 3<sup>rd</sup> Nov 2010. In this election, the main rivals for the 19 Councilor seats are the state ruling Congress party and Zoram Nationalist Party (ZNP) who are working together against Mizo National Front

(MNF) and Mizoram People's Conference (MPC) who also formed an electoral alliance.<sup>179</sup>

*ABSTRACT STATEMENT OF VOTER-TURNOUT REPORT*

Sl.No	Name of Ward	No of Voters	10:00 Hrs	% of polled	12:00 Hrs	% of polled
1	Ward no. I	8899	1802	20.25	1631	18.33
2	Ward no. II	11957	1583	13.24	1373	11.48
3	Ward no. III	9506	2082	21.90	1629	17.14
4	Ward no. IV	9853	1921	19.50	1652	16.77
5	Ward no. V	8216	1463	17.81	1227	14.93
6	Ward no. VI	6100	1334	21.87	957	15.69
7	Ward no. VII	9566	1925	20.12	1347	14.08
8	Ward no. VIII	6123	959	15.66	1026	16.76
9	Ward no. IX	8614	1639	19.03	1184	13.75
10	Ward no. X	6566	1262	19.22	1104	16.81
11	Ward no. XI	8640	1931	22.35	1461	16.91
12	Ward no. XII	10336	1977	19.13	1441	13.94
13	Ward no. XIII	6504	1170	17.99	962	14.79
14	Ward no. XIV	9148	1618	17.69	1239	13.54
15	Ward no. XV	8791	1811	20.60	1273	14.48
16	Ward no. XVI	9346	1601	17.13	1292	13.82
17	Ward no. XVII	8699	1842	21.17	1473	16.93
18	Ward no. XVIII	13291	2464	18.54	2198	16.54
19	Ward no. XIX	8494	1902	22.39	1276	15.02

<sup>179</sup> Press Information Bureau, Aizawl, Issued by National Informatics Centre, Mizoram State Unit

The above figure is the statement of voter's turnout, out of 168649 and the total no. of each Ward during 10:00 Hrs to 12:00 Hrs and the percentage of votes polled.<sup>180</sup>

VOTER- TURNOUT REPORT (14:00 Hrs - total % of polled)

Sl.No	Name of Ward	No of Voters	14:00 Hrs	% of polled	16:00 Hrs	% of polled	Total polled	% of total polled
1	Ward no. I	8899	1462	16.43	1496	16.81	6391	71.82
2	Ward no. II	11957	1397	11.68	1557	13.02	5910	49.43
3	Ward no. III	9506	1491	15.68	1241	13.05	6443	67.78
4	Ward no. IV	9853	1567	15.90	1213	12.31	6353	64.48
5	Ward no. V	8216	188	2.29	1056	12.85	3934	47.88
6	Ward no. VI	6100	921	15.10	925	15.16	4137	67.82
7	Ward no. VII	9566	1272	13.30	1420	14.84	5964	62.35
8	Ward no. VIII	6123	980	16.01	986	16.10	3951	64.53
9	Ward no. IX	8614	1398	16.23	1325	15.38	5546	64.38
10	Ward no. X	6566	1382	21.05	908	13.83	4656	70.91
11	Ward no. XI	8640	1523	17.63	1197	13.85	6112	70.74
12	Ward no. XII	10336	1309	12.66	1158	11.20	5885	56.94
13	Ward no. XIII	6504	1058	16.27	889	13.67	4079	62.72
14	Ward no. XIV	9148	1062	11.61	1110	12.13	5029	54.97
15	Ward no. XV	8791	1070	12.17	1428	16.24	5582	63.50
16	Ward no. XVI	9346	1559	16.68	1857	19.87	6309	67.50
17	Ward no. XVII	8699	1248	14.35	1011	11.62	5574	64.08
18	Ward no. XVIII	13291	1905	14.33	1873	14.09	8440	63.50
19	Ward no. XIX	8494	1371	16.14	1417	16.68	5966	70.24

GRAND TOTAL- No of electors 168,649

<sup>180</sup> Election Compendium of Aizawl Municipal Council, State Election Commission, 2011, *op.cit.*, p.409

Total No. of Votes polled in 10:00 Hrs-32286

Percentage of Polled in 10:00 Hrs-19.14%

Total No. of Votes polled in 12:00 Hrs-25745

Percentage of polled – 15.27%

Total No. of Votes polled in 14:00 Hrs-25163

Percentage of polled- 14.92%

Total No. of Votes polled in 16:00 Hrs-24067

Percentage of polled- 14.27%

The total No. of Votes polled in the first Election to Aizawl Municipal Council is- 107,261. The total No. of percentage of polled in the Election is- 63.60%.<sup>181</sup>

Above all the abstract statement shows that the voters turnout statement in the first election to the Aizawl Municipal Council recorded the votes polled and the percentage of polled for the period of 10:00 Hrs to 16:00 Hrs. It is undoubtedly to shows that the total no. of votes polled for the first election to Aizawl Municipal Council is 107261 and the total percentage of votes polled is 63.60%. The highest turn-out voters was in Ward No. I (Selesih, Durtlang, Durtlang North, Durtlang Leitan, Zuangtui, and Muanna Veng) having 71.82% and the least turn-out voters was in Ward No.II (Chaltlang, Bawngkawn and Bawngkawn South) having 49.43%. The first election to Aizawl Municipal is a remarkable history in Mizoram; it is the first set up based on the 74<sup>th</sup> Constitutional Amendment of Urban Local Self-Government in

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<sup>181</sup> *Ibid.*, p.409

Mizoram and there was 60% turn out in the election which was held peacefully.<sup>182</sup>

## **DECLARATION OF THE FIRST ELECTION TO THE AIZAWL MUNICIPAL COUNCIL**

In the keenly awaited results for the 19 Wards of the first Aizawl Municipal Council Election was declared on 4<sup>th</sup> November 2010 at 9:00 A.M at Aijal club.<sup>183</sup> The three (3) Municipal Returning Officer started counting of votes in each counting hall, 24 counting Supervisors and 44 Assistant Counting Supervisors helped those MRO'S and the counting has ended at 4:40 P.M. For the administration and management of the urban areas the name of the elected Councilors of the Aizawl Municipal Council was in charge of the Civic administration.<sup>184</sup> In this election, voting took place as scheduled on 3<sup>rd</sup> November in 174 polling stations across Aizawl using Electronic Voting Machines (EVMs) as usual there were no incidents that stood in the way of free and fair polls- an accomplishment that makes Mizoram proud in elections be it Assembly or Parliamentary.<sup>185</sup> List of the elected Councilors of Aizawl Municipal Council Election and their party affiliation and votes won in the election are given below.

### *LIST OF ELECTED COUNCILOR IN AIZAWL MUNICIPAL COUNCIL 2010*

Lalrinenga Sailo Ward No I, (MNF-3552); Hmingthanzami Ward No II, (ZNP-3124); Lalthanliana Ward III, (MPC-3311); Lalmalsawmi Ward IV (MNF-3586); Rosiamngheta Ward V, (MPC-2513); Zamanthangi Ward No VI, (MNF-2178); Zarzoliana Ward No VII, (ZNP-3192); P.C.Lalhmingthanga Ward No VII, (MNF-2078); P.C.Lalruatsanga Ward No VIII, (MPC-2859); Lalzirliana Ward No

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<sup>182</sup> *Ibid.*, p.551

<sup>183</sup> Press Information Bureau, *op.cit.*,

<sup>184</sup> *Ibid.*,

<sup>185</sup> Pratab Chetri, *Aizawl Gets its First Municipal Council*, Eastern Panorama, Retrieved 14, *op.cit.*,

X, (INC-2350); Lalchhuanmawii Ward No XI, (ZNP-2918); Laldinsangi Ward No XI, (INC-3187); W.Chhuanawma Ward No XII, (ZNP-2090); Lalrimawia Ward No XIV, (ZNP-3283); C.T.Zakhuma Ward No XV, (INC-2854); C.Lalsawivunga Ward No XVI, (MPC-3412); F.Lalhuthangi Ward XVII, (INC-2825); Biak Thansanga Ward No XVIII, (MNF-4351); Ramhlunsanga Ward No XIX, (INC-3069).

Based on the elected Councilors and Votes won along with their party affiliation, INC has taken 5 seats, MNF 5 Seats, MPC 4 seats, ZNP 5 seats. The Congress-ZNP combine shared the seats on 13-6 basis. The opposition MNF-MPC combine shared the seats on 12-7 basis; out of these the MNF won 5 and the MPC has 4 Wards.<sup>186</sup> The elected Councilors (INC+ZNP+ vs MNF+MPC) INC 5+ZNP 4=10, MNF+MPC4=9, BJP,Others=0, Total =19 of 19. The highest vote was secured by Biak Thansanga, MNF Ward No. XVIII while Mr. Lalawmpuia Chhangte (NCP) got the least vote from Ward No.XV.<sup>187</sup> The first election of Aizawl Municipal Council was concluded peacefully and with light atmosphere throughout the day. A noteworthy thing is that out of the 19 Wards in the Aizawl Municipal Council, Six (6) have been reserved for women as per the 74<sup>th</sup> Constitutional Amendment, it is a remarkable as it is the first time 33 percent of the seats are reserved for women. Of the newly elected 19 Councilors for the Aizawl Urban local body, six are women. This can be seen a positive step towards empowerment of women in the Mizoram.

Although, most of the 45 Candidates are relatively young, new faces and are mostly unknown in the political arena. Out of 45 Candidates, 14 (31.11%) are female Candidates based on the Constitution Article 243T, female Candidates are given 6 Ward and in this 6 Ward there are no other Candidates among male Candidate it is the only reserved for women and this 6 seats will be a rotation in accordance by the law.<sup>188</sup> In this election, Ward

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<sup>186</sup> Election Compendium of Aizawl Municipal Council , *op.cit.*,p.552

<sup>187</sup> *Ibid.*,p.552

<sup>188</sup> Based on Interview Schedule, H.Darzika, Secretary SEC Mizoram, Dt. 20. 11.2013, *op.cit.*,

No. XV has four (4) competitors; it is where the only NCP candidate Mr. Lalawmpuia Chhangte stood in this Ward. In this election the oldest candidate was Mr.J.Lalmachhuana, 73yrs in Ward XVIII from INC candidate, the youngest candidate was Miss Rita Lalnunsangi 23yrs in Ward No.XVII from MNF candidate. The oldest elected Councilor was Mr.C.T.Zakhuma 60 yrs in Ward No.XV and he was from INC ticket, the youngest elected Councilor was Miss Lalchhuanmawii 29yrs from Ward No. XI, she was from a ZNP ticket. The average age of the Councilors is 46.<sup>189</sup>

As demanded by Section 350 of the Mizoram Municipalities Act, 2007 as amended in 2009 (Act No.6 of 2007) and Rule 31 of the Mizoram Municipalities (Election of Councilors) Rules, 2007 as amended in 2010 the elected Aizawl Municipal Councilors of the 19 Wards was notified in the Mizoram Gazzete on 8th November 2010 and the State Election Commission sum in at the end of the whole election process on November 16, 2010.

The swearing ceremony of the 19 newly elected Councilors of the Council was conducted by the State Election Commission at the Session Hall of the Aizawl Municipal Council located at Thuampui and was attended by a large number of Ministers and MLA's.<sup>190</sup> In this ceremony, they also elect their Chairman, Vice-Chairman, and three Executive Councilors, C.T.Zakhuma who represents Ward No. XV of the Aizawl Municipal Council was elected as the first Chairman; Zarzoliana, Councilor of Ward No.VII was elected as the Vice-Chairman and three Councilors- Lalzirliana, Hmingthanzami and F.Lalhuthangi were nominated as the Executive Council Members, the last two being women. On being elected Chairman, C.T.Zakhuma was asked by a section of the press about the priority areas that he had in mind for Aizawl and he responded the first priority is drinking water; roads, traffic-jams and the supply of essential commodities were some issues are the important and

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<sup>189</sup> *Ibid.*,

<sup>190</sup> Election Compendium of Aizawl Municipal Council , *op.cit.*,p.554



which need to be addressed as soon as possible. The State Election Commission gives some regards to all the newly elected Councilors who will look after our biggest city with great care.<sup>191</sup>

#### *BEST ELECTORAL PRACTICES AWARD*

As announced earlier in its Press Conference the State Election Commission gave out the Awards for Best Electoral Practices in five categories- Best Polling Party; Best Ward in Observance of Model Code of Conduct; Highest Voter turn-out Polling Station and oldest Male and Females voters.<sup>192</sup> The award function was conducted on the 18<sup>th</sup> of November 2010. The Awardees of the oldest male and female were a 102 year old man Khiangthuama and a 101 year old lady Darthanmawii, the highest voter turnout polling station was Rangvamual(85.03%) and the second voter turnout polling station was Chite(84.03%) and the third highest voter turnout polling station was Phunchawng(83.66%).

The Commission also give first best ward in the observance of Model Code of Conduct and the recipients of the 1<sup>st</sup> Best Ward in the Observance of Model Code of Conduct is Zotlang MPF Local Forum, the 2<sup>nd</sup> is Bungkawn MPF Local Forum and the 3<sup>rd</sup> Best Ward in the Observance of Model Code of Conduct is Tlangnuam MPF Local Forum. The Awardees of the Best polling party is III/3 Ramhlun North-III, The Presiding Officer of this polling station is Dr.Jasper Rongura Sailo SO (P), Directorate of AH&Vety, the second Best Polling Party is VIII/7 Chite, the Presiding Officer is R.Dawngsangliana SDO, Project Division –III, PWD, The last Awardees of the Polling Party is XIV/2 Khatla-II and the Presiding Officer is R.Lalnunzira, PPO, Directorate of

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<sup>191</sup> *Ibid.*,p.555

<sup>192</sup> *Ibid.*,p.541

Agriculture.<sup>193</sup> The Commission also give Oldest Poll Watcher on Poll Day is given to among the duties of the Poll Day MPF member Rev.Dr.LN Ralte (84yrs).

The State Election Commission played its part well too by ensuring adherence to the Model Code of Conduct and bringing out strict observance to the Model Code of Conduct and bringing out strict directives on the publication of exit polls in the course of election. It may be mentioned that an NGO-Mizoram People's Forum whose members are drawn largely from the Church leaders played the role of vigilant, watchdog, ensuring the candidates adherence to accepted electioneering.<sup>194</sup> Attempts have been made to improve the existing procedures of the election process and norms, make more efficient the existing system with the close and active cooperation from political parties and State Government.

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<sup>193</sup> *Ibid.*,p.553

<sup>194</sup> *Ibid.*,pp.553-555

## **CHAPTER -V**

### **SUMMARY AND CONCLUSION**

#### **INTRODUCTION**

In democracy, it is not sufficient to have an elected government at the centre and at the state level. It is also necessary that even at the local level, there should be an elected government to look after the local affairs. Local government is government at the village level and district level and local government is about government closest to the common people. Local government is about government that involves the day-to-day life and problems of ordinary citizens. The advantage of local government is that it is so near the people and it is also convenient for the people to approach the local government for solving their problems both quickly and with minimum cost. A local self government means a democratic decentralized government in the sense that it is elected and responsive to the felt needs of the people of a limited geographical area, legal, political, administrative, functional and financial. Democracy is about meaningful participation, it is also about accountability. Strong and vibrant local Governments ensure both active participation and purposeful accountability and it is at the level of local government that common citizens can be involved in decision making concerning their lives, their needs and above all their development. Common people are more familiar with their local government than with the government at the state or national level, they are also more concerned with what the local government does or has failed to do as it has a direct bearing and impact on their day-to-day life. Thus, strengthening local government is like strengthening democratic process.

It is believed that the self-governing village communities existed in India from the earliest times in the form of 'sabhas' (village assemblies). In the course of time, these village bodies took the shape of Panchayats (an

assembly of five persons) and these Panchayats resolved issues at the village level. Their role and functions kept on changing at different points of time. When the Constitution was prepared, the subject of local government was assigned to the States. It was also mentioned in the Directives Principles as one of the policy directives to all the governments in the country. Local governments got a fill up after the 73<sup>rd</sup> and 74<sup>th</sup> Constitution Amendment Acts. But even before that, some efforts in the direction of developing local government bodies had already taken place. First in the line was the Community Development Programmed in 1952, which was sought to promote people's participation in local development in range of activities. But in many states those local bodies did not have enough powers and functions to look after the local development; they were very much dependent on the states and central governments for financial assistance. Many states did not think that it necessary to establish elected local bodies. In many instances, local bodies were dissolved and the local government was handed over to government officers. Many states had indirect elections to most local bodies and elections to local bodies were postponed from time to time. After 1987, a thorough review of the functioning of local government institution was initiated and a Constitutional amendment to provide for periodic elections to local government institutions, enlistment of appropriate functions to them, along with funds was recommended.

In 1989, the central government introduced two constitutional amendments. These amendments aimed at strengthening local governments and ensuring element of uniformity in their structure and functioning across the country. Later in 1992, the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments were passed by the Parliament. The 73<sup>rd</sup> Amendment is about rural local governments and the 74<sup>th</sup> Amendment made the provisions relating to urban local government. The 73<sup>rd</sup> and 74<sup>th</sup> Amendments came into force in 1993. The 74<sup>th</sup> Amendment to the Constitution is a landmark in the history of Urban

Local Government in the country. The Act provides for a constitutional status to urban local government institutions; it contains two types of provisions mandatory as well as discretionary. Mandatory provisions were those which were compulsory to be adopted throughout the country. Such provisions included the uniform structuring, reservation of seats for different segments of society, constituting the Wards committees, District Planning and Metropolitan Planning Committees, Finance Commission and Election Commission, etc., the local government being the state subject, the discretionary provisions were left to the states to enact according to their needs and local situations.

The 74<sup>th</sup> Amendment provides reservation of council of seats and post of the chairperson for Scheduled castes, Scheduled tribes and for women and entirely left on states to reserve seats for backward classes and it also aims at systematic constitution of urban sections, proper representation of all sections of people in the councils, regularly in election, well differentiated financial allocations and above all devolution of planning down to grass root level. The Act also facilitates the democratic decentralization, and stability to urban local government units is aimed to accomplish the objective of being administration closer to the people. To ensure the increasing civic problems, measures will be taken for solving a large number of civic problems and people's more participation, the need to have a set up of urban local bodies to provide the civic amenities. It is rightly said that the urban local government (part of local government) the third tier of Indian federal Government, the needs to be set up by the Government of Mizoram to bring government closer to the urbanities and give them a sense of involvement in the political processes that control their daily lives. Therefore the government of Mizoram takes effective strategies to ensure the management of their urban affairs as envisaged in the Constitution (Seventy-Fourth Amendment) Act, 1992 relating to Municipalities for the governance and maintenance of Aizawl city, Aizawl

Municipal Council started functioning from 1<sup>st</sup> July which was formally formed in Nov 2010 with the election of 19 members who were entrusted with looking after civic administration of Aizawl city. So, it becomes an essential need to offer some positive suggestions to improve and make more efficient the organizational structures and functioning of the administration of the Aizawl city in the larger interest of the new city.

In the second chapter, it has been attempted to concentrate on the concept and evolution, history of local self government in Mizoram and also provide a profile of the Aizawl city. Aizawl city is one of the 63 city selected by the central government which has made obligatory for Government of Mizoram to take up a series of mandatory reforms as part of implementation of the JNNURM. It envisaged addressing infrastructural deficiencies, poor service, delivery systems and poor governance in 63 selected cities including Aizawl. The JNNURM made it compulsory on the part of state governments receiving funds for city infrastructural developments to necessarily carry out reforms such as starting Municipalities and holding elections for such decentralized urban local bodies. Transition from old to new times is often painful and complex but the change of guard in the administration of Aizawl from the village councils which held sway from 1954 to the Municipal Council has been welcomed by all the quarters of the population.

The Village Council which was set up does not form a local self government and it does not deal with the Constitutional Amendments and the village council is also the management of rural affairs it could not manage to look after the urban problems. The urban problems that are arising out of Aizawl city remains the same due to the growth of population along with the number of vehicles tremendously increasing at high rate. The inadequacy of road network with the rapid growth of vehicles raises serious congestion problems in Aizawl city.

The population statistics clearly indicates an alarming growth of urban population in Aizawl due to rural-urban movement to the city and resettled other urban areas mostly for economic reasons. It can lead to the problems like unemployment, congestion, housing shortages and straining of urban service, drinking water, pollution and transportation. The newly born city has been confronted with such situation which needs serious attention. The functions of Village Councils in the city could no more deal with its administrative requirements. It is therefore, required to establish a Municipal Council to carry out the administration of Aizawl and the Government of Mizoram must take effective strategies to replace the village councils by a new Municipal Government and this will ensure the urbanities participation and make appropriate plan for the city. The Government of Mizoram set up a Municipal council in Aizawl city due to these circumstances, and the 74<sup>th</sup> Amendment tries to take measures and to accomplish the subject included in the 12<sup>th</sup> Schedule which will be a better important infrastructure facilities will be taken to make the Aizawl city.

The Aizawl Municipal Council is set for a very crucial and challenging way ahead and some of the problems being faced by the Aizawl Municipal Council due to lack of political strength of character or determination. The state government is unwilling to hand over power to the Aizawl Municipal Council and various state government departments are unimpressed/unwillingness to hand over responsibilities under the subject transfer which was included in the 12<sup>th</sup> Schedule to the Aizawl Municipal Council. The Aizawl Municipal staff, councilors and the public in a similar way are still in the dark about the actual functions and role of the Aizawl Municipal Council.

Hence it is suggested that the Aizawl Municipal Council needs to be strong which is already implemented for the development of the urban areas

as well as the district and to fulfill the growing needs of the people. It is meant for the welfare of the people and they have authority in urban areas. The state government has transferred the eight subject to the Aizawl Municipality; it needs to be more transfer of the 18 subject which was included in the 12<sup>th</sup> Schedule for real decentralization of power in socio-economic sphere. The need to have a major authority shall be vested in the Municipality for maintaining economic and social development and their implementation.

It also suggested that local governments continue to be agencies implementing the welfare and development schemes of the central and state government. Giving more power to local government means that we should be prepared for real decentralization of power; finally democracy means that power should be shared by the people and the people in the villages or urban localities must have the power to decide what policies and programmes they want to adopt.

It may be further suggested that for having a Municipal corporation there is a need to have a population of 1 lakh for having a larger powers to carry out and strengthening the Municipality. There is a need to strengthen the Municipality to ensure and to endow the functions and powers for people's participation. Our legislators need to consider that for having further areas covered by the functions and powers which already been implemented not only in Aizawl city; it needs to establish other districts ( at least 6 district) and if in other municipality district is set up. Aizawl will be the only Municipal Council and the rest will be a Municipal Board to check out the management of the urban and rural areas.

As regard rural and urban development, the Village Council set up under the provisions of the Sixth Schedule to the Constitution of India and adapted by the Government of Mizoram which have been allowed by the state government to operate rural and urban areas are not local-self



government institutions unlike the Panchayati Raj or Municipality. Therefore, the implementation of the provisions relating to participation in decision-making and implementing processes concerning rural and urban development is an imperative need.

Based on the 74<sup>th</sup> Constitutional Amendment, the elections to the first urban local self government in Mizoram, that is, Aizawl Municipal Council was conducted on 3<sup>rd</sup> Nov, 2010 under the guidance of the State Election Commission. The State Election Commission has taken actions in many ways and on 20<sup>th</sup> Sept 2010, the Commissioner had announced that the first election was to be held on 3<sup>rd</sup> Nov. 2010 and also announced the declaration of the result will be held on 4<sup>th</sup> Nov, 2010. The Model Code of Conduct was used from the date of announcement of election till the entire process of election is over. For that election, the Commission appointed three Municipal Returning Officer and Six Assistant Municipal Returning Officer and Nine Election Observer. The EVMs were used after taking it to consideration in various aspects viz., reliability of EVMs, availability of steel ballot boxes etc., the entire process of election was handed by the State Election Commission, the Commission also conducts election and to make rules and regulations and make all the necessary information for all the political parties and candidates, and the Commission revised conduct of election rules and to disseminate to the political parties and candidates.

Aizawl Municipal Council has 19 Wards, out of which 6 have been reserved for women. The total number of voter's stands at 1, 68,649; 80,390 males and 88, 295 females within 174 polling stations with voting percent is 63.60%. The entire process of the election was handed over to the State Election Commission; the Commission makes a schedule for the conduct of election and handed over to the declaration of the result. As mentioned earlier the Commission gave out Best Electoral Practices in five categories.

There were 56 matters related to Model Code of Conduct out of which 18 cases were settled.

As regards the first election of Aizawl Municipal Council, we have noted that the number of candidates was 45 for 19 Wards. It may be said that political parties are in operation competing for political power. The main issues in the election manifestos of the different political parties are measures to be taken the urban problem and draw out the facilities and necessary steps that are needed of the city. The two parties MNF-MPC and Congress-ZNP alliance were intending to take immediate care and proper management for Aizawl city. The alliance of two parties aims to make measures to solve some problems in the community, and to look after the Aizawl Development Authority which will be made more efficient for the people.

The alliance of two parties' tries to manage the civic amenities which will be better than the earlier, water supply scheme will be implemented that will adequately supply the water to people within the city.

With the rapid growth of population, the length and breadth of the Aizawl is remaining the same, the main problem of the city is traffic jam and congested building construction. To overcome the problems of traffic jam, we need more footpaths and over bridge to reduce the big problems. The Aizawl Municipal Council will focus on this issue.

The Council tries to improve on the poor management of waste disposal in Aizawl city. Measures will be taken to construct a good drainage system. More street lights will be placed in each and every street, roads within the city will be maintained properly and the parties stress out the public health services for improving the urban problems. In short, roads, water supply, street lightning and solid waste management are the most important one. To provide better facilities within the city and to accomplish

management of the urban areas will be maintained by the winner or majority party.

The alliance of two parties MNF-MPC and Congress-ZNP have given the task to evolve methods to look after and govern the Aizawl city. Several changes for the development of Aizawl have been promised. It may be noted that some parties make an empty promises to the people which cannot be do-able. The party tries to win in the election for competing political power; they make non- realistic promises to the people. In fact, there is a need to spread awareness about the Aizawl Municipal Council and its current problems so that political pressure is exerted on the State government or any future government to make Aizawl Municipal Council a truly democratic and efficient urban local body. The media should play an effective role here to spread awareness.

Aizawl Municipal Council is one of the most important development programmed in Mizoram, the first election of Aizawl Municipal Council was interesting as most of the young candidates came to the political arena. Majority of the people also cast their votes for the first time and exercise their franchise.

In a society like the Mizo, women play an important role when the women representatives demanded representation seats in the election. When the District Council was formed in 1952, one nominated seat was given to them, but the same was however, discontinued subsequently. The Aizawl Municipal Council is a remarkable that 33% of seats are reserved for women based on the Constitution Article 243T and female candidates are given Six (6) Wards. The role of women is valuable and women are represented in the election and participate to legislate in the Council of the local body.

Aizawl Municipal Council has come in to being to cater to the needs of urban people. In the initial years of its inception, it has been confronted with numerous local problems. The mind-set of the people also needs some change to adjust with the new institution that replaced to old village council system.

Mizoram has recently got its first urban local body with the 74<sup>th</sup> Constitutional Amendment of the Indian Constitution. It has to ensure efficient management of the problems faced by the people of Aizawl city. The State government has to co-operate in various ways to see that the Municipal Council functions without any interference from the government officials. The financial resources for the council have to be generated through various mechanisms so that there can be even development in the State. However, everything depends on the role of the Councilors who have to use their leadership for the well being of the people of this capital city.

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**INTERVIEWED:**

Mr. H. Darzika, Sesretary SEC Mizoram, Aizawl on 22<sup>nd</sup> 11. 2013.

Mr. David M. Thangliana, Spokesperson MPCC, Aizawl on 22<sup>nd</sup> 11.2013

Mr. Biak Thansanga, Elected Councilor Ward No. XVIII, Aizawl on 21<sup>st</sup> 11. 2013

Mr. Lalrinenga Sailo, Elected Councilor Ward No. I, Aizawl on 21<sup>st</sup> 11. 2013

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ABSTRACT

Of M. Phil Dissertation  
AIZAWL MUNICIPAL COUNCIL: A STUDY OF THE ELECTION PROCESS (2010)

BY

DEBBIE LALRINTLUANGI  
MZU/M.Phil/144 of 22.04.2013

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Local self-government is very important in a developing country like ours; it contributes to resilience, strength and richness of democracy by promoting diversification of political experience, and by setting itself up as yet another centre of creative activity through democratic action. The local government of India in the light of the constitution 73<sup>rd</sup> and 74<sup>th</sup> Amendment Act, 1992 has been introduced in rural and urban governance in India. Local government believes that local knowledge and local interest are essential ingredients for democratic decision-making and it is convenient for the people to approach the local governments for solving their problems.

The present study covers the meaning of local self-government and its growth, a study of the growth of local self-government in India and the study of the urban local government of Mizoram which mainly focuses on the concept and evolution and the election process of Aizawl Municipal Council. It also looks into major roles of State Election Commission for conducting of Aizawl Municipal Council election.

#### SCOPE OF THE STUDY

The present study has been concentrated on the Aizawl Municipal Council: A study of the election process. It broadly covered the concept and evolution and role of State Election Commission in conducting of the election process 2010. It also covered the process of campaigning and the different election manifestos of political parties in contesting of the Aizawl Municipal Council election.

#### OBJECTIVES OF THE STUDY

The objectives of the study are:

- 1) To explore the circumstances leading to the evolution of Aizawl Municipal Council

- 2) To study the role of State Election Commission
- 3) To study the election manifestos of political parties and campaigning process of Municipal election
- 4) To analyze the outcome of the Election

## RESEARCH QUESTIONS

The present study has attempted to answer the following research questions:

- 1) What are the main reasons for the establishment of Aizawl Municipal Council?
- 2) What are the main election manifestos of political parties contesting the Aizawl Municipal Council?
- 3) What is the main role played by the State Election Commission in conducting Municipal Election?

## METHODS OF DATA COLLECTION

The methodology used for the study includes collection of data through books, news items, articles and documents on the subject and related areas of the state government. Primary data have been collected from the personnel of the State Election Commission, Party Spokesperson, and Elected Councilor in Mizoram through personal interview.

The whole work is divided into five chapters.

Chapter I : Introduction

Chapter II : Aizawl Municipal Council - A profile of Aizawl City

- Evolution and present system
- History of local self-government in Mizoram

Chapter III : Role of State Election Commission in Aizawl Municipal Council

Chapter IV : Election Manifestos of Political Parties and the Outcome in Aizawl Municipal Council

Chapter V : Conclusion

## CHAPTER I: INTRODUCTION

The first chapter briefly introduces the local self-government in India and its gives a brief introduction of the growth of local self-government and evolution of the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment Act and it gives a brief introduction of urban local government in Mizoram.

Local self-government is based on the assumption that there are certain basic human needs having direct bearing on the lives of individuals and the community as a whole. Such needs can be better fulfilled by a government to which the individuals and the local community have direct and easy access. The constitution of India provided that local government was to be state subject and as such was to be managed by the state government. The goal to be aimed at is the betterment or welfare of every citizen, it is necessary precisely because some public requirements are local in their intensity, character and scope and by setting itself up as yet another centre of creativity through democratic action.

This chapter introduced in brief the whole content of the dissertation, the subject of study and the experience related to the subject.

## CHAPTER II: AIZAWL MUNICIPAL COUNCIL- A PROFILE OF AIZAWL CITY, EVOLUTION AND PRESENT SYSTEM, HISTORY OF LOCAL SELF-GOVERNMENT IN MIZORAM

The second chapter deals mainly with the evolution of Aizawl Municipal Council and traditional institutions of Mizoram. The seventy-fourth amendments have not only made municipal system compulsory for all states but also have taken care to maintain broad uniformity in the system throughout the country. In Mizoram context, municipal government is an important institution that provides civic amenities, facilities to the urban dwellers and to provide for the administration of town areas. It is therefore, required to establish a Municipal Council to carry out the administration of the newly born city. The government of Mizoram must take effective strategies to replace the Village Councils by a new Municipal government and this will ensure the urbanities participation and cooperation in the management of their urban affairs.

A village council is one of the most important traditional institutions of Mizoram, but the village council cannot handle such large number of the civic problems. In the urban place, the improvement of urban necessary and to provide the civic amenities can handle by the Municipal government to reduce the problems. The village council has a single tier and management for the rural areas and proposed for the rural governance and to maintain within their village.

## CHAPTER III: ROLE OF STATE ELECTION COMMISSION IN AIZAWL MUNICIPAL COUNCIL

The State Election Commission is vested with all powers to conduct a free and fair poll. With regard to Aizawl Municipal Council in respect of Aizawl City to ensure the civic problems was set up for the first time in Mizoram. In this election, State Election Commission was entrusted with to conduct election to the Aizawl Municipal Council for which the Mizoram Municipalities Act, 2007 and the Mizoram Municipalities (Election of

Councilors) Rules, 2007. The Commission had issued the Model Code of Conduct as a measure to give awareness to all the importance and necessity to have fair elections, free from money and muscle power including all unfair practices.

The Commission also notices any violation of the election laws and the model code of conduct should be reported to the police and the police would take action in accordance with the law. One of the basic successful elections is appointment of Gazetted Officers as Election Observers as a measure to effectively enforce the model code of conduct in all the polling stations.

In this historic election, the Commission gave out Best Electoral Practices Award in five categories; this is a remarkable in the first election to the Aizawl Municipal Council 2010. The State Election Commission is fully committed and will strive hard uphold and put in strength to the deeply-rooted democratic traditions of Mizoram.

#### CHAPTER IV: ELECTION MANIFESTOS OF POLITICAL PARTIES AND THE OUTCOME IN AIZAWL MUNICIPAL COUNCIL

In the first election of Aizawl Municipal Council which was held on 3<sup>rd</sup> Nov 2010, the combine two parties MNF-MPC and INC-ZNP were the common manifestos which are important steps that they are intending for the promotion and for looking after the Aizawl city.

The alliance parties make a common manifestos that are measures to be taken the urban problems and draw out the facilities and necessary steps that are needed for the city. The main issues in the election manifestos of the different political parties are proper management within the Aizawl city and provide the facilities which are included in the 12<sup>th</sup> Schedule.

The election of the first election to the Aizawl Municipal Council was declared in 4<sup>th</sup> November 2010 at 9:00 A.M. In this election, voting took place as scheduled on 3<sup>rd</sup> November in 174 polling stations across Aizawl using Electronic Voting Machine (EVMs). In this election, the total number of electors is 168,649. Out of these the total number of electors, 107,261 cast their vote and voting percentage of polled in the election is 63.60%.

In this election, INC and ZNP alliance have taken 10 seats and MNF and MPC have taken 9 seats out of the 19 Wards. The alliance of two parties INC-ZNP parties get a majority in the first election to the Aizawl Municipal Council. There were no incidents that stood in the way of free and fair polls an accomplishment that makes Mizoram proud in the elections.

## CHAPTER V: CONCLUSION

The final chapter deals with the summary and findings of the work. Further, this chapter provides suggestions for the improvement of the working of Aizawl Municipal Council, with which the research is concluded. The study revealed that village council which was set up does not form a local self-government and it does not deal with the Constitutional Amendments and the village council is the management of the rural affairs it could not manage to look after the urban problems and the inadequacy of road network with the rapid growth of vehicles raises serious congestion problems in Aizawl city.

As regard rural and urban development, the village council set up under the provisions of the Sixth Schedule to the Constitution of India and adapted by the Government of Mizoram which has been allowed by the state government to operate rural and urban areas is not local self-government institutions unlike the Panchayati Raj

or Municipality. Therefore, the implementation of the provisions relating to participation in decision-making and implementation processes concerning rural and urban development is an imperative need.

The study also revealed that Aizawl Municipal is set for a very crucial and challenging way ahead and the problems being faced by the Aizawl Municipal due to lack of political strength of character or determination.

The state government is unwilling to hand over power to the Aizawl Municipal Council and various state departments are unimpressed/unwillingness to hand over responsibilities under the subject transfer which was included in the 12<sup>th</sup> Schedule to the Aizawl Municipal Council.

It is suggested that the Aizawl Municipal Council needs to be strong which is already implemented for the development of the urban areas as well as the district and to fulfill the growing needs of the people.

It also suggested that local governments continue to be agencies implementing the welfare and development schemes of the central and state government.

The alliance of two parties MNF-MPC and INC-ZNP have given the task to evolve methods to look after and govern the Aizawl city. Several changes for the development of Aizawl have been promised. It may be noted that some parties make an empty promises to the people which cannot be do-able. In fact, there is a need to spread awareness regarding their promises and the strategies designed to look after the development of the city.

Mizoram has recently got its first urban local body under the 74<sup>th</sup> Constitutional Amendment of the Indian Constitution. It has to ensure efficient management of the problems faced by the people of Aizawl city. The state government has to cooperate in various ways to see that the Municipal Council functions without any interference from



the government officials. The financial resources for the council have to be generated through various mechanisms so that there can be even development in the state. However, everything depends on the role of the councilors who have to use their leadership for the well being of the people of this capital city.

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