CHAPTER - III
ELECTION MACHINERY

1. ELECTION COMMISSION

The founding fathers of the constitution have provided for an Independent Constitutional Authority, the Election Commission for the conduct of election, free from extraneous control, "For the superintendence, direction and control of the
preparation of Electoral Rolls for, and conduct of election to the Parliament and to the Legislature of every State and of elections to the Offices of President and Vice President.\(^1\) The Independence of the Commission is ensured by an express provision in Article 324 (5) of the Constitution itself that “the Chief Election Commission shall not be removed from his office except in like manner, and on the like grounds, as a judge of the Supreme Court and the conditions of the service of the Chief Election Commissioner shall not be varried to his disadvantage after his appointment”. The Election Commission of India as such is an Independent all - India Constitutional Authority set up in pursuance of Article 324 of the constitution. According to clause (2) of this Article, “The Election Commission shall consist of the Chief Election Commissioner and such member of other Election Commissioner, if any, as the president may from time to time fix”. From its inception the commission has functioned as single member body consisting of the Chief Election Commissioner.

Clause (4) of Article 324 of the constitution provides for appointment of Regional Commissioners at the time of the General Elections and at the time of Biennial Elections to State Legislative Councils to assist the Election Commission in the performance of its functions. In the first General Elections held in 1951 - 52, two Regional Commissioners were appointed. Therefore, regular posts of Deputy Election Commissioners were created in the Commission and no Regional Commissioners were appointed. Neither Article 324 nor the representation of the people Act lays down any qualifications of a person who can be appointed on the Election Commission. Chief

\(^1\) Article 324 of the Constitution of India.
Election Commissioner need not satisfy the qualifications prescribed for a judge of Supreme Court.  

The Election Commission is independent of the executive and the powers of the Legislature are also circumscribed by constitutional provisions. The powers of the Union Parliament and State Legislatures to make laws on electoral matters under Article 327, 328 are subject to the provisions of Article 324.  

FUNCTIONS:

The plenary powers of the Commission are specified in Article 324 of the Constitution. These powers vested in the Election Commission by the Constitution are supplemented further by the representation of the People Act, 1950 and 1951. The Presidential and Vice Presidential Elections Act, 1952, the Government of Union Territories Act, 1963. The Delhi Administration Act, 1966 and the rules and orders made thereunder. These laws enacted by Parliament effectuate the powers of the Commission and can-not whittle down its inherent powers vested under Article 324. In the words of the Supreme Court, Article 324 is “a reservoir of power” for the Election Commission and whenever any enacted law is silent on any electoral aspect or makes unsufficient provisions to deal with a particular situation, Election Commission has the inherit and plenary power to act in such vacuous area within its allowed domain, i. e. Elections, without looking to any outside authority for conferment of powers. Thus, the

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3 This was confirmed by the Supreme Court in Sadry Ali Vs. Election Commission, AIR, 1972. Sc. 187.
powers of the Commission are not merely executive but also, in a way marginally legislative.4

The Commission also tenders its opinion on the alleged disqualification under Article 102 of the constitution, of a member of Parliament when its opinion is sought by the President. It also tenders its opinion on the alleged disqualification of a member of the State Legislature under Article 191 of the Constitution as and when the Governor seeks its opinion. A person found guilty of corrupt practice by a Court does not become automatically disqualified. His case is referred to the President for determination of the Question as to whether such a person shall be disqualified, and if so, for what period. In all such cases, the President shall obtain the opinion of the Election Commission and shall act according to such opinion, or as the case may be, the Government to whom such opinion is sought.5

Under Section 10A of the Representation of the People Act, 1951, the Commission has power to disqualify a contesting candidate who has failed to lodge an account of his election expense within the time and in the manner prescribed by Law. The Commission has also the power for removing disqualification or reducing the period of disqualification as also other disqualifications for certain offences, (Section 8) disqualification for dismissal for corruption or disloyalty (Section 9) and disqualification for Government contrasts, etc. (Section 9A).

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5 See Article 103, or Article 192 of the Constitution and Section 8A of the Representation of the People Act, 1951.
The Commission has the power of a Civil Court while trying a suit under the Code of Civil procedure in respect of matters like summoning witnesses, discovery and production of documents, requisitioning of public records etc. Under the Election Symbols (Reservation and Allotment) Order, 1968, promulgated by the Election Commission, the Commission has power to decide certain disputes arising out of splits in recognised political parties amalgamation of two or more political parties.

The Chief Election Commissioner also functions as an ex-officio member of the delimitation Commission as and when such a Commission is set up a Central Act or by an Act passed by the Jammu & Kashmir Legislative. The work relating to delimitation of Constituencies arising as a result of formation of new States is generally entrusted to the Election Commission.

2. ELECTORAL MACHINERY AT THE FIELD LEVEL

The entire electoral machinery for the revision of the Electoral Rolls and the conduct of Elections is provided by the Governments of the State and Administrations of the Union Territories. The Commission has no separate machinery for the purpose. The electoral machinery in a State is headed by a Chief Electoral Officer, who is an Officer of the State Government. He is designated or nominated in this behalf by the Election Commission in consultation with that Government. At the District Level, there

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is a District Election Officer for supervision of work in the District in connection with the revision of electoral rolls and the conduct of elections.

For the purpose of revision of electoral rolls, electoral Registration Officers are appointed for each constituency. They are assisted by one or more Assistant Electoral Registration Officers. A large number of enumerators, supervisors etc. are also drafted from the ranks of the state Governments and Administrations of the Union Territories.

The actual conduct of the Elections is the responsibility of the Returning Officers. For each Parliamentary Constituency/Assembly Constituency, Returning Officers are appointed. They are assisted by one or more Assistant Returning Officers. A large number of personnel are drafted from among the Staff of Central and State Governments, Local Bodies, public undertakings etc. for the conduct of poll and counting of votes. The Chief Electoral Officers of States, District Election Officers, Registration Officers, Assistant Electoral Registration Officers, Returning Officers and Assistant Returning Officers are all statutory authorities and their functions, powers and duties have been laid down by the representation of the People Acts, 1950 and 1951 and the rules made thereunder. The huge machinery required for actual election work is augmented by drawing upon employees of the Government and Local authorities from time to time.
For each State there is a Chief Electoral Officer. He is an Officer of the Government designated or nominated in this behalf by the Election Commissioner in consultation with the Government. Subject to the Superintendence, direction and control of the Election Commission, the Chief Electoral Officer supervises the preparation, revision and correction of all electoral rolls and superintend the conduct of all elections in the State. Directions given by Election Commission to Chief Electoral Officers, though binding on the latter, do not have the force of law under the acts of 1950 and 1951, and non-compliance therewith could not vitiate the Elections.

For each District in a State, other than a Union Territory, the Election Commission shall, in consultation with the Government of the State, designate or nominate a District Election Officer who shall be an Officer of Government; provided that the Election Commission may designate or nominate more than one such Officer for a District. The District Election Officer shall co-ordinate and supervise all works in the District or in the area within his jurisdiction in connection with the preparation and revision of electoral rolls and conduct of election of Parliament and Legislature of the State, subject to the superintendent, direction and control of the Chief Electoral Officer.

7 Section 13A (i) & (ii) Act, 1950 : Section 20, Act 1951.
8 Lakshmi Charan Sen Vs. AKM Hassan Uzzanan, AIR, 1985 Sc. 1233 followed in Chaudhary Jangi Singh V. Sumitra Devi. 83 ELR 232 part
In relation to a Constituency in a Union Territory the "District Election Officer" means the Returning Officer of that Constituency.\(^9\) He shall also perform such other functions as may be entrusted to him by the Election Commission and the Chief Electoral Officer.\(^10\)

**ELECTORAL REGISTRATION OFFICER:**

The Electoral Roll for such Assembly Constituency, Electoral College Constituency and Council Constituency is prepared and revised by an Electoral Registration Officer. He is such officer of the Government of India or a Local authority, as the Election Commissioner may in consultation with the Government of the State, designate or nominate, in this behalf. The Electoral Registration Officer can employ such persons as he thinks fit for the preparation of the Electoral Rolls for the Constituency.\(^11\)

**ASSISTANT ELECTORAL REGISTRATION OFFICERS:**

The Election Commission may appoint one or more person as Assistant Electoral Registration Officers to assist Electoral Registration Officer in the

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\(^{9}\) Section 13A Act, 1950

\(^{10}\) Section 20A Act, 1951.

\(^{11}\) Section 13B (1) (2) Act, 1950.
performance of his functions. He is competent to perform all or any of the functions of the Electoral Registration Officer, subject to the control of the latter.\textsuperscript{12}

**RETURNING OFFICERS:**

The Election Commission shall, in consultation with the Government of the State, designate or nominate a Returning Officer, who shall be an Officer of the Government, or of a local authority for every constituency, for every election to fill a seat or seats in the Council of States and for every Election by the members of the Legislative Assembly of State to fill a seat of seats in the Legislative Council of the State.\textsuperscript{13} The Secretary of a State Legislature is also "an Officer of the Government" and as such qualified to be appointed as Returning Officer for the Election.\textsuperscript{14} The Returning Officer is entrusted with the responsibility to do all such acts as may be necessary for effectively conducting the Elections, including the acts of scrutinising nomination papers for determining the eligibility of the candidate and supervising and directing counting of votes. This decisions are crucially important because they eventually affect the whole election. This improper rejection or acceptance of the nomination paper may result in an election being declared null and void with all the serious consequences. This determination of validity of polled votes eventually affecting the counting might result in the reversal of Election results.

\begin{scriptsize}
\textsuperscript{12} Section 13C (1) (1) Act, Ibid.
\textsuperscript{13} Section 21, Act, 1951.
\textsuperscript{14} Supreme Court decision in Poshupati Nath Sirkul V. Nemchandra Jain. AIR 1984 SC 399.
\end{scriptsize}
ASSISTANT RETURNING OFFICERS:

The Election Commission may appoint one or more persons as above, to assist any Returning Officer in the performance of his functions. The Assistant Returning Officer shall be competent to perform all or any of the functions of the Returning Officer, subject to his control.\(^\text{15}\)

Assistant Returning Officers are appointed by the Secretary to the Election Commission and the order was duly communicated to the Chief Election Officer and published on notice boards. It was held that their appointment was valid and there was no requirement of the notification being published in Official Gazette.\(^\text{16}\)

PRESIDING OFFICERS:

The Returning officer shall appoint a Presiding Officer for each Polling Station, whose Primary functions are to keep order at the Polling Stations and to see that the poll is fairly taken.\(^\text{17}\)

POLLING OFFICERS:

To assist the Presiding Officer in the performance of his function Polling Officer or Polling Officers, as may be necessary, are appointed for each Polling Station.

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\(^\text{15}\) Section 22, Act, 1951.

\(^\text{16}\) Tadur Balagond N. M. Naryan Reddy, AIR, 1989 sc. 875.

\(^\text{17}\) Section 27, Act 1951.
The Returning Officer or Assistant Returning Officer, Presiding Officer, Polling Officer and any other Officer appointed under this part, and any police officer designated for the time being by the State Government for the conduct of any Election shall be deemed to be on deputation to the Election Commission for the period commencing on and from the date of the Notification calling for such Election and ending with the date of declaration of the results of such Election and accordingly, such Officers shall, during the period, be subject to the control, superintendence and discipline of the Election Commission.18

PROVISIONS FOR POLLING STATIONS FOR CONSTITUENCIES

The Returning Officer for each constituency, shall with the approval of the Election Commission, provide a sufficient number of Polling Stations for each constituency and shall publish a list showing the Polling Stations.19

Section 25 does not prohibit making any amendment or corrigendum of the list of polling Stations published thereunder. Power conferred on the District Election Officer can be exercised from time to time. Section 14, General Clauses Act can also be relied upon for the purpose.20

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19 Section 25, Act, 1951
20 Bharat Bhushan V Ved Prakash, AIR 1978, Delhi 199.
The Electoral Machinery for General Election to the Mizoram Legislative Assembly: 1972-1989.

As was observed the Election Commission has no separate electoral machinery for the preparation and revisions of the Electoral Rolls and the conduct of elections in the States and Union Territories. The entire electoral machinery is provided by the Governments of the States and Administrations of the Union Territories, but however subjected to the superintendence, directions and control of the Election Commission of India.

In the elections to the Mizoram Legislative Assembly held since the inception of Union Territory in 1972 till date, the following designated Gazetted Officers of the Government of Mizoram were deployed to man the various categories of posts established in the State Electoral Machinery:

1. **All India Central Service Group:**
   - (i) Chief Secretaries to the Government of Mizoram - IAS / IPS.
   - (ii) Development Commissioner and Principal Secretary to the Government of Mizoram - I. A. S.
   - (iii) Principal Secretary to the Chief Minister, Mizoram - I. A. S.
   - (iv) Deputy Commissioners of Aizawl, Lunglei and Chhitmuptui Districts - I.A.S
(2) **MIZORAM CIVIL SERVICE : Selection Grade.**

(Rs. 4500 - 150 - 5700 /-)

(i) Deputy Commissioners.

(3) **MIZORAM CIVIL SERVICE : Junior Administrative Grade.**

(Rs. 3700 - 125 - 4700 - 150 - 5000 /-)

(i) Additional Deputy Commissioners.

(ii) Additional District Magistrates.

(iii) Deputy Chief Electoral Officers.

(4) **MIZORAM CIVIL SERVICE : Senior Grade.**

(Rs. 3000 - 200 - 3500 - 125 - 4500 /-)

(i) Sub-Divisional Officers.

(ii) Extra Assistant Commissioners.

(iii) Election Officers.

(5) **MIZORAM CIVIL SERVICE : Junior Grade.**

(Rs. 2200 - 75 - 2800 - EB - 100 - 4000 /-)

(i) Assistant to Deputy Commissioners.

(ii) Block Development Offices.

(iii) Administrative Officers.²¹

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MACHINERY AT THE STATE LEVEL:

A permanent nucleus organisation headed by the Chief Electoral Officer exists in every State and Union Territory for the purpose of conducting and managing the elections. The Chief Electoral Officer is the Head of the State Election machinery who is ordinarily a senior Secretary to the Government. The post of Chief Electoral Officer Mizoram have been occupied by the different Chief Secretaries to the Government of Mizoram from the first to fourth General Election to the State Assembly and to the Lok Sabha elections held in between 1972 and 1984. In the fifth and sixth General Assembly Elections i.e., 1987 and 1989, the Development Commissioner to the Government of Mizoram was designated as the Chief Electoral Officer.

The Law does not specify that the Chief Electoral Officer should be a whole time Officer of the Government exclusively attending to election work. All the incumbents to the Office of the Chief Electoral Officer, Mizoram were such Officers of the Government of Mizoram who while attending to their administrative duties also attend to election work and on part time basis. The dual charge implies strain but this, has the advantage or better co-ordination at the State and District level.

The series of Chief Electoral Officers being such high ranking officials of the State Government were all men of high calibre and integrity, understanding the responsibilities and thrust and endowed upon the office they were holding and had therefore remained free from the clutches of self interested Politicians and the Political parties alike, while conducting and managing the Elections. It was at the lower rank and
file of Election Officials drafted amongst the various Department of the State Government that political involvement and manipulations was observed. There have been several reports in which such State Government Officers designated on Election duties were directly and indirectly campaigning for particular candidates and parties.

Rules 5 of the Central Civil services (Conduct) Rules 1964 prohibits the Government servants from taking part in politics and elections. Similar provisions also exist in the corresponding rules of the State Government employees also. Since no written complain or petitions were submitted to the Election Authority, further actions in the matters could not be proceeded on to. However, a political party which ever came to power after the elections did not spare such officers of the State Government if they were found campaigning for their rival party candidates or against their interests. While giving out rewards in the form of promotions or better posting to those Officers who they feel were their party sympathiser or supporters, harsh punishments by way of transferring such Officers not favouring the cause of the Party, to farflung areas or to a less important office and department were carried out in almost after every general Elections.

The practice of spoils system in the United States of America, by which a Government office was considered as a spoil for the services rendered to the prospective President at the time of Presidential Election appeared to have had a side effect in the manner and processes of Elections in Mizoram, though fortunately which persists only in 2 to 3 percent odd cases.
The post of Deputy Chief Electoral Officer on full time was created right from the first General Elections to the Mizoram Legislative Assembly in 1972. An Officer of the Government of Mizoram from the Mizoram Civil Service Group (inducted to Mizoram Civil Service from Assam Civil Services II) was appointed as the First Deputy Chief Electoral Officer with Grade ‘B’ Officer status enjoying the basic pay scale Rs. 300 - 900/-. The same post was upgraded to Grade ‘A’ Rs. 350 - 1000/- soon after the first General Elections.

As per rule 3(f) of the Delegation of Financial Power Rules, 1978, the Chief Electoral Officer is the Head of Election Department and the Deputy Chief Electoral Officer, Head of Office (Schedule II). Thus at the State Level, Chief Electoral Officer is the Head of the Election Machinery who is assisted by a separate Directorate of Election Department under Deputy Chief Electoral Officer and Staff working on full time.

The following tables shows the strength of the Officers and Staff under Election Department, Mizoram.\(^\text{22}\)

\(^{22}\) Report on General Election to Mizoram Union Territory Legislative Assembly, 1972 Chief Electoral Officer, Mizoram
TABLE - 2

1972 General Election (Assembly) Strength of Office Staff.

<table>
<thead>
<tr>
<th>Category of Post</th>
<th>No. of Post Sanctioned</th>
<th>Permanent</th>
<th>Temporary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Class II</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Class III</td>
<td></td>
<td>4</td>
<td>24</td>
</tr>
<tr>
<td>Class IV</td>
<td></td>
<td>3</td>
<td>10</td>
</tr>
</tbody>
</table>

TABLE - 3

Mizoram Legislative Assembly (1978) General Election.
The Strength and Classification of Administrative Position.23

State Level :
1) Chief Electoral Officer - 1
2) Deputy Chief Electoral Officer - 1
3) Ministerial Staff - 10
4) Driver - 2
5) IV Grade Staff - 5
TOTAL - 19

District Level :
1) Election Officer - 3
2) Ministerial Staff - 20
3) IV Grade Staff - 10
TOTAL - 33

Table - 4
The Strength of Administrative Personnel in 1989 Mizoram Assembly General Elections.\(^{24}\)

<table>
<thead>
<tr>
<th>Name of Post</th>
<th>Chief Electoral Officer</th>
<th>Election Officers</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Electoral Officer</td>
<td>1 (Part-time)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputy Chief Electoral Officer</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Election Officer</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Superintendent</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistant</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper Division Clerk (UDC)</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Steno - III</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lower Division Clerk (LDC)</td>
<td>5</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Driver</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Duftry</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Peon</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Chowkidar</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>24</strong></td>
<td><strong>6</strong></td>
<td><strong>6</strong></td>
</tr>
</tbody>
</table>

\(^{24}\) Deputy Chief Electoral officer, Mizoram Office Records (Establishment Staff).
During General Elections, an addition number of 1 U. D. C. and 4 L. D. C. or more were regularly recruited in the Chief Electoral Officer's office and Election Officer's office for a period of three months or more on temporary basis.

The hierarchical pattern, nomenclature of the various posts and scales of pay attached to Officers in the Chief Electoral Officer's office are the same as obtain for similar posts under Mizoram Civil Service Schedule - I(a), (Rule 4) as amended by Mizoram Civil Service Rules, 1988. The Deputy Chief Electoral Officer correspond to Deputy Secretary, Additional Deputy Commissioner or all the designated posts under Junior Administrative Grade category in matter of pay, status etc, and the posts of Election Officer stand on the same footing as those of under Secretaries, Sub-Divisional Officers or all the designated posts under the Senior Grade category of Mizoram Civil Service. The other functioneries such as Superintendent, Assistant, Upper Division Clerk, Steno - III, Lower Division Clerk and below stand on the same footings as their counterparts in the state Secretariat and Directorate.

There is an urgent need for re-structuring the existing staff distribution and pattern in the Office of the Deputy Chief Electoral Officer (D.C.E.O). Under the present set up, the posts of DCEO are filled in by Officers of the Government of Mizoram belonging to the Mizoram Civil Service (MCS) Junior Administrative Grade groups on a term basis. In fact, all the holders of Offices and posts from the rank of DCEO down to Assistants are all drawn from the State Administrative General pool Services. The permanent staff of the Election Department comprised of only those below the rank of Upper Division Clerk (UDC) onwards. The constant reshuffling and
transfering of Officers at the higher level in the department was one of the main reasons for the presence of several lapses and omission in every General Election. The conduct of elections which by itself involved several technical procedures and certain code of conduct, the newly transferred Officers and other clerical staff of the eve of General Elections are bound to face difficulties as they would have not acquainted themselves with the various Acts and Provisions of the Electoral Processes.

If for one reason or other, the post of DCEO cannot be made permanent, two additional posts of Assistant Chief Electoral Officers (ACEO) should be created corresponding to MCS Senior Grade Status. Further, all the holders of posts or offices below the ACEO’s should also be made the permanent staff of the Election Department. The avenues for Departmental Promotions and other facilities should also equally be made available for the staff of the Election Department as with their counterparts in other Departments.

However, the present system of having a part-time Chief Electoral Officer appeared to the best considering the relatively small size of the state and the volume of work involved which is at its peak only during the period of Elections. Elections which by itself involved a considerable amount of expenditure and being only a periodic affairs, the need for having a separate Independent Machinery in the state was not felt nor desired as this would only impose unnecessary burden on the already deficit state Exchequer. The state Machinery does not need to be substituted wholesale. The remedy, therefore, lies in establishing a well organised and vibrant election department
which if fully implemented, is by itself more than sufficient enough to co-ordinate and manage the efficient conduct of Elections in Mizoram.

**MACHINERY AT THE DISTRICT LEVEL:**

The organisation of the Electoral Machinery at the District Level was by and large the same in all the three Districts of Aizawl, Lunglei and Chhimtuipui. Though in the Lok Sabha Elections, three were some variations made in the appointment of Returning Officers and Assistant Returning Officers.

The Deputy Commissioners of each District was the Head of the Election Machinery at the District Level, each of whom also functioned as Returning Officers respectively in the General Elections and bye-elections to the Legislative Assembly. As per provisions of Representation of the people Act, 1950 part II A. Section 13AA, there are no District Election Officers in the Union Territories. Their duties are required to be performed by the Returning Officers themselves. Accordingly Election Officers for each District were appointed to assist the Returning Officers in the conduct of Elections.

In the first General Election to the Mizoram Legislative Assembly which was simultaneously held along with the fifth General Election to the Lok Sabha in 1972, the Deputy Chief Electoral Officer was also the election Officer for Aizawl District.

The posts of Election Officers was held by such Officers of the Mizoram Subordinate Civil Service or Mizoram Civil Service (Junior Grade ) till the fifth General
Election to the Assembly in 1987. The post was upgraded to the Mizoram Civil Service (Senior Grade) by the Mizoram Civil Service (Amendment) Rules, 1988.25

Except for the appointment of District Election Officer, who was at the same time the Returning Officer and Deputy Commissioner, there was no uniform pattern of staff employed for carrying out Election duties at the District Level. The strength of staff employed in the Districts was in keeping up with the number of Assembly Constituencies existing in each District, Aizawl District had 21 Assembly Constituencies, Lunglei District 5 and Chhimtuipui District 4, during the Union Territory period. With the increasing of the Assembly Constituencies from 30 to 40 after Mizoram became a state, the number of Assembly Constituencies in Aizawl, Lunglei and Chhimtuipui District was 28, 7 and 5 respectively.

However, the regular staff strength including the Election Officers was 6 in each District. The size of Ministerial Staff and IV Grade employees attached to the Election Branch of Deputy Commissioner's Office each of which was under Election Officer in the three District again depended upon the volume of work involved. Thus among the three districts, Aizawl District being the biggest and having the staff employed on Election duties was always higher than in the two Lunglei and Chhimtuipui Districts.

The Returning Officers i.e. Deputy Commissioners on whom falls the work of co-ordinating all Election work in the Districts were all part time Officers like the Chief Electoral Officer at the State Level. The appointment of full time Election Officers in

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25 The Mizoram Gazzette. Ibid. Office file records (Gazette Guard File).
each District to assist the Returning Officers was therefore rightly made as this has enabled the smooth and efficient conduct of Elections at the District Level.

MACHINERY AT THE CONSTITUENCY LEVEL:

The Election work in the field can be broadly divided into two stages, preparations and revision of the Electoral Rolls and the conduct of Elections. Statutory Officers designated as Electoral Registration Officer and Assistant Electoral Registration Officer looked after the preparation and revision of the Electoral Rolls, whereas the actual elections are conducted by the Returning Officer and Assistant Returning Office.

ELECTORAL REGISTRATION OFFICER:

The Electoral Registration Officer for an Assembly Constituency is designated by Election Commission in consultation with the Government of the state. In his work he is assisted by one or more Assistant Electoral Registration Officers who are also appointed by the Election Commission.

In the various elections held for both the Assembly and Lok Sabha in Mizoram, Officers of the Status of Additional Deputy Commissioner, Additional district magistrate, Sub-Divisional Officer and Extra Assistant Commissioner of the Government of Mizoram were designated as Electoral Registration Officers. In the
case of Aizawl District, Additional Deputy Commissioners and Additional District Magistrates were normally appointed as Electoral Registration Officers, while in Lunglei and Chhimtuipui Districts, Sub-Divisional Officers and Extra Assistant Commissioners were appointed. Officers of the Government of Mizoram such as Block Development Officers, Assistant to Deputy Commissioner and Gazetted Administrative Officers were appointed as Assistant Electoral Registration Officers. Non-Gazetted Administrative Officers were also appointed as Assistant Electoral registration Officer where necessary.

An uniform number of one Electoral Registration Officer each for all the three Districts were appointed from the first General Election, 1972 upto the fifth in 1987. This includes the Lok Sabha Elections held in between. In the last Sixth General Assembly Elections, 1989 two Electoral Registration Officers each in Aizawl and Lunglei Districts were appointed. As Non-Gazzetted Administrative Officers of the Villages constituting the different constituencies were also deployed to assist in the preparation and revision of rolls. The number of Assistant Electoral Registration Officers appointed was always more than that of the Electoral Registration Officers.

These Officers attend to the revisions of Electoral Rolls in addition to their normal administrative work. They are not allowed any extra remuneration for performing these functions. No separate whole time clerical or field staff is sanctioned for the revision of electoral rolls except in case of intensive revision. During intensive revisions whole time supervisors and enumerators are appointed for a specific period of time which runs from 2 to 3 months or more. The total number of supervisors thus

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The Returning Officers for both the Assembly and Lok Sabha Elections were usually drawn from the Cadre of Deputy Commissioner, Additional Deputy Commissioner, Additional District Magistrate and Sub-Divisional Officer of the Government of Mizoram. The appointment of Sub-Divisional Officers as Returning Officers was made only in the first General Election in 1972, in which Lunglei and Chhimtuipui Districts Constituencies had their respective Sub-Divisional Office (Sadar) appointed as Returning Officers while the Additional Deputy Commissioner, Aizawl was the Returning Officer for Aizawl District Constituencies. From the Second General Election, 1978 up to the Fourth in 1984 the Deputy Commissioners of Aizwal, Lunglei and Chhimtuipui Districts were designated as Returning Officers for their respective District Constituencies.

In the First General Election (1987) to the Mizoram Legislative Assembly after Mizoram attained the status of Statehood (Fifth General Election since 1972), with the increasing of the Assembly Constituencies from the existing 30 to 40, the number of Returning Officer in Aizawl District was increased from one to four. Lunglei and Chhimtuipui Districts constituencies continued to have only one Returning Officer each. The same practice as in 1987 General Election was followed in 1989 Elections.
The number of Assistant Returning Officers appointed for each District Constituency correspond to the actual number of Returning Officers so appointed in the three Districts. Gazzetted Officers of Government of Mizoram drawn from the Cadre of Additional Deputy Commissioner, Additional District Magistrate, Extra Assistant Commissioner, were normally nominated as Assistant Returning Officers. Though from the fifty General Election in 1987, due to the increasing of Returning Officers in Aizawl District, the Additional Deputy Commissioners and Additional District Magistrate, Aizawl were appointed as Returning Officers besides the Deputy Commissioner, Aizawl who all along was the long Returning Officer for the entire Aizawl District Constituencies in the previous Elections. In case of simultaneous General Elections to the state Legislative Assembly and Lok Sabha, which was held only on one occasion in 1972, the Deputy Commissioner of Aizawl District was nominated as the Returning Officer for the lone parliamentary constituency in the state and the Deputy Commissioners of Lunglei and Chhimtuipui Districts as Assistant Returning Officers.

The importance of Returning Officers and Assistant Returning Officers in the conduct and management of Elections are far too many. They are in fact the pulse of the entire Election machinery. Every stage of the Elections right from the date of notification of Elections upto the Declaration of Results are actually the sole responsibilities of the Returning Officers and Assistant returning Officers. Any administrative lapse or failure on their part could have a far reaching effect in the outcome of the Elections.
In this regard, credit must be given to all the successive Returning Officers and Assistant Returning Officers for successfully conducting and manning the various Elections held for both the Mizoram Legislative Assembly and to the Lok Sabha. This was clearly evident from the fact that, not a single Election case or petition have yet been filed by any Political Party, Associations of Individual against the manner of conduct or breach of Electoral Provisions on the part of officials designated on Election duties. The Returning Officers took utmost care to abide by the instructions and guidelines given out by the Election Commission. In pursuance to this, instructions to contesting candidates, Political Parties and electors were carried out and training were imparted to Polling Parties by Returning Officers before every general and bye-election. While showing leniency upon those officials committing several technical errors and omission, disciplinary actions were taken against those officials not performing well their election duties or not giving proper assistance to Polling Parties.

PRESIDING AND POLLING OFFICERS:

The Staff - Presiding and Polling Officers for the actual conduct of the poll were appointed by Returning Officers in accordance with the instructions of the Election Commission of India. Both Gazzetted Officers and Non-Gazzetted employees of the Government of Mizoram, Central Government and Semi Government undertakings were drafted for Election duty as Presiding and Polling Officers.
In the First General Election to the Mizoram Legislative Assembly in 1972, due to the shortage of manpower among the Gazzetted Officers, a large number of Government employees drawn from the rank and file of Upper Division Clerk, Assistant, Lower Division Clerk, Middle and Primary School Teachers were appointed as Presiding Officers. From the Fourth General Assembly Elections in 1984, as a matter of principle, Officers of the Gazzetted status were appointed for Presiding Officers. Senior Non-Gazzetted Officers were also appointed as Presiding Officers where necessary. Since then with the presence of sufficient Government Gazzetted Officers only such Officers were appointed as Presiding Officers. For Polling Officers, the Non-Gazzetted Group ‘B’ employees of the Government of Mizoram such Assistant, Junior Engineer, Accountant, Upper Division Clerk and holder of the equivalent posts from different departments or Directorate were normally designated as Polling Officers-I, while other Polling Officers comprised mainly of Middle and Primary School teachers. As far as possible, Government employees of various Departments were mixed up to form a Polling Party to ensure fair and free Elections.

The role and responsibility of the Presiding Officer and Polling Officer during the conduct of Elections being of utmost importance, the Returning Officers conducted training in their respective District Headquarters and imparted practical training to the Officers detailed as Presiding Officers and Polling Officers before every General and Bye-Election. As a result of this meticulous training, no errors of serious nature were observed in all the Elections while opening and closing the Ballot Boxes as well as in the maintenance of records by the Presiding Officers.
In some Polling Stations, due to the absence of the designated Presiding Officers owing to illness or some other cause, their functions were performed by Polling Officer I, previously so authorised by the Returning Officers. There were also instances, whereby the Presiding Officer had to make on the spot appointment of Polling Officers among the local people due to the designated Polling Officer's failure to turn up or perform their duties, owing to ill-health or some other cause. However, such incidents were rare and occurred in one or two occasions only.

Simultaneous General Elections to the Mizoram Legislative Assembly and the Lok Sabha was held in 1972 and 1991. Though in the latter case, Bye-Elections for three Assembly Constituencies was held along with the Tenth General Election to the Lok Sabha. In such General Elections, the Polling Parties comprised of one Presiding Officer and five Polling Officers, each in all the Polling Stations. The strength of Polling Parties in normal General and Bye-Elections consisted of one Presiding Officer and three Polling Officers in each Polling Station. The following Table shows the strength of Polling Parties in all the General and Bye-Elections held for the Legislative Assembly.

To sum up, the Chief Election Officer and the supporting staff, viz Returning Officers, Assistant Returning Officers, Electoral Registration Officers, Assistant Electoral Registration Officers, Presiding and Polling Officers were all drawn from the Government of Mizoram Cadre and were placed at the disposal of the Election Commission for the preparation of Electoral Rolls and conduct of Elections, though
they remain under the administrative and disciplinary control of the Government of Mizoram.

By and large, such staff supplied by the Government of Mizoram in pursuance of Clause (6) of Article 324 of the Constitution have given a very good account of themselves and have acted independently while performing their Election duties from the influence of Political Parties and self interested politicians to the call of duty with a sense of purpose and dedication to make the Elections a success. Travelling Allowances and Daily Allowances were paid to all the Government Servants detailed on Election Duties, though the amount paid to each of them was comparatively less when taking it into account the amount of work and responsibilities entrust upon their work. No extra renumeration was paid to any Government Servants for performing Election Duties.

The responses and cooperation of the public towards the Election Staff and Polling Parties were also encouraging. In the majority of Polling Stations, Particularly in small villages, where no Government rest houses are not available, the polling parties were putting up in different houses of the Village residents.
<table>
<thead>
<tr>
<th>Year</th>
<th>Nature of Elections</th>
<th>Presiding Officers</th>
<th>Polling Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1972</td>
<td>General Elections to Lok Sabha and Legislative Assembly</td>
<td>232</td>
<td>1,160</td>
</tr>
<tr>
<td>1978</td>
<td>General Election to Legislative Assembly</td>
<td>340</td>
<td>1,020</td>
</tr>
<tr>
<td>1979</td>
<td>General Election to Legislative Assembly</td>
<td>368</td>
<td>1,104</td>
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<tr>
<td>1982</td>
<td>Bye-Election to Assembly in 4 Constituency.</td>
<td>40</td>
<td>120</td>
</tr>
<tr>
<td>1983</td>
<td>Bye-Election to Assembly in 1 Constituency.</td>
<td>11</td>
<td>33</td>
</tr>
<tr>
<td>1984</td>
<td>General Election to Legislative Assembly</td>
<td>403</td>
<td>1,209</td>
</tr>
<tr>
<td>1984</td>
<td>Bye-Election to Assembly in 1 Constituency (Counter manded poll).</td>
<td>9</td>
<td>18</td>
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<tr>
<td>1987</td>
<td>General Election to Legislative Assembly</td>
<td>550</td>
<td>1,650</td>
</tr>
<tr>
<td>1987</td>
<td>Bye-Election to Assembly in 1 Constituency</td>
<td>18</td>
<td>54</td>
</tr>
<tr>
<td>1989</td>
<td>General Election to Legislative Assembly</td>
<td>631</td>
<td>1,893</td>
</tr>
</tbody>
</table>

Source: General Report of all Elections compiled by Chief Electoral Officers, Mizoram.