CHAPTER - VIII
THE POLL AND COUNTING OF VOTES (A+B)

A. THE POLL

INTRODUCTION:

Voting can be secret or open, direct or indirect compulsory or optional, in person or by post. Direct personal ballotting which ensures the sanctity of this democratic privilege of franchise is the most common form prevalent in advanced and developed countries. The Indian Constitution also makes elaborate statutory Provisions for the free and fair exercise of this right.

LEGAL PROVISIONS:

Section 30 (d) of the Representation of the People Act, 1951 empowers the Election Commission to fix the date or dates on which a Poll shall, if necessary, be
taken, which or the first of which shall be a date not earlier than the twentieth day of the last date for the withdrawal of Candidates; and (e) the date before which the Election shall be completed. The Election Commission shall fix the hours during which the Poll will be taken; and the hours so fixed shall be published in such manner as may be prescribed; provided that the total period allotted on any one day for Polling at an Election in a Parliamentary or Assembly Constituency shall not be less than eight hours.¹

As per the Previsions of Section 25 & 26 of the R.P. Act, 1951 (Part II - Acts of Parliament) the District Election Officer shall, with the previous approval of the Election Commission provide a sufficient number of Polling Stations for every Constituency the whole or greater part of which lies within his jurisdiction, and shall publish, in such manner as the Election Commission may direct, a list showing the Polling Stations so provided and the Polling areas or groups of voters for which they have respectively been provided. The Returning Officer nominates the Presiding Officer and other administrative staff necessary for the conduct of Poll at each Polling Station.

ARRANGEMENTS AT POLLING STATIONS:

Accordingly, as laid down in Section 31 of the conduct of Election Rules, 1961 (Statutory Rules and Order).

1) Outside each Polling Station there shall be displayed permanently:

a) a notice specifying the Polling area the electors of which are entitled to vote at the Polling Station and, when the Polling area has more than one Polling Station, the particulars of electors so entitled; and,

b) a copy of the list of contesting candidates.

c) at each Polling Station, there shall be set up one or more voting compartments in which the electors can record their votes screened from observation.

**FORM OF BALLOT PAPERS:**

Every Ballot Paper is to have a counterfoil attached thereto, and the said Ballot Paper and the counterfoil shall be in such form, and the particulars therein shall be in such language or languages as the Election Commission may direct and the names of the Candidate shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates. If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.2

**ELECTION AGENTS:**

A Candidate may appoint in the prescribed manner any person, other than himself, to be Election Agent and when such appointment is made, notice thereof shall

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be given to the Returning Officer in the prescribed manner. No person shall be appointed as Election Agent who, for the time being, is disqualified for being a member of either House of Parliament or the House of either House of the Legislative of a State or for voting at Elections.³

POLLING AND COUNTING AGENTS:

A Contesting Candidate or his Election Agent may appoint in the prescribed manner such number of agents and relief agents as may be prescribed to act as Polling Agents of such Candidates at each Polling Station. Similarly, a Contesting Candidate or his Election Agent may appoint one or more persons, but not exceeding the prescribed number, to be present as his counting Agent or Agents at the Counting of Votes.⁴

DESIGN AND PREPARATION OF BALLOT BOXES FOR POLL:

The ballot box must be of such design as may be approved by the Election Commission bearing labels both inside, as well as outside and containing the serial numbers of the Constituency, the Polling Station, the Ballot Box (to be filled in at the of the poll on the label outside the ballot box) and the date of Poll. Prior to the commencement of the Poll, the Presiding Officer demonstrates the ballot box to the

³ Section 40 - 41. R.P. act, 1951. (Part II - Acts of Parliament) Any revocation of the appointment of an Election Agent shall be signed by the candidate, and shall operate from the date on which it is lodged with the Returning Officer (Section 42).
⁴ section 46 & 47. Ibid.
Polling Agents and other persons present to show that it bears correct labels and contains no ballot papers, after which it is closed, sealed and secured and placed in full view of the Presiding Officer and the Polling Agents.5

Where a paper seal is used for securing a Ballot Box, the Presiding Officer affixes his own signature on the paper seal and obtain thereon the signatures of such of the Polling Agents present as are desirous of affixing the same. The seals used for securing a Ballot Box is affixed in such manner that after the Ballot Box is closed, it is not possible to open it without breaking the seals. where it is not necessary to use paper seals for securing the Ballot Boxes, the Presiding Officer secures and seals the ballot box with the slit for the insertion of ballot paper remaining open and thereafter may allow the Polling Agents present to affix, if they so desire, their seals.6

IDENTIFICATION OF ELECTORS :

The Presiding Officer is empowered to employ assistants at the Polling Station for identifying Electors or to assist him otherwise in taking the Poll. The Presiding Officer or the Polling Officer authorised by him to identify electors, tallies the name and other particulars of each electors with the relevant entry in the electoral roll and calls out the name and serial number of the elector.7 At this stage, any candidate or his agent is entitled to challenge the identity of a person after depositing a prescribed sum

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5 Section 29, 33(5) a,b,c,d, (6) (7) Conduct of Election Rules, 1961.
6 Section 33 (1) (2) (3) (4) Ibid.
7 Section 35 (1) (2) Ibid.
of two rupees in cash with the Presiding Officer for every such challenge. The deposit is refunded in case the challenge is established, otherwise it is forfeited.  

SAFEGUARDS AGAINST PERSONATION:

Every elector about whose identity the Presiding officer or the Polling Officer, as the case may be, is satisfied shall allow his left forefinger to be inspected by the Presiding Officer or Polling officer and an indelible ink mark to be put on it. Upon an elector's refusal to allow his left forefinger to be inspected or marked in accordance with the rule or has already such a mark on his left forefinger or does not act with a view to removing the ink make or fails or refuses to produce his identity card as required by the Rules (Sub - rule (3) of section 35, Conduct of Election Rules, 1969) he shall not be supplied with any Ballot Paper or allowed to vote.

ISSUE OF BALLOT PAPERS TO ELECTORS:

The Ballot Paper before it is issued to an elector, and the counterfoil attached thereto is stamped on the back with a distinguished mark as approved by the Election Commission and signed in full on its back by the Presiding Officer. The Polling Officer then records on its counterfoil the electoral number of the elector as entered in the marked copy of the electoral roll along with the signature or thumb impression of that

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8 Section 36 (1) (5) Ibid.
9 Section 37 (1) (2). Ibid. In a simultaneous Poll held for a Parliamentary Constituency and an Assembly Constituency an elector whose left forefinger has already been marked or has produced his Identity card at one such election shall not withstanding anything containing in Sub - rules (1) and (2), be supplied with a ballot paper for the other Election (Sub - Section)(3).
elector on the said counterfoil and mark the same of the elector in the marked copy of the Electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the Ballot Paper issued to that elector. No person in the Polling Station is authorised to note down the serial numbers of the Ballot papers issued to particular electors.\textsuperscript{10}

**RECORDING OF VOTES OF BLIND OR INFIRM ELECTOR:**

The Presiding Officer, if is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot papers or to make a mark thereon without assistance, may allow the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the Ballot Paper on his behalf and in accordance with his wishes, and if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box. No person is however, permitted to act as the companion of more than one elector at any Polling Station on the same day and the person acting as a Companion is required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any Polling Station on that day.\textsuperscript{11}

\textsuperscript{10} Section 38 (1) (2) (4). Ibid.

\textsuperscript{11} Section 40 (1) Ibid.
TENDERED VOTES: If an elector in whose place some one has already voted, turns up at the Polling Station and the Presiding Officer is satisfied about the identity of the person, he issues a ballot paper endorsed with the words at the back “tendered ballot paper” duly signed by him. These ballot papers are not inserted into the ballot box but are placed in a cover specially kept for the purpose and serially the last in the bundle of ballot papers issued for use at the Polling Station.\(^{12}\)

FACILITIES FOR WOMAN ELECTORS: For the convenience of women electors, the Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any Polling Station to assist woman electors and also to assist the Presiding Officer generally in taking the Poll in respect of women electors, and, in particular, to help in searching any women electors, in case it becomes necessary. Also, where a Polling Station is for both men and women electors, the Presiding Officer may direct that they shall be admitted into the Polling Station alternately in separate batches.\(^{13}\)

MANNER AND SECRECY OF VOTING: As per the Provisions of Section 59 of the Representation of the People Act, 1951 “At every election where a poll is taken votes shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy”. No person is permitted to vote in more than one Constituency or

\(^{12}\) section 42 (1) (3) (4). Ibid.

\(^{13}\) Section 34 (1) (11) Ibid.
twice in the same Constituency.\textsuperscript{14} Every Officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at election is to maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.\textsuperscript{15}

PROHIBITION ON POLLING DAY : To ensure peaceful and orderly conduct of the Poll, the holding and attending of public meeting on the day preceding the Election day and on the Election day are prohibited in any Polling area i.e. during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.\textsuperscript{16} Canvassing on the day of the Poll in any shape or form is also banned within a distance of one hundred metres of the Polling Station.\textsuperscript{17}

CLOSING OF POLL : The Presiding Officer shall close a Polling Station at the hour fixed in that behalf under Section 56 Act, 1951 and shall not thereafter admit any electors into the Polling Station; provided that all the electors present at the Polling Station before it is closed shall be allowed to cast their votes.\textsuperscript{18} As soon as practicable after the closing of the Poll, the Presiding Officer shall close the slit of the ballot box,

\textsuperscript{14} Section 62 (2) (3) Act, 1951.
\textsuperscript{15} Section 128 (1) Ibid.
\textsuperscript{16} Section 126 (1) Ibid.
\textsuperscript{17} Section 130 (1) Ibid.
\textsuperscript{18} Section 43 (1) Conduct of Election Rules, 1961.
and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any Polling Agent present to affix his seal. The Ballot Box shall thereafter be sealed and secured and send to the Returning Officer as soon as possible.

DEATH OF CANDIDATE BEFORE POLL : If a contesting candidate dies before the commencement of the Poll and a report to this effect is received, the Returning Officer shall counterman the Poll and report the fact to the Election Commission and all proceedings with reference to the Election shall be commenced afresh in all respects as if for a new election. No further nomination will be necessary in that case; provided that the person who has given notice of withdrawal of his candidature shall be ineligible to be nominated as a Candidate.  

CONTESTED AND UNCONTESTED ELECTIONS : If the number of contesting Candidates is more than the number of seats to be filled, poll is taken. If the number of Candidates is equal to the number of seats to be filled, the Returning Officer shall forthwith declare all such Candidates to be duly elected. If the number of Candidates is less than the number of seats to be filled, the Returning Officer shall forthwith declare all such candidates to be elected. In the last case, the Election Commission shall, by

19 Section 44 (1) (11) Ibid.
20 Section 52 Representation of the People Act, 1951.
Notification, call upon the Constituency to elect a person or persons to fill the remaining seat or seats.\textsuperscript{21}

\textbf{ADJOURNMENT OF POLL IN EMERGENCIES:} If, at an election, the proceedings at any Polling Station are interrupted or obstructed by any riot or open violence, or it is not possible to take the Poll on account of any natural calamity or other sufficient case, the Presiding Officer or the Returning Officer presiding over such place shall adjourn the poll to a date to be notified later. Whenever a poll is adjourned due to any of the above listed factors or reasons, it is the immediate duty of the Returning Officer to report the circumstances to the appropriate authority and the Election Commission. The Returning Officer, then with the prior approval of the Election Commission fixes the day on which the poll shall recommence, and fix the polling station of place at which, and the hours during which the Poll will be taken and shall not count the votes cast at such Election until such adjourned poll shall have been completed.\textsuperscript{22}

\textbf{FRESH POLL IN CASE OF DESTRUCTION ETC. OF BALLOT BOXES :}

The Election Commission is empowered to declare the Poll at a Polling Station void and order a fresh Poll. If at an Election, any Ballot Box used at a Polling Station is unlawfully taken out of the custody of the Presiding Officer or is accidentally or

\begin{footnotesize}
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\item Section 53. Ibid.
\item Section 57 (1) (11) Ibid.
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intentionally destroyed, or lost, damaged or tempered with, to such an extent that the result of the Poll at that Polling Station cannot be ascertained or the error or irregularity in procedure is likely to vitiate the poll or if satisfied that the result of a fresh poll on the Polling Station will not, in anyway, affect the result of the Election, issue such directions to the Returning Officer as it may deem proper for the further conduct and the completion of the Election.23

VOTING BY CERTAIN CLASSES OF PERSONS : Some categories of persons, namely, special voters and their wives,24 service voters and their wives,25 voters on Election duty26 and electors subjected to preventive detention27 are entitled to vote by Postal Ballot. These voters excepting the service voters are required to intimate to the Returning Officer of the Constituency where they are registered, regarding their wish to vote by Postal Ballot, well in advance before the Poll.28 The Returning Officer sends to

23 Section 58 (1) (11) Ibid.
24 "Special Voter" means any person holding an office to which the provisions of sub-Section (4) of Section 20, Act, 1950 are declared to apply or the wife of such person, if he or she has been registered as an elector by virtue of a statement made under sub-section (5) of the said Section.
25 "Service Voters" means any person who is required to give his vote by Postal Ballot under Clause (a) of Section 60 of Act, 1951.
26 "Voters on Election Duty" means any polling agent, any Polling Officer, presiding officer or other public servant who is an elector in the Constituencies and is by no reason of his being on Election Duty unable to vote at the Polling Station where he is entitled to vote.
27 "Electors subjected to preventive detention" means any person subjected to preventive detention under any law for the time being in force to give his vote by Postal Ballot, and not in any other manners, at an Election in a Constituency where a poll is taken, subject to the fulfilment of such requirement as may be specified in those rules i.e. Section 60 Clause (b) of Act, 1951.
28 (1) Special voters: 10 days before the Poll in form 12.
(2) Voters on Election Duty : 7 days or such shorter period as the Returning Officer may allow before the date of Poll in form 12, 12A.
(3) Electors under Preventive Detention : 15 days of the calling of an Election.
these persons Postal Ballot Papers which are returned to him by the electors after recording their vote before the last date of the Poll.

**POLL ARRANGEMENTS IN MIZORAM ASSEMBLY ELECTIONS.**

**1972 : FIRST GENERAL ELECTIONS :**

With a view to eliminating all chances of bogus voting in Elections, the Election Commission introduced Ballot Papers with counterfoils from the Assembly Elections, 1972 held in several States of the country. In this system, before a ballot paper is issued to a voter, the voter is required to put his signature or thumb impression on the counterfoil of the Ballot Paper. This is a deterrent for those who indulge in bogus voting, for the Election Court would be in a position to find out whether or not the person to whom the ballot paper was issued is genuine. This can be made possible by comparison of the signature or thumb impression on the counterfoil of the ballot paper with the signature or thumb impression of the person whose name is on the Electoral Roll.  

The introduction of the counterfoil with the ballot paper brought the Indian Voting procedure in line with the British practice.

Polling for the first General Election to Mizoram Legislative Assembly Union Territory was held on the 18th April, 1972 from 7AM to 5PM. The programme for revision of Polling Stations was well publicised in the manner as directed by the Election Commission. A total of 232 Polling Stations was set up. Out of these 136

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Polling Stations fall within Aizawl District, 34 in Lunglei and 62 in Chhimtuipui District. Poll took place on the schedule date i.e. 18th April, 1972 in 231 Polling Stations. Polling had to be adjourned on the 24th April, 1972 in Tuipuibari Polling Station of 29-Mamit Assembly Constituency due to unavoidable natural calamity caused by cyclone in accordance with the Provisions of Section 52 of the Act, 1951.

The Assembly Constituencies of 1-Tuipang and 22-Sateek each having 19 Polling Stations respectively were the Constituencies with the largest number of Polling Stations. While 16-Saitual, 18-Khawhai and 19-Lungpho Assembly Constituencies each having 5 Polling Stations respectively were the Constituencies with the Smallest number of Polling Stations. The average number of voters per Polling Station was 676, with the highest number of voters 1296 assigned to Durtlang Polling Station within 25-AIZAWL North Assembly Constituency. The lowest was 42 voters from Lungsen Polling Station under 22-Sateek Assembly Constituency. The average number of Polling Stations assigned per Assembly Constituency was 7.

Most of the Polling Stations were located in Public Institutions like school building and community hall. In all, only two temporary structures for use as Polling Stations were made at Chapui Polling Station under 1-Tuipang Assembly Constituency. The Administrative Officer's Office building was used as the Polling Station at Zobawk II within 8-South Vanlaiphai Assembly Constituency.

The Ballot Papers for use in the first General Election was printed at the Assam Government Press, Shillong. Sufficient amount of securities and vehicles were provided
by the Government of Mizoram along with the senior Gazetted Officer who supervised
the entire printing work. The total number of Ballot Papers printed as on demand made
by the Government of Mizoram was 1,92,700, the total electorates being 1,56,898.30

The Chief Electoral Officer, Mizoram issued instructions for the guidance of
electors with regard to the form and descriptions of ballot papers which was translated
into Mizo language. The Presiding Officers at each Polling Station were directed to
display the instructions in their respective Polling Station.

A total of 172 Polling Officers were recruited locally to assist the Polling parties
in the conduct of the Poll. In all, out of the 155 contesting candidates, 23 of them did
not appoint election agent. The number of Polling Agents appointed by the candidates
was 1884.31 The institution of Polling Agent, the watchdog of the free and fair conduct
of the poll, was made full use of by the candidates.

The number of tendered ballot paper was just 1, while the number of blind and
infirm voters was 218. The Poll was smoothly conducted with the help of all the
Presiding Officers and the Polling Officers, who were working under the direction of
the Returning Officers. For each single Poling Station and for two Polling Stations
located in a building or for three Polling Stations located in the same building, security
arrangement was made by personnel of the Army, Central Reserve Police Force (CRPF)
and the Mizoram Police. The Ballot Boxes were escorted by the CRPF from the various
Polling Stations to the respective destination to the three District Headquarters for

counting. For the purpose, vehicles were arranged for carrying ballot boxes and Polling parties as far as vehicle could ply. In Polling Stations not connected by roads, porters were hired to carry the ballot boxes and polling materials.

The distance of a large number of villages to the nearest Polling Station was considerably much too far for the voters, causing them great inconveniences and difficulties. Most of them had to travel on foot to cast their votes. In the over all round up, there were more than 60 villages, the voters of whom had to cover a distance of 5 to 8 Km in order to cast their votes at the nearest Polling Stations. In over 40 villages, the distance was from 9 to 14 Km and 15 to 25 Km in 10 villages or more. It was interesting to note that, despite the long distances required to be covered, coupled with great inconveniences and difficulties, the turn out of voters from these villages was exceedingly high.

Polling on the whole was evenly balanced in both the rural and urban areas. The pressure of Polling was heaviest between 8 to 12 AM. The turn out of voters varied from Constituency to Constituency. The overall percentage of voting as against total electorates was 72.55. 17-Tlungvel Assembly Constituency recorded the highest percentage of votes polled with 83.03 and 29-Mamit Assembly Constituency, the lowest at 56.65 percent. The high poll percentage demonstrated the political consciousness and maturity of the Mizo electorates.

The operation of the scheme of postal balloting was unsatisfactory. The total number of postal ballot issued was 1128. Out of which only 174 was returned on time
and 66 after the prescribed time. A total of 857 Postal Ballot was not returned at all. The main reasons for such poor responses appeared to be an ignorance of the Law, as also because of late application to the Returning Officer demanding the Postal Ballot. The response of electors entitled to Postal Ballot was thus disconcerting. The fault lies with the Political Parties for their failure to enthuse the electors to make wider use of this facility.

**1978: SECOND GENERAL ELECTIONS**

The total number of Polling Stations during the Second General Elections was 340, which was 108 more than the first General Elections, 1972. Poll was held on the 17th May, 1978 for 21 Assembly Constituencies and on the 20th May, 1978 in 9 Constituencies. 1-Tuipang Assembly Constituencies with 22 Polling Stations and 25-Lungpho Constituency having just 5 Polling Stations were the largest and smallest number of Polling Stations assigned for a single Constituency, the total average of Polling Stations per Assembly Constituency being 11. Lawngtlai (South) Polling Station under 3-Saiha Assembly Constituency comprising of 1192 voters was the highest number of voters recorded, while Lungpuk Polling Station falling under 1-Tuipang Constituency with 73 voters was the smallest number of voters assigned for one Polling Station. the average number of voters per Polling Station was 653.

With regard to the maximum distance that a voter had to cover to the nearest Polling Stations, there was little or no improvement made as in the first General
Elections. As a result of which, the corrupt practices as envisaged under Section 123 of the Act, 1951, which prohibited the hiring of vehicles or vessels for the free conveyance of voters was reported to have taken place at large. During the first General Election, 1972, such practice was much less and minimized. This perhaps was due to the fact that, both the Government and individuals who owned vehicles of any kind were fewer in number then. Moreover, moneyed interests were not active in the electioneering of 1972. Certainly after the first General Election, money power had begun active roll directly or indirectly in the electioneering owing to its being very expensive. Further, fast enlarging money economy on developing activities has created a neo-rich or a sizeable action of affluent persons such as the contractors, the businessman, the educated and the bureaucrats, who could the elections and get themselves elected or help the participating parties to bear the high cost of electioneering. Since almost all Political Parties or candidates are involved in the said corrupt practices, there was not a single complaint coming forth from any quarter.

As in the previous General Elections, the ballot papers for use in the Second General Elections was again printed at the Meghalaya Government Press, Shillong. The total number of Ballot Papers printed was 2,43,513 as against the total electorates of 22,226. To assist in the conduct of the poll, 156 Polling Officers were recruited locally by the Returning Officers of the three Districts. Of the 153 contesting
candidates, 111 of them appointed their respective Election Agents. The number of Polling Agents appointed was 1690.33

The Election Commission appointed 21 senior Officers of the Government of Mizoram as its observers to which the Polling and Counting of Votes as well as to note down the complaints of the people on the Polling day and to report the same directly to the Commission. The idea behind in appointing the observers was not only to make the Election machinery and to ensure the conduct of elections in a free and fair manner. The General Public were informed that they were at liberty to bring any complaint to the notice of the Election observers regarding conduct of Elections. The observers were required to visit as many Polling Stations as possible during the day of Poll in the Constituencies assigned to them. However, it was noticed that most of these observers did not visit the Polling Stations located in the interior or those not connected by jeepable roads as time did not permit them. In Polling Stations they visited, the General public did not approach the observers even when the electoral Offences of serious nature were committed. This, perhaps, was due to the fear of dire consequences by the people from the then banned MNF who were reported to have taken active part in the Election. Nevertheless, the presence of election observers in and around the Polling Stations on the Polling day did create an atmosphere of confidence amongst the public upon the election machineries.

The Poll, excepting a few minor incidents, was peaceful and orderly. One section of armed guards in each Polling Station was provided by the Chief Electoral

Officer. The Election Commission and the State Election authorities modestly attributed the orderly conduct of Poll to the tightening of the existing provisions of Law, adroit deployment of Police force and the co-operation of candidates and Political Parties as well as the public in general. The percentage of total votes polled as against the total voters was 62.99. The highest votes polled percentage as per Assembly Constituency wise was 86.30 in 1-Tuipang and the lowest was 37.26 percentage in 4-Chawngte Assembly Constituency. The two Polling Stations of 1/15-Chapui and 1/7-Tawngkawlawng under 1-Tuipang Assembly Constituency with 96.93 percent and 56.32 percent voters turn out respectively were the highest and lowest percentage of votes polled amongst the Polling Stations.

In all 20 cases of tendered votes and 182 case of infirm or blind voters were reported to the Returning Officers. A total of 441 postal ballot was issued, which however, was not responded well as many of the ballot papers were returned undelivered or returned late by the voters.

With regard to the mistakes and irregularities committed by Presiding Officers, there was one report of the Presiding Officer of 7/7 - Bazar Polling Stations of 7 - Lunglei Assembly Constituency who sealed the Ballot Box without closing i.e. turning the button to close the slit. However, the seals of arm of window-cover with button and seals in the inner and outer chinks on both sides and also the paper seal were intact at the time of opening of Ballot Box in the Counting Hall. The seal of the cloth cover was also found intact.\(^{34}\) Lalthianghlima one of the contesting candidates from the Assembly

Constituency objected to the manner of sealing of the Ballot Box to the Returning Officer. The Returning Officer, however, overruled the objections as the inner paper seal was found intact. Hence, there was no scope for tampering the Ballot Box.\textsuperscript{35}

In another case, the Ballot Papers including counterfoil was issued to voters by the Presiding Officer of Champhai-I Polling Station under 12-Champhai Assembly Constituency.

In matters of transportation, apart from Government vehicles, several private vehicles (both light and heavy) were also requisitioned for the transportation of Polling Parties and other Election Materials. The hiring of porters for carrying the Polling materials was carried out in those Polling Stations located in the interior or not connected by roads.

\textbf{THIRD GENERAL ELECTIONS : 1979}

Polling for Election to the third Mizoram Legislative Assembly General Elections began on the 24th April, 1979 at 225 Polling Stations and on the 27th April, 1979 in 143 Polling Stations. The number of Polling Stations went up from 340 in the Second General Elections to 368 during the third General Elections i.e. 28 more than 1978. Of these 73 Polling Stations was in Chhimtuipui District, 59 in Lunglei District and 236 Polling Stations in Aizawl District.

\textsuperscript{35} Ibid.
The location of Polling Stations was much the same as in the previous General Elections. The Administrative convenience was given priority rather than the conveniences of the voters. The corrupt practice by or on behalf of the candidates of illegal hiring or procuring of conveyances for the transport of voters was observed at large. None of the Political Parties or even Independent Candidates given the chance refrained from such practices.

The Ballot Papers for use in the third General Elections was again printed at the Meghalaya Government Press, Shillong. The total number of Ballot papers printed was 2,73,600 as against the total electorates of 2,43,553.36 The number of Polling Officers recruited locally was 105. Of the 150 contesting candidates, 73 of them appointed their election agents, the Polling agents appointed comprised of 1943.37

Polling on the whole was peaceful and orderly. The turn out of voters at the Poll was 63.30 percent as against the total electorates. 16-Suangpuilawn constituency recorded the highest number of votes polled. Out of the total of 8232 registered voters in the Electoral Roll, 6584 votes was polled from the Constituency i.e. 79.97 percent. Of the 8771 registered voters in the electoral roll of 4-Chawngte Assembly Constituency, only 4758 voters exercised their franchise. The votes polled percentage stands at 54.25 which was the lowest amongst the 30 Assembly Constituencies.

The tendered votes accounts for 18 and the number of infirm or blind voters who cast their votes with the help of a companion was 252. Like in the previous

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General Elections, twenty one senior officers of the Government of Mizoram were appointed as observers by the Election Commission. The coordination between the District Election authorities and the observers worked much better as compared with the second General Elections. The Chief Electoral Officer Mizoram issued directions to the Returning Officer who was to make known to the general public of the presence of such observers of the Commission and that they were at liberty to bring any complaint to the notice of the Election Observers regarding the conduct of Elections. Several of these observers submitted their reports to the Election Commission, most of whom stressed the need for arrangements of more Polling Stations in the Assembly Constituencies they visited as a large number of voters were put into great inconveniences and difficulties.

FOURTH GENERAL ELECTIONS :1984

As a result of de-grouping of villages, it was considered necessary to re-draw the location and increase the number of Polling Stations in each and every Assembly Constituency of Mizoram. Accordingly, the Returning Officers of Aizawl, Lunglei and Chhmituipui Districts in consultation with the representatives of all the Political Parties in Mizoram prepared the list of Polling Stations for their respective Districts.

The total number of Polling Stations provided during the forty General Elections, 1984 was 403 which was 35 more than the third General Election held in 1979. Chhmituipui District had 80 Polling Stations within it, 69 in Lunglei District and
254 Polling Stations in Aizawl District. Out of the 403 Polling Stations, actual election was conducted in 394 Polling Station on the 25th April, 1984 (one day Poll) from 7:30 PM to 3:30 PM. The election to 10-North Vanlaiphai Assembly Constituency comprising of 9 Polling Stations was countermanded due to the death of a contesting candidate from the Constituency in accordance with the Provisions of Section 52 of the Representation of the People Act, 1951.\(^\text{38}\)

Despite the re-drawing of the locations and increases made in the number of Polling Stations as well as the Election Administrations effort to set up Polling Stations in convenient central places to ensure easy access of voters, there still exists over twenty villages where the maximum distance that the voters had to travel ranges from 5 to 9 Km, ten to more villages between 10-13 Km. The farthest distance 15 Km was Saitlaw village whose voters had to cast their voters at the nearest 6-Hmunpui Polling Station falling under 21-Sairang Assembly Constituency. These drawback, according to the Deputy Chief Electoral Officer, Mizoram (1984) was due to Administrative and Security conveniences as well as the bad communication system, which render it difficult for the Election authorities to open more Polling Stations in such areas. In Aizawl District itself, there were over 100 Polling Stations where there was more than 750 voters in each of the Polling Station.

As instructed by the Election Commission, utmost care was taken to see that no Polling Stations were located in Police Stations, hospitals, temples, mosques, churches or places having religious significance. As in all the previous General Elections, the

Polling day i.e. 25th April, 1984 was declared as Public Holiday by the Government of Mizoram under the Negotiable Instruments Acts, 1881, to enable all the voters to exercise their right to franchise. On the recommendation of the Commission, the Government of Mizoram declared three day i.e. on the day of poll and two days preceding the poll as “Dry Day” as in the previous General Elections.

In all previous General and Bye-elections the Ballot Papers were printed outside Mizoram due to non-availability of adequate facilities in Mizoram. With the establishment of the Government Press at Aizawl equipped with better Printing Machines and other facilities and on the advice of the Commission, the Ballot Papers were therefore printed at Government Press, Aizawl for the first time in Mizoram. The Press Workers worked round the clock to complete the Printing of Ballot Papers on time. The work was carried out under the guidance and strict supervision of the Chief Electoral Officer, Mizoram and other six senior Officers of the Government of Mizoram, specially appointed for the purpose. A total of 2,99,500 Ballot Papers were Printed as against the total electorates of 2,56,530.39 The Ballot Papers were handed over to the Returning Officers at the Press itself by the Deputy chief Electoral Officer, Mizoram for re-distribution to the Presiding Officers.

The total number of Polling Officers recruited locally was 658 and the number of Election Agents appointed was 110. The Polling Agents appointed comprised of

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2484 persons in all, with 133 contesting candidates having appointed their Polling Agents.\textsuperscript{40}

The turn out of electorates varied between 51.99 percent in 4-Chawngte Assembly Constituency to 88.28 percent in 18-Kawnpui Assembly Constituency. The Polling Stations of 12/1-Champhai under 12-Champhai Assembly Constituency and 12-Khawzawl IV within 14-Saitual Assembly Constituency with 96.16 percent and 33.27 percent respectively were the highest and lowest votes polled amongst the Polling Stations. The percentage of votes polled as against total electorates was 75.13 and the average number of electors who exercised their right to franchise per polling station was 478.

The tendered votes total Comes to 34 and the infirm or blind voters for all the 30 Assembly Constituencies was 423. On the whole, there was no major Law and Order problem during the polling period except for one incident at Kepran Polling Station of 17-Ratu Assembly Constituency where a Central Reserve Police Force Jawan placed on Election duty was shot dead by an unidentified person. However, this did not affect the polling on that polling station as the incident took place in the early hour on 25.4.1984.\textsuperscript{41}

The Security arrangements during the fourth General Elections was undertaken with great care and planning. A series of discussions was held to chalk out the deployment of forces for each Assembly Constituency and Polling Station. Apart from

\textsuperscript{40} File Records (Polling Parties/Age\textsuperscript{nts}) 1984. OP. Cit

the existing strength of Police Force including the CRPF in Mizoram, it was required to induct more Para Military Forces from outside Mizoram. Accordingly 25 companies of CRPF, 5 companies of Border Security Force were induced in Mizoram for deployment in all the Polling Stations of Mizoram. In order to ensure prompt communication between District Headquarters and Polling Stations an wireless set was provided by the Mizoram Police Wireless Organisation. In Polling Stations where wireless sets could not be provided by Police Radio, arrangements were made to avail wireless facilities of the Security Forces. Besides, a State level Control Room also functioned at Mizoram Secretariat Complex round the clock which was constantly in touch with control Rooms opened at all the District Headquarters, all of which were under the Supervisions of Senior Officers of the Government of Mizoram. Also, a Sectoral Magistrate was detailed in each Assembly Constituency for the maintenance of Law and Order.

Due to increase in the number of Polling Stations and the expansion of Road Communications in Mizoram, requirement of vehicles for the movement of Polling Staff and for lifting of Election materials has increased considerably as compared with the third General Elections, 1979. Private vehicles including light and heavy had to be requisitioned by the District Magistrates to meet the shortage of Government vehicles. On the requests made by the Government of Mizoram, the Governments of the neighbouring States viz., Manipur and Assam sends 10 private jeeps and 7 private jeeps each for use during the fourth General Elections. The number of vehicles used District wise was as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Number of Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

206
TABLE -16


<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>HEAVY VEHICLES</th>
<th>LIGHT VEHICLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIZAWL</td>
<td>127</td>
<td>302</td>
</tr>
<tr>
<td>LUNGLEI</td>
<td>54</td>
<td>93</td>
</tr>
<tr>
<td>CHHIMTUIPUI</td>
<td>15</td>
<td>68</td>
</tr>
<tr>
<td>TOTAL</td>
<td>196</td>
<td>463</td>
</tr>
</tbody>
</table>

The requisition charge of vehicle was Rs. 357/- (including the wages of Driver and Handiman) per day for each heavy vehicle and Rs. 145/- (including the wages of Driver) per day for each light Vehicle.\(^{42}\)

The requisition of Helicopters for lifting of Polling personnel and Election materials to those Polling Stations located in the interior and not connected by good roads had to be restored to in over 19 Polling Stations. The number of sorties carried out by Helicopters in these Polling Stations were as follows:

TABLE - 17

DEPLOYMENT OF HELICOPTERS.

1. MI - 8 Helicopters - 4 sorties
2. CHETAK Helicopters - 37 sorties

TOTAL - 41 sorties\(^{43}\)

\(^{42}\) Ibid p 28.

\(^{43}\) Ibid p. 29.
The number of Election observers appointed by the Election Commission was 12 which comprised of the Senior Officers of the Government of Mizoram. Also, two senior IAS Officers of the rank of Joint Secretary to the Government of India were appointed as Commission’s Central Observers.

In the event of the death of one of the Contesting Candidates from 10-North Vanlaiphai Assembly Constituency, the Returning Officer of the Constituency countermanded the Poll under and in accordance with Section 52 of the Representation of the People Act, 1951. As per the revised programme of the Election Commission, Election to fill up the lone number seat from 10-North Vanlaiphai Constituency was held on the 27th June 1984 from 7 AM to 3:30 PM. Of the 9 Polling Stations, 8-Khawlailung with 1051 voters and 3-Lungkawlh Polling Station with 246 voters formed the largest and smallest number of voters registered out of the 9 Polling Stations. A total of 7000 Ballot Papers were printed for the total registered electorates of 5796. The number of Polling Agents and Election Agents appointed was 27 and 3 respectively with all the three contesting candidates having appointed their Polling Agents. Poll was taken in all the nine Polling Stations as per scheduled programme and the Poll was concluded peacefully. Out of the 5796 voters, 4488 exercised their right of franchise during the Election. One tendered vote recorded. Each Polling and Escort Party was provided with three vehicles (light) for movement to and back from the Polling Stations. The necessary security of the Polling Parties and materials was provided by the Mizoram Armed Police.
Consequent upon the re-delimitation and increase in the number of Assembly Constituencies from 30 to 40, it was required and necessary to redraw the location of Polling Stations and increase the number of Polling Stations. The Returning Officers of the three Districts of Aizawl, Lunglei and Chhimtuipui in consultation with the sitting members of Legislative Assembly and the Representatives of Political Parties, prepared the lists of Polling Stations in respect of every Assembly Constituency and submitted the same to the Chief Electoral officer, Mizoram who then forwarded to the Election Commission for its perusal and approval.

The Returning Officers attached full importance and care during the preparation of Polling Stations. The number of voters in respect of each component village or other unit of the Polling area were shown in the list and map especially prepared and the Polling Stations were set up in convenient central places to ensure easy access of the voters as far as practicable. In all there were only 10 to 15 villages where the voters had to travel a distance of 3 to 6 KM to their respective Polling Stations to cast their votes. The total number of Polling Stations provided and as approved by the Election Commission during the fifth General Elections was 550, 147 more than the previous General Elections 1984. Of the 550 Polling Stations, 100 polling stations fall within Chhimtuipui District, 95 in Lunglei District and 355 Polling Stations within Aizawl District.
The highest number of Polling Stations was 29 in 4-Lawngtlai Constituency and the lowest was 8 in 33-Aizawl North-I Assembly Constituency, the average number of Polling Stations per Assembly Constituency being 13-Zobawk Polling Station in 10-Tawipui Assembly Constituency recorded the highest number of voters which was 1372, while Longmasu Polling station in 1-Tuipang Assembly Constituency with 65 voters was the lowest. The Average number of voters assigned per Polling Stations was 584. Altogether, there were 173 Polling Stations each of which had more than 750 voters.

Polling in the thirty nine Assembly Constituencies consisting of 534 Polling Stations was taken on the 16th February, 1989 (one day poll) between 7.30 AM to 3.30 PM. In 5-Chawngte Assembly Constituency which comprises of 16 Polling Station, the Election was uncontested, the only contesting candidate was declared elected uncontested by the Returning Officer on the 27th January, 1987 in accordance with the provisions of section 53 of the Representation of the People Act, 1951.

The design and form of Ballot Papers remained the same as in the fourth General Elections, 1984. But the size of the Ballot papers varied from one Constituency to another depending upon the number of contesting candidates in each Assembly Constituency. The number of Ballot Papers printed was 3,58,360 as against the total electorates of 3,21,557.44

The number of Polling Officers recruited locally was 692 and the Polling Agents appointed was 2200. Out of the 145 contesting candidates, only 2 did not appoint their Election Agents.\footnote{File Records (Polling Parties / Agents), 1987. Op. cit} The votes polled percentage varied between 63.74 in 35-Aizawl East-I Constituency and 88.55 in 17-Saitual Constituency. The over all percentage of votes polled during the fifth General Elections was 72.63.

The tendered votes was 46 and the infirm or blind voters totalled 178. The postal ballot accounts for 1134, which however was poorly responded. Most of the postal Ballot returned consisted of those voter’s detailed on Election duties. Whereas the service voters participation and responses was discouraging. It appeared in general that the service voters showed little or no interest in the political events and development of their home state.

The Election Observers increased from 12 in the fourth General Elections to 16 in the fifth General Elections. The average number of Assembly Constituencies covered by one Observer ranges from 3 to 4.

To supplement the forces available in Mizoram, Para Military Forces were inducted from outside Mizoram, comprising of 12 companies of Assam Rifles, 19 Companies of CRPF and 3 Companies of BSF.\footnote{Report on the General Elections, 1987. CEO Mizoram p- 30.} The co-ordination between the District Administration and the forces did not work well in the beginning, as a result of which the movement of several polling parties to their respective assigned Polling Stations had to be postponed as the escort parties did not turn up as per time Scheduled. However,
the situation was improved after close consultation between the District Administration and the authorities of the Para military Forces. The wireless sets provided by the Mizoram Police Radio Organisation and the Para Military forces deployed on Election duties were utilised to have communication between the District Headquarters and Polling Stations.

The increase in the number of Polling Stations by 147 simultaneously led to the considerable increase in the requirement of Polling Staff, escort parties and vehicles. Therefore, a large number of private vehicles were requisitioned to meet the shortage of the existing Government vehicles. Apart from the Government and private vehicles in Mizoram, a number of private vehicles both light and heavy from Cachar District of Assam were also requisitioned for transport of Para Military Forces. It was observed that in the process of requisitioning of private vehicles, there were some owners whose co-operation towards the District Magistrates was not so encouraging as they objected to the use of their vehicles and tried to prevent the authorities from requisitioning their vehicles, despite the legal sanctioned provisions provides as per Section 160 of the Representation of the People Act, 1951, for requisitioning of Premises, vehicles, etc.; for election purposes and the penalty for contravention of any Order regarding requisitioning as provided in Section 167, Act, 1951. However, there were also some individuals from the sides of the Election authorities (District) whose manner of approach towards the private vehicles owner was equally provoking. Such attitudes and approaches from both the two sides was unwarranted in a state like Mizoram, where the Government alone is not fully equipped to run and manage the conduct of such a vast
exercise of democratic elections which demands the full co-operation between the Election authorities and the General Public.

As was done in the previous General Election, the arrangement of Helicopter service was also made for Polling stations not connected by Jeep-able roads for Airlift of Polling Parties and Election materials from District Headquarters to the polling Station and back to Headquarters. However, as confirmation to the availability of Helicopters come late from the Indian Air Forces Authorities, the Polling Parties and materials were sent by road with the aid of hired porters in order to ensure that the election programme was not affected. Hence, Helicopter services was utilised only for the return journey. In all the number of sorties carried out by helicopters was 20 sorties as against the Original requirement of 39 sorties.

There was no major Law and Order problem during the conduct of the Poll and not a single report of any untoward incident was received from any quarter during the fifth General Elections, 1987 to the Mizoram Legislatives Assembly.

SIXTH GENERAL ELECTIONS : 1989

Due to the increase of voters in 1989 elections by a considerably large 12,337 numbers, just within a span of a Year and half from the last Elections in 1987, the Election authorities considered necessary to redraw the Polling Stations for the conveniences of voters. The Returning Officers in consultation with the Representation
of Political Parties have redraw the Polling Stations in respect of every Assembly Constituency. The Polling stations thus provided came to a total of 631.47

The convenience of the voters being given top priority, there was just 3 to 6 villages, the voters of whom had to travel a distance of 3 to 5 KM to cast their votes at the nearest Polling Stations. This certainly was a great improvement as compared with the distributions of Polling Stations in the past Elections. The total number of villages covered by the Polling Stations was 839.

A total of 1242 Polling Officers were recruited locally to assist in the conduct of the Poll. Out of the 162 contesting candidates, only 32 of them did not have their Election Agents. In all, of the 162 candidates, 150 of them appointed Polling Agents, the total number of whom comes to 1749.48

The election Commission decided to have one day Poll on the 21st January, 1989 in all the forty assembly Constituencies of Mizoram. The hours of Poll was fixed from 7:00 AM to 3:00 PM which was later extended to 5:30 PM so as to enable all the Voters to exercise their right to vote. The Poll was taken in all the forty Assembly Constituencies.

The over all percentage of votes polled was 81.25 as against 72.63 percent in the 1987 General Elections. In the Assembly Constituency of 25-Lokicherra (ST) with 89.50 percent votes polled as against total number of electorates was the highest among all the other constituencies. While, even the lowest votes polled percentage was 70.09

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48 File Record (Polling Parties / Agents) 1989. op cit.
from 5-Chawngte (ST) Assembly Constituency. Where-as amongst the Polling Stations, 20/4 Lamherh under 20 - Suangpuilawn (ST) Assembly Constituency polled cent percent votes, the total number of votes being just 97. The Polling Station of 30/2-Serchhip II within 30-Serchhip (ST) Assembly Constituency polled the lowest votes percentage, which was 42.22 i.e. 513 of 1215 voters cast their votes.

The tendered votes declined from 46 in 1987 General Election to just 7 during the sixth General Election, 1989 while on the other hand, the number of infirm or blind voters increased from 178 in the previous General Election to a considerably high 507 numbers. The total number of postal ballot was 1184, which however did not reflect any progressive development in matters of Voters response and participations.

There was one case of re-poll held in 30/2 - Serchhip -II Polling Station under 30 - Serchhip Assembly Constituency on the 27th January, 1989 because the ballot box for this particular polling station was not properly closed and sealed and was simply covered by a piece of white paper on which some of the Agents have put their signatures. The Election Agent of the Congress -I candidate from the Constituency submitted his complaints on the nature of the incident to the Returning Officer who immediately reported the case to the Election Commission. The Polling Officer concerned was accordingly placed under suspension. 49

The Security arrangements for the 1989 General Elections were made keeping in view the need for effective enforcement of Law and Order. The Returning Officers

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supervised the deployment of armed forces in their respective Districts. With regard to
the transport arrangements, the increase in the number of Polling Stations necessitated
deployment of more polling staff, escort parties and vehicles. The number of vehicles
requisitioned including both Government and Private was as follows: 50

<table>
<thead>
<tr>
<th>SL. No.</th>
<th>Types of vehicle</th>
<th>Government</th>
<th>Private</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Light Vehicle</td>
<td>501</td>
<td>291</td>
<td>792</td>
</tr>
<tr>
<td>2.</td>
<td>Medium Vehicle</td>
<td>-</td>
<td>26</td>
<td>26</td>
</tr>
<tr>
<td>3.</td>
<td>Heavy Vehicle</td>
<td>67</td>
<td>342</td>
<td>409</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>586</td>
<td>659</td>
<td>1227</td>
</tr>
</tbody>
</table>

The requisition rates of vehicles as approval vide Government of Mizoram,
Supply and Transport Department, Order No. STV. 41/81-83/112 dated 25.5.1989 were
as follows: 51

50 Ibid p - 33.
51 Ibid.
In the matters of payment made to the owners of private vehicles towards the hiring charges, the District Election authorities in most cases were prompt in their deliveries. However, several of the private vehicles owners had to bear the consequences of some dishonest and unscrupulous owners who submitted sky high bills, apart from the original hiring charges bill, citing damages done to their vehicles during elections period. Though in this regard, there were some genuine cases wherein the vehicles were actually damaged during Elections and the authorities in turn attached importance and had therefore quickly taken measures to redress their complaints. But on the whole, some of these private vehicles owners also went too far in as much as demanding complete major repairs of their vehicles, even when little or no damage was done to their vehicles during Elections. As a result of this, payment of bills to other owners, not claiming any damage or compensation was unnecessarily delayed due to the shortage of funds.
On the other hand, the Election authorities were also not totally free of criticism in matters of requisitioning of private vehicles and in particular towards the treatment of the Drivers and Handimen. It was reported that several of these Drivers and Handimen were not given proper food during the period when they had to wait for detailed development arrangements by the authorities. Further, it was also reported that a large number of these Drivers and Handimen were denied the opportunities to exercise their votes in the Elections as no specific time or schedule was notified to them for their departure to their assigned destinations. The need to effectively, control and manage the monitoring cells of transport deployment which itself was not a difficult task, therefore be hardly stressed.

The convenience of voters, being given the top most priorities, the Election authorities set up polling stations even in the remotest areas. As a result, in over 20 Polling Stations located within Lunglei and Chhimtuipui Districts, the Polling staff and Polling agents had to walk a long distance of 5 to 10 Km to conduct Elections. The polled ballot boxes and other important election materials along with one Assistant Returning Officer and Police Officers were air-lifted by the Indian Airforce Helicopter, on the completion of Polling in these Stations.52

Inspite of all the limitations faced by the Election authorities, it was interesting to note that the keenly contested Elections of 1989 was concluded in a peaceful manner and there was no report of untoward incident during the Poll.

52 Ibid.
The votes polled at each Constituency are counted under the Supervision of the Returning Officer by Assistants appointed by him. The candidate, his Election and counting agents have the right to be present at the counting.\textsuperscript{53} The Returning Officer has, however, been debarred from appointing persons who had canvassed on behalf of a candidate during the Election as such counting Assistants.\textsuperscript{54} Subject to any direction of the Election Commission, the Returning Officer fixes the date, time and place of counting and intimates the same to each candidate or his Election agent.\textsuperscript{55} Before the commencement of counting, the Returning Officer satisfies himself that the ballot boxes received from various Polling Stations are intact and permits the counting agents or the candidates themselves to satisfy themselves in this score.\textsuperscript{56} Thereafter, Ballot Papers found in the Ballot Boxes are taken out and arranged in convenient bundles to be scrutinised before actual counting commenced.

A Ballot paper is to be rejected (a) if it bears any mark or writing by which the elector can be identified; (b) if the Ballot Paper does not contain the official mark; (c) if it bears a mark different from the one authorised for use at the Polling Station; (d) if the vote is given in favour of more than one candidate; (e) if the Returning Officer is satisfied that it is a spurious Ballot Paper; (f) if it bears no mark at all or to indicate the vote, it bears a mark elsewhere than on or near the symbol of the candidates on the face.

\textsuperscript{53} Section 64, RP Act, 1951.
\textsuperscript{55} Rule 51. Ibid
\textsuperscript{56} Rule 55. (2) Ibid.
of the Ballot Paper or, it bears a mark made otherwise than with the instrument supplied for the purpose; (g) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given; and (h) if it is damaged or mutilated that its identity as a genuine Ballot Paper cannot be established.  

Decision of the Returning Officer as to the validity of a ballot paper is final. However, before rejecting any ballot paper, the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect the Ballot Paper but shall not allow him to handle it or any other Ballot Paper. Also any such defect as is mentioned is Clause (b) and (c) caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, the Ballot Paper shall not be rejected merely on the ground of such defect.  

A Postal Ballot Paper which is not duly marked or on which more than one mark is placed against any candidate’s name or on which votes are given to more candidates than there are members to be elected or on which mark is placed in such a manner as to make it doubtful to which candidate it has been given or if it is a spurious Ballot Paper and is so damaged or mutilated that its identity as a genuine Ballot Paper cannot be established and if it is not returned in the cover sent along with it to the elector by the Returning Officer, is declared invalid.  

After the completion of counting, the total number of votes polled by each candidate is recorded and the candidate securing the largest number of valid votes is  

57 Rule 56 (2). Ibid.  
58 Ibid  
59 Rule 54 (8) Ibid.
declared elected by the Returning Officer. Before the declaration of result any candidate or his agent dissatisfied with the counting may in writing apply for recounting. The Returning Officer's decision on any such application is final. If the two candidates contesting any seat happen to secure equal number of votes, the result is decided by lot.

COUNTING AND DECLARATION OF RESULTS IN MIZORAM LEGISLATIVE ASSEMBLY ELECTIONS

FIRST GENERAL ELECTION : 1972

Following the programme laid out by the Election Commission in consultation with the State Election authorities, Election to the first Mizoram Union Territory Legislative Assembly was held on the 18th April, 1972.

Despite the efforts of the Election authorities for quick collection of Ballot Boxes from the Polling Station the arrival of Ballot Boxes particularly those from the interior Polling Stations was delayed due to improper means of communication and transport. This was all the more in both the two Districts of Lunglei and Chhmituipui areas. In the course of transportation of Ballot Boxes to the counting centres, the candidates or their Polling agents accompanied the Polling Parties to ascertain that the Ballot Boxes were not tempered with along the way.

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60 Rule 64 (a) (b) Ibid,
61 Rule 63 (2) (3) Ibid
62 Section 65 Op. cit
The counting centre for the 21 Assembly Constituencies in Aizawl District was arranged at the Aizawl Theatre Hall, which is centrally located. In Lunglei District, the counting centre was made at the Lunglei Town Hall. While in Chhimtuipui District, the Counting Centre was arranged at the Deputy Commissioner’s Officer Premises. Counting of votes in Aizawl District commenced on the 20th April from 10 AM to 5 PM and continued up to the 27th April. For the 5 Constituencies in Lunglei District, counting of votes began on the 22nd April with two days break and was resumed and completed on the 25th April, 1972 while in Chhimtuipui District, counting of votes started only on the 24th April, which was completed on the next day 25th April. There was not a single case of any recount of votes. The extent to which the Election authorities intended to conduct a smooth and successful poll may further be supplemented by the fact that, counting of votes on any specific scheduled day did not exceed beyond 5 PM. This, the Officials felt, was necessary to allay public apprehension in the process of counting of votes. The Party spirit or feeling was very strong in the Election. Moreover, the than banned Mizo National Front was very much involved and was believed to have a greater say during and after the Poll period. Hence, the precautionary measures taken up by Election Officials was at best in keeping up with the then prevailing political conditions, although the desire of Political Party leaders was to continue the counting of votes non-stop once counting has commenced.

Of the 30 seats available for contest, there was only one straight contest and the remaining 29 were multiple contest. The multiple contests produced two evil consequences. Election of substantial number of candidates by a minority vote and
forfeiture of security deposit by a good number of candidates. The number of candidates that polled an absolute majority of the votes polled 51 percent and above was 6. One was elected in straight contest and 5 in multiple contests. Four belonged to the M.U. and 1 to the I.N.C. of the remaining 24 candidates elected by a minority vote, 17 were M.U., 4 I.N.C. and 3 Independents.63

The second evil consequence of multiple contests is the forfeiture of deposits, when a candidate fails to poll on sixth of the number of valid votes polled in his constituency. Forfeiture of deposits may occur even in straight contests. But that is rare, but it is common in multiple contests. Out of the 155 contesting candidates 46 forfeited their deposits. These include INC - 2, MLP -7, SP - 17 and Independent - 20. In all, the total number of rejected votes out of the total number of votes polled from all the 30 Constituencies was 3,038 or 2.72 percent. There were 18 Constituencies where the number of rejected votes was more than a hundred. The highest being 237 votes in 4-Chawngte Constituency.64 Another feature of this Election was that there were 3 elected candidates whose margin of difference with their nearest rival Candidates was less than the number of rejected votes. For instance, Saitlawma of the M.U. won by just 33 votes and the number of rejected vote was 112. Also Lalkunga INC won by 60 votes while the rejected votes was 82. In another case, R.Dotinaia secured 125 votes more than his nearest rival INC candidate and the rejected votes was 129.

64 Ibid p - 28.
The number of votes polled by the contesting Political Parties was as follows. Of the total numbers of votes polled i.e. 114,366. The number of votes polled per sent out of 30 Seats was 3812. The M.U. polled 39,645 votes or 32.66 percent and won 21 seats. The INC polled 34,421 votes or 28.36 percent and won 6 seats. The MLP polled 15,231 votes or 17.49 percent and won no seat. The S.P. polled just 1,713 votes or 1.41 percent and drew blank. The Independents no affiliated to any Political Parties polled 20,313 votes or 16.76 percent and bagged 3 seats.65 The highest number of valid votes polled was 2126 out of the total 2381 or 89.29 percent, secured by H.K.Chakma in 5-Demagiri Constituency, while the lowest was 28 votes out of the 4153 valid votes polled, obtained by K. Chalthuama S.P. Candidate from 15-Suangpuilawn Constituency. The biggest margin of difference between the elected candidate and his nearest rival candidate was a huge 1871 votes in 5-Demagiri Constituency and the lowest margin was just 33 votes in 8-South Vanlaiphai Constituency.66

SECOND GENERAL ELECTIONS : 1978

The Second General Elections to the Mizoram Union Territory Legislative Assembly was held on the 17th and 20th May, 1978. Counting of votes for the 21 Constituencies in Aizawl District started on the 21st May. Which continued till the 25th May. In Lunglei District, counting commenced on the 22nd May for the 5 Constituencies which extended upto the 25th May. As for the 4 Constituencies within

65 Ibid p - 27
66 Ibid p 29 - 32.
Chhimtuipui District, counting of votes in Constituencies began on the 24th May and was completed on the same day. While counting of votes for the lone 4-Chawngte Constituency was carried out on the 25th May. This arrangement was made by the Returning Officer as several polling parties from the interior polling stations bringing the ballot boxes required to cover long distances and the only available means of transport in some of the Polling Stations was either hiring of ponies or praters to carry the Polling materials. It was a Stupendous task for the Polling Parties if the Ballot Boxes were again brought to the counting centre at Saiha as a result of which counting of votes for the Constituency would then be delayed for another day.\(^67\)

Before the General Election to the Lok Sabha held in 1971, the votes were counted Polling Station wise. On the eve of the 1971 General Election, the system was changed and a new system of counting after mixing the ballot papers of the entire Assembly Constituency or the Assembly segment of a Parliamentary was introduced. The experience, however, showed that the newly introduced system was quite time consuming, labourious and complicated with the result that the counting had to be continued for very long hours and the declaration of result was considerably delayed which added tension in the already surcharged atmosphere in the Constituency. This system has, therefore, been dispensed with and the old system of counting of votes polling station wise has now again been revived. Thus the ballot papers will not hereafter be mixed before they are taken up for detailed scrutiny and the votes recorded

\(^67\) Election File Records (Counting of votes) 1978. Deputy Chief Electoral Officer Office, Mizoram
thereon will be counted soon after they are taken out of the ballot boxes Polling Station-wise.

The Returning Officers during the Second General Election, 1978 were aware of the heavy responsibilities lying on their shoulders in order to ensure proper, systematic and accurate counting, imparted training and rehearsals to the counting Supervisors and Counting Assistants well in advanced. Counting of votes in all the 30 Constituencies was completed without any untoward incident or disturbances. However, the results of 12-Champhai Constituency was withheld by the Returning Officers as 342 Ballot Papers were found with counterfoils and with proper marks of voter’s seal on them in 1-Champhai Polling Station. A complaint in this regard was submitted to the Returning Officer by the Election Agent of the MCC Candidate in the Constituency. The Returning Officer, after holding the consultations and verification made in the presence of the contesting candidates came to a conclusion that, the presence of proper marks of voters seals on the ballot papers in anyway indicated clearly that the vote casts were intended for a particular candidate (Rule 56 (2). Further, after counting the 342 ballot papers and each of the 5 candidates thereon credited with the votes given to him, did not however alter the outcome of the result as already available from the completed counted votes in the rest of the Polling Stations. Accordingly, the result of the Constituency was declared by the Returning Officer, wherein the MCC President and its candidates Lalthanhawla was elected, defeating his
nearest P.C. candidate by a margin of 69 votes. The Presiding Officer of the Polling Station was issued warning for dereliction of duties.68

The number of seats available for contests remained the same 30, as in the First General Election, 1972. The number of straight contest was again only one, though this time in a different constituency, in 1-Tuipang. The Candidates Polling an absolute majority of the votes polled was again six, these six candidates comprised of 1 independent, 1 MCC and 4 PC. Of the candidates elected by a majority vote, 18 belonged to PC, 3 MCC, 2 Independent and 1 to the MJP. None of the Political Parties contested all the 30 seats available. The number of candidates who forfeited their security deposits went up to considerable high 82. This showed that out of the 124 unsuccessful candidates only 42 did not forfeit their deposits.

The P.C. contested 28 seats and captures 22 seats polling 52,640 votes out of the total valid 1,40,470 votes polled. MCC contested 26 seats polling 30,825 votes and was able to bag just 4 seats. The Independent candidates together polled 23,235 votes winning 3 seats. MJP contested 28 seats with only 1 returned seat and polled 21,785 votes. The M.U. and MDF contested in 16 and 15 Constituencies respectively and polled 9,847 and 2,138 votes each with not a single return. K. Lalsanga P.C. candidate in 6-Buarpui Constituency polled 2053 votes out of the 2589 valid votes polled in the Constituency. The biggest margin of defeat out of the total valid votes polled was also credited to K. Lalsanga who defeated his nearest MJP rival candidate by a margin of 1661 votes. The smallest margin was in 20-Kawrthah Constituency where P.C.

68 Ibid.
candidate C. Vulluaia could just manage to secure 934 votes, closely followed by three other candidates each of whom received 883,853 and 827 votes. The candidates in the fifth standing also obtained 539 votes while the remaining 4 candidates shared between them the 865 left over votes. The rejected votes was 110, a considerable amount in view of the close contests among the candidates. Another interesting feature of this Election was the decisive manner in which the majority of the elected candidates won over their nearest rival candidates. In the over all round up, there was 1 Constituency where the margin was above 2500 votes, in 5 Constituencies above 1000 votes, in 6 Constituencies above 800, in 3 Constituencies above 400 votes, and in another 3 Constituencies above 300 votes. The reason perhaps was partly reflected by the fact that the electorates were tried of the management under the out going Congress led Ministry and were eager to have a change in the system and also to have rendered to the P.C. candidates by the armed underground MNF personnel during the election campaign as alleged by the opposition parties may also be the factor.

The Opposition parties which included the MCC, MJP, MU and MNU jointly submitted a memorandum to the Prime Minister of India on the 21st June, 1978 highlighting that the just concluded Mizoram Legislative Assembly Election held in May, 1978 were “strewn with irregularities at all stages, from electioneering to the declaration of the result and it is strongly suspected that the General Election in question was rigged effectment with comfortable majority. Hence, they demanded that fresh poll be held which shall be free and fair in all respects so that Mizoram may have
a real popular Government as against the present one which is not at all regarded as a representative Government in the strict sense of the term”.69

THIRD GENERAL ELECTIONS: 1979

Counting of votes in the Third General Elections. 1979 commenced after 4 days of the date of poll in Aizawl District, 1 day after the date of poll in Lunglei District and 6 days after the date of poll in 3 Constituencies within Chhmituipui District. Counting also commenced separately for 4-Chawngte Constituency after 5 days of the date of poll. With the completion of counting of votes in 3 Constituencies in Chhmituipui District on the 3rd of May, 1979, counting in all the 30 Constituencies was concluded without any serious lapse or failure.70

The total number of rejected votes out of the total valid votes polled 1,64,800 was 1546 or 1.94 percent. 4-Chawngte Constituency recorded the highest number of rejected votes 206. In the two previous General Elections in 1972 and 1978 also, 4-Chawngte has recorded the biggest number of rejected votes amongst the 30 Constituencies. The majority of the electorates comprised of the Chakmas who constituted more than 70 percent of the entire electorate in the Constituency. The seven Non-Chakma candidates who have contested from the Constituency in the three General Elections of 1972, 1978 and 1979, all of them forfeited their security deposits.

69 A joint Memorandum submitted to the Prime Minister of India by the Mizoram Congress Committee, Mizoram Janata Party, Mizo Union and Mizo Democratic Front.

70 Report of 1979 General Elections to Mizoram Legislative Assembly: Prepared by CEO, Mizoram p-4
The Constituency always returned a Chakma candidate. The literacy rate of the Chakma as compared with other tribes living in Mizoram was relatively low, as evident from the following figures:

### Table 20

**Crude Literacy Rates of Different Tribes (Mizoram)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Chakma</th>
<th>Kuki (Any)</th>
<th>Lakhher</th>
<th>(Lushai) Any Mizo</th>
<th>Pawi</th>
<th>Hmar</th>
<th>All Tribes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>12.29</td>
<td>19.25</td>
<td>20.65</td>
<td>48.87</td>
<td>21.04</td>
<td>48.83</td>
<td>43.34</td>
</tr>
<tr>
<td>1971</td>
<td>21.39</td>
<td>14.33</td>
<td>32.97</td>
<td>60.04</td>
<td>38.52</td>
<td>54.27</td>
<td>53.49</td>
</tr>
<tr>
<td>1981</td>
<td>14.70</td>
<td>27.16</td>
<td>41.52</td>
<td>67.76</td>
<td>54.01</td>
<td>63.98</td>
<td>59.63</td>
</tr>
</tbody>
</table>

Sources: Seminar Paper Presented by R.G. Mitra, on Literacy among the different tribes in Mizoram.

A conclusion as to the reason for 4-Chawngte Constituency recording the largest number of rejected votes in every General Election since 1972, thus may partly be due to the low literacy rates of the Chakmas who constituted the majority of the electorates in the Constituency.

There was no straight contest and all the 30 seats were a multiple contest. Five candidates polled an absolute majority of the votes polled and all of them belonged to...
P.C. On the average the margin of difference between the elected candidates and the closest candidate was 510 votes. The number of candidates, forfeiture of deposits, seats won and the votes polled by parties and Independents,\textsuperscript{71} in the Elections 1979 are as given in the Table below:

### TABLE - 21

**Numbers of Votes Polled, Seats won and forfeiture of deposits by Poll Parties in 1979.**

<table>
<thead>
<tr>
<th>PARTY</th>
<th>SEATS CONTESTED</th>
<th>VOTES POLLED</th>
<th>SEAT WON</th>
<th>FORFEITURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INDIAN NATIONAL CONGRESS</td>
<td>25</td>
<td>39,115</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>MIZO UNION (IND)</td>
<td>21</td>
<td>13,346</td>
<td>Nil</td>
<td>16</td>
</tr>
<tr>
<td>PEOPLES CONFERENCE</td>
<td>27</td>
<td>53,515</td>
<td>18</td>
<td>4</td>
</tr>
<tr>
<td>MIZORAM JANATA PARTY</td>
<td>30</td>
<td>21,435</td>
<td>2</td>
<td>19</td>
</tr>
<tr>
<td>MIZO DEMOCRATIC PARTY (IND)</td>
<td>4</td>
<td>925</td>
<td>Nil</td>
<td>4</td>
</tr>
<tr>
<td>PEOPLE CONFERENCE 'B'(IND)</td>
<td>23</td>
<td>22,259</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>INDEPENDENT</td>
<td>20</td>
<td>13,206</td>
<td>1</td>
<td>10</td>
</tr>
</tbody>
</table>

\textsuperscript{71} p. 27 - 29.
The figures indicated that the morality rate among the Independents and minor Political Parties was very high, while the major Political Parties fared much better maintaining a consistant performance. The fingers also revealed the preference of the electorates of the Political Party Candidates over Independents as their representative to the Mizoram Legislative Assembly.

FOURTH GENERAL ELECTIONS: 1984

The Fourth General Election to Mizoram Legislative Assembly was held on the 25th April, 1984 for 29 Assembly Constituencies. The Election to 10 - North Vanlaiphai Constituency was countermanded due to the death of a contesting candidate from the Constituency and as a result the Election for 10 - N. Vanlaiphai was held on the 27th June, 1984. Excepting for Chhimtuipui District, where there was three days gap between the date of poll and the date of counting mainly due to the lack of facilities in transport and communication there was just one day gap in both Aizawl and Lunglei District. The counting of votes for the single 10 - North Vanlaiphai Constituency was taken up the 29th June at 8:00 AM and was completed at 9.15 AM the same day.72

The number of counting supervisors and counting Assistants including the reserved was 224 for the three Districts. Each counting table like in all the previous Elections was manned by one counting supervisor and two counting Agents, candidates and their election agents were also present at the time of counting. Pending counting of

votes the ballot boxes were stored and guarded with greatest care at the counting centres.

The total number of rejected votes was 2526 including 10-N.Vanlaiphai Constituency, corresponding to 1.30 percent of the total votes polled. 4-Chawngte Constituency has again the unfortunate distribution of recording the largest number of rejected votes, totalling 207. Apart from 4-Chawngte, 5-Demagiri Constituency was yet another Constituency which has also been witnessing a large number of rejected votes in all the previous General Elections. This Constituency was also the Chakma’s dominated area and has accordingly also returned a Chakma candidate in all the four General Election. The hypothesis that, a Constituency where the Chakmas are in majority, it always return a Chakma Candidate and that the number of rejected votes has also been higher than the rest of the Chakmas living in Mizoram proved to be true in all the successive General Elections.

An interesting feature of the fourth General Election was the presence of a close contest between the Candidates in contrast with the second General Elections, 1978. There was a narrow contest in 19 Constituencies where the margin of difference between the elected candidate and his nearest rival was less than the number of rejected votes in each of the Constituency. The average margin of difference in the 29 Constituencies, excluding N. Vanlaiphai was 296 votes as against 201 in 1972, 617 in 1978 and 510 votes in 1979. There was just one straight contest and in all; only three candidates polled an absolute majority of the votes polled, of whom belonged to INC and IPC.
The total number of votes polled, excluding North Vanlaiphai was 1,85,889. The Congress polled 74,005 votes or 29.05 percent and won 19 seats. The peoples conference polled 66,065 votes or 26.34 percent and won 8 seats. The Mizo Convention, Mizo Union, Mizo Peace Forum together polled 36,039 votes or 14.35 percent with none of them winning a seat. The candidates who forfeited their security deposits consisted of 63, Biakthanga, an Independent candidate had the dual unique feature of polling only 3 votes, 1 vote less then his previous record in 1979 Election form the same 2-Sangau Constituency.

There was a recount of votes in the two Constituencies of 2-Sangau and 27-Aizawl North. The Peoples Conference candidate, H. Rammawi in 2-Sangau submitted an application to the Returning Officer as permitted under Conduct of Election Rules 63(2) to recount the votes of all Polling Booths within the Constituency. In the first counting H. Rammawi was trailing by 4 votes behind the INC candidate K. Sangchhuma. When the second counting was completed, there was a differing result, as one vote was then declared invalid vote. Of the 3 votes remaining differences between the two, it was also discovered that one ballot paper did not bear the arrow mark, though there was a distinct mark stamped on it in favour of K. Sangchhuma. The Returning Officer in accordance with Rule 56 (2) declared it as valid, and therefore, K. Sangchhuma was accordingly declared elected securing 1802 votes as against H. Rammawi who obtained 1799 votes, a difference of 3.73 In another incident, on the

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73 Election File Records (Counting of Votes) 1984
Deputy Chief Electoral Officers Office, Mizoram.
Assembly Elections.
application of P.C. Bawitluanga the INC candidate from 27-Aizawl North Constituency for a recount of votes of all Polling booths, the Returning Officer under Rule 63 (3) permitted a recount of the votes in part only. On the completion of the partial recount, there was no differing result from the first counting. P.C. Bawitluanga submitted an Election Petition to the Gauhati High Court challenging the Election of Zairemthanga, who won by a margin of just 2 votes.74

FIFTH GENERAL ELECTIONS : 1987

Polling in the 39 Assembly Constituencies was taken on the 16 February, 1987. In 5-Chawngte Constituency, the only contesting candidate Nirupam Chakma of the INC was declared elected unopposed by the Returning Officer on the 27th January, 1987 in accordance with the Provision of Section 53 of the Representation of the People Act 1951.

Counting of votes in the three Districts commenced on the 17th February, 1987. Due to the increase of the Assembly Constituencies from 30 to 40, each counting table was manned by two counting Supervisors and two counting Assistants. In keeping up with the instructions and direction of the Election Commission, only those amongst the State Government Gazetted Group ‘A’ Officers were appointed as counting supervisors, and as counting Assistants from the Gazettes Group ‘B’ Officers.75

Excepting for two minor complaints, counting of votes of all the 39 Constituencies was completed without any serious administrative irregularities. The

74 Ibid.
Joint Secretary of the MNF General Headquarters submitted a complaint to the Chief Electoral Officer against the Presiding Officers of Saihapui and Pangbalkawn Polling Stations under 24-Bilkhawthlir and 23-Kolasib Constituencies, stating that the Presiding Officers concerned did not obtain the signature of the Polling Agents of MNF at the time of closing the slit of the Ballot Boxes after the poll. Accordingly, the Chief Electoral Officer directed that proper checking of the ballot boxes of the two Polling Stations should be under-taken in the presence of the Candidates and counting concerned in the counting Hall and also proper checking of the ballot paper accounts be carried out.76

The total number of rejected votes accounts for 2691 votes or 1.15 percent, an all-time lowest record of all the General Elections held in Mizoram. This may be attributed to two main factors:

(1) Increased political consciousness of the electorate and General awareness of the mechanics of Elections by the voters' and,

(2) Efforts of the Election Officials in their readiness to educate and guide the vast bulk of the electorates, particularly those in the villages.

The Candidates securing an absolute majority of the votes polled were six. Of these, four belonged to the MNF and two INC. There was straight contest only in 1 Constituency. An interesting feature of this Election was the decisive manner in which the elected candidates win over their rival candidates, the highest of all the General

76 Ibid
Elections. In 3 Constituencies, the margin was above 1600; in 8 above 1200 votes; 700 votes above in 5 Constituencies; 500 above in 5; 300 votes above in another 5 and in 7 Constituencies above 200 votes. This was relatively high when the number of votes in a single Constituency was considered. The average number of voters per Assembly Constituency was 8038 for all the 40 Constituencies.

The INC contested 40 seats and won 13 seats. None of its unsuccessful candidates however forfeited their deposits. The MNF contested 37 seats and won 24 seats, with one of its unsuccessful candidate forfeiting his deposits. PC contested in 36 constituencies and won 3 seats. Four of its unsuccessful candidates forfeited their deposits. MNU who for the first time contested in the Mizoram Legislative Assembly Elections in 27 Constituencies failed to capture even a single seat and 19 of them forfeited their deposits. Of the 11 unsuccessful Independent candidates, only 3 did not forfeit their deposits.

Of the 2,30,865 valid votes polled in the 39 Constituencies, the INC polled 76,152 votes or 32.98 percent. PC 54,717 votes or 23.70 percent, MNF polled 84,549 votes or 36.62 and MNU received 7688 votes or 3.36 percent.

SIXTH GENERAL ELECTIONS : 1989

The General Election, 1989 was advanced to a date earlier than the due date because of the dissolution of the Legislative Assembly on 7.9.1988. Polling for all the forty Assembly Constituencies of Mizoram was held on the 21.1.89.
The Returning Officers made proper arrangement for safety custody of the polled ballot boxes in each District Headquarters. Representatives of Political Parties were allowed to remain at the receiving section and custody section at the time of arrival of the polled Ballot Boxes and depositing to the Custody Section. All the result in respect of all Assembly Constituencies within Chhimtuipui District was declared by the Returning Officer on 23.1.89. Likewise the results of the 7 Constituencies in Lunglei District, counting of votes for the 28 Constituencies started on the same day, it was completed the next day 24.1.89. Counting of votes for 30/2 Serchhip -II Polling Station under 30-Serchhip Constituency where re-poll was held on 27.1.89 was completed on the same day. The efforts of the State Election machineries to avoid an inexplication gap between the date of poll and the commencement of counting was highly commendable.

However, the night of Polling day and the following day the 22nd January 1989 witnessed intense political activity with the Party Leaders and workers of Peoples Conference thronging the Aizawl Club premises, the Venue of the Counting Centers for Aizwal District, owing to the alleged fear of rigging the polls by the Congress (I) Party.

The alleged charges of rigging was led due to the fact that empty ballot boxes were found inside the Conference Room of the Circuit House Annexe against the knowledge of the Returning Officers. The Circuit House Annexe located near the Counting Centre, Aizawl Club. The PC Party Leaders remarked “In all previous Elections, used Ballot Boxes were deposited in a strong Room made available in the corner of the main Aizawl Club Building. The Strong Room was deemed convenient as
well as safe for depositing Ballot Boxes. But the Poling authorities this year had rejected the Strong Room used in all the previous Elections. Why? Further, they alleged that certain Ballot Boxes were brought back to Aizawl from certain Polling Stations even before the closing hour of Polling Station. The Secretary (Election) of PC General Headquarters sent a Telegram message to the Chief Election Commissioner of India requesting him to suspend counting of votes of Mizoram Legislative Assembly Election until and unless verification was made that there was no rigging. The Party also made subsequent petitions to the Governor of Mizoram and the Party President Brig. T. Sailo sent letters to the State Chief Electoral Officer strongly demanding immediate enquiry be made on the various charges submitted.

According, on the basis of the enquiry and evidence brought before him, the CEO communicated to the PC Party Leaders stating the empty Ballot Boxes reported to be found in Conference rooms of Circuit House Annexe were those used for practical training for Polling Officers with the knowledge and instruction of the returning Officer. Regarding early arrival of Ballot Boxes from certain Polling Stations, the Presiding Officers concerned were located and it was ascertained that they did not leave their respective Polling Station before the closing hours of Polling except from one Polling Station namely, Luangmuat falling under 22 - Kawnpui Constituency. The Presiding Officers of Luangmuat Polling Station stated that there were 175 voters in the Polling Station out of which 4 were dead and 8 persons were double entry in the

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ON CASES OF VOTES RIGGING
Electoral Roll and another 6 were out of Station. There was an old woman of about 97 years of age who declined to cast her vote. When all the available voters numbering 161 had cast their votes by 12.30 PM and he was fully satisfied that no one was left in the Polling Station to cast vote, the Presiding Officers closed the Ballot Box with the prior consent of the Polling Agents and Leaders of Political parties available in the Polling Station and left for Aizawl to deposit the ballot Boxes at the counting centre.78

However, Brig. T Sailo did not demanded that a proper enquiry during the day time be made, falling which the PC Party would unilaterally decide its own course of action to demand justice for the people of Mizoram as applicable under the Indian Constitution. In his reply, the CEO wrote that since the subject matter concerning the allegation contained in the complaints was basically and exclusively within the purview of the Returning Officers as per existing rules and in any case copies of the complaints having been endorsed to them, the concerned Returning Officer have been requested to look into the matter and further since the Party Leadership have expressed their dissatisfaction over his findings and since under the existing rules such matters are to be looked into by the Returning Officers, they have been requested to look into the complaints.79 The President of the MNF General Headquarters, Laldenga had also on the 23.1.89 sent a telegram massage to the Chief Election Commissioner, New Delhi which was followed by a much more comprehensive details on the complaint of malpractice and riggings in the General Election to the Mizoram Legislative Assembly,

78 Election File Records (Counting of votes) op. cit.
79 CEO/EBCN/PB/88-89. Dated Aizawl, the 22 Jan; 1989.
1989 and thereby "demanded prompt inquiry into those blatant acts of lawlessness as
the new Ministry was nothing but a rigging Ministry and does not represent the free will
of the electorate".80 However, with no further instruction from the Commission CEO
ordered the counting of votes to be carried out as scheduled on 23.1.89. With regard to
the Presiding Officers of Lungmuat Polling Station, following the instructions of the
Election Commission, a suitable warning was given to him for dereliction of duty.81

After the completion of the Counting of Votes, the total number of rejected
votes come to 2349 corresponding to 1.06 percent of the total valid votes polled
2,26,490. 5-Chawngte Constituency recorded the highest 186 rejected votes. Five
candidates secured an absolute majority of the votes polled and all of them belonged to
the Congress. There was no straight contest. The average margin of difference between
the victor and the nearest rival candidates was 452 votes. The INC contested in 34
Constituencies and won 23 seats. The allies of the INC, the MNF ‘D’ contested in 6 and
won 2 seats. The MNF secured 14 seats out of the total 40 seats it contested. PC Party
could bag just 1 seat out of the 38 it contested. While none of the unsuccessful
candidates of the INC and its partner of the MNF ‘D’ forfeited their deposits 13 and 1
each respectively of the P.C. and MNF unsuccessful candidates forfeited their deposit.
Out of the 36 candidates of MNU, 35 forfeited their deposit and all the other
Independent candidates forfeited their deposits.

80 Memorandum submitted by MNF President to the Chief Election Commissioner, N. Delhi.
81 Secretary, Education, Government of Mizoram, Memo No. ECL (PF) 20/73. Dated Aizawl, 19th June 1989.
The INC polled 93,561 votes or 34.84 percent. MNF polled 94,763 votes or 35.29 percent, PC 52,813 or 19.67 percent MNU 8251 or 3.07 percent. The allies of INC, the MNF 'D' polled 13,709 or 5.10 percent. The Independents including HPC and CJP together polled 5393 votes or 2.00 percent of the valid Votes polled.

APPRAISAL:

As examined from the analysis of the conduct of Polls and Counting of Votes in Mizoram Legislative Assembly Elections, The following figures have been worked out.

**TABLE - 22**


<table>
<thead>
<tr>
<th>SL. NO.</th>
<th>PARTICULARS</th>
<th>NUMBERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Countermanded Poll</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Adjourned Poll</td>
<td>1</td>
</tr>
<tr>
<td>3.</td>
<td>Re - poll</td>
<td>1</td>
</tr>
<tr>
<td>4.</td>
<td>Tendered Votes</td>
<td>137</td>
</tr>
<tr>
<td>5.</td>
<td>Mistakes and irregularities committed by Officials</td>
<td>6</td>
</tr>
<tr>
<td>6.</td>
<td>Infirm or blind voters</td>
<td>1793</td>
</tr>
<tr>
<td>7.</td>
<td>Loss of Ballot Papers</td>
<td>2</td>
</tr>
<tr>
<td>8.</td>
<td>Challenged votes</td>
<td>NIL</td>
</tr>
<tr>
<td>9.</td>
<td>Inpersonation of voters</td>
<td>NIL</td>
</tr>
<tr>
<td>10.</td>
<td>Interchanged of Ballot Papers and Ballot Boxes</td>
<td>NIL</td>
</tr>
<tr>
<td>11.</td>
<td>Re - count of votes</td>
<td>2</td>
</tr>
</tbody>
</table>
The above Statistic is as much demonstrative of greater administrative efficiency as of higher Political consciousness of the Mizo electorates as well as the tightening of the existing Provision of Law, adroit deployment of Security Forces and the co-operation of the candidates and Political Parties alike. However, though it may not be put in black and white, the conduct of Elections 1972 to 1989 was not altogether totally devoid of the various Election practices and the kind as witnessed in other States. Impersonation of voters, providing conveyance of voters, exceeding of ceilings on Elections expenditures as fixed by the commission, misuse of powers by the Electoral Officers and Officials connected with Elections against some Parties or Candidates etc; have all along been reported to have taken place in all the General Elections. However, as none of the Political Parties or candidates given the chance refrained from such corrupt practices, most of the malpractices went unnoticed by the Election authorities since no report or complaint came forth from any quarter. It was for a matter of record that the verdict of the electorates in the first, fourth and fifth general Elections held in 1972, 1984 and 1987 was deemed to have accepted by all Political Parties as there was little or no voice raised against its out-come from the Opposition Parties. Whereas in the second, third and sixth General Elections, the Opposition Parties actively united in their effort to hold a fresh poll.

The Mizoram Congress Committee for instance alleged that in the second and third General Elections, the People's conference owed much of its success to the underground Mizo National Front. In a joint memorandum submitted to the Prime Minister of India, the Opposition Parties comprising of the MCC, MJP, MU and MDF
demanded holding of a fresh poll. They alleged that “the last General Election to the Mizoram Legislative Assembly held in May 1987 were strewn with irregularities at all stages, from election eering to the declaration of result. Unfair means were adopted in regard to preparation of Electoral Rolls, Election campaign, tempering of Ballot Boxes, impersonation and others unheard of in the past several Elections in Mizoram”\(^\text{82}\).

In the sixth General Elections held in 1989, the Opposition Parties were vigorous in their attempt to hold a fresh Election. The then two leading Opposition Parties the MNF and PC seperately submitted petitions to the Chief Election Commissioner of India even before the counting of votes commenced demanding the suspension of counting of votes and holding of a fresh poll. The Opposition Parties alleged that “right from the first stage, i. e., Registration of names in the electoral roll till the final stage, i.e; counting of votes, countless irregularities have pervaded all through”\(^\text{83}\).

It could therefore, be concluded that despite the absence on records of impersonation of voters or other corrupt practices which otherwise was plentiful, the seed of corruptions and deliberate violation of Election Rules and Regulations have all along penetrated the electoral arena in Mizoram. However, to the credit of the public in general and in particular the Election Machineries, the extent of such corrupt practices and offences have not been as large and alarming in Mizoram when compared with

\(^{82}\text{Joint Memorandum of Congress, MJP, MU, and MDF submitted to the Prime Minister of India on the 21st June, 1978.}\)

\(^{83}\text{Memorandum submitted by the People’s Conference Party to the Chief Election Commissioner, N Delhi, January, 1989}\)
other states in the country. The encroach of any kind of malpractices and the kind have by and large been checked and minimised owing to the zealous efforts of the biggest Non-Political Voluntary Organisation in Mizoram, viz, the Young Mizo Association. The contribution of the Church Organisation in this regard was also highly commendable.