

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9212 OF 2026
[Arising out of SLP(C) No.11399/2026]

RUSTOM CHAKMA

APPELLANT(S)

VERSUS

THE STATE OF MIZORAM & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. The instant appeal challenges the judgment dated 04.02.2026 passed by a Division Bench of the Gauhati High Court, Bench at Aizawl (High Court), whereby the Petitioner's challenge to the *vires* of Rule 4 of the Chakma Autonomous District Council (Constitution, Conduct of Business etc.) (Amendment) Rules, 2003 (Impugned Rule) has been dismissed.
3. The Sixth Schedule of the Constitution of India provides for three Autonomous Districts in the State of Mizoram, namely the Chakma District, the Mara District, and the Lai District. Each Autonomous District, in accordance with the Constitutional Scheme, is governed by an Autonomous District Council (ADC).
4. The Chakma ADC notified the Chakma Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2002 on 08.08.2002. Rule 11(a) thereof, as it stood

then, reads as follows:

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

[Emphasis supplied]

5. As such, the Rules barred a person from simultaneously holding the membership of two ADCs or of the ADC and the Mizoram Legislative Assembly. It is noteworthy that such a restriction was also present in the analogous Rules governing the Mara ADC as well as the Lai ADC.

6. Through the Impugned Rule, however, the Chakma ADC removed the prohibition of dual membership of the Chakma ADC and the Legislative Assembly from Rule 10. Accordingly, the restriction was only against being a member of two ADCs, but the member of the Chakma ADC could also be elected to the Mizoram Legislative Assembly. For fullness of the instant order, let us reproduce Rule 11, as amended by the Impugned Rule:

"11. Vacation of seats:- 1) No person shall be a member of the District Council of two or more Autonomous Districts and if a person is so elected a member of two or more District Councils, then at the expiry of twenty one days from the date of publication in the official Gazette of the declaration that he has been so elected or if such publication has been made on different dates, from the latest of such dates, then the person's seat in the District Council of all such Autonomous Districts shall become vacant unless he has previously resigned his seat in the District Councils of all but one of the Autonomous Districts. Such vacancies shall be notified by the Governor in the Official Gazette."

[Emphasis supplied]

7. Challenging the vires of the Impugned Rule, whereby the above-mentioned restriction has been removed from the Rules of the Chakma ADC, the Appellant approached the High Court by way of PIL No. 2/2024.

8. *Vide* the Impugned Judgement, the High Court has dismissed the said PIL, holding that Articles 101 and 190 of the Constitution do not bar a member of an ADC from becoming a member of a State Legislative Assembly. For this purpose, the High Court also relied upon the opinion of the Election Commission of India and that of the Governor of the State, which followed the same reasoning.

9. The aggrieved Appellant has now filed the instant

Appeal.

10. We have heard learned counsel for the parties briefly.

11. This Court, on 13.04.2026, noting that the dual-membership bar for an ADC and the Legislative Assembly had also been removed through a 2003 Amendment in the Rules governing the Mara ADC, passed the following order:

"1. From the impugned judgment of the High Court, it appears that there is a bar on dual membership for the members of the Lai Autonomous District Council, but no such bar has been prescribed for the Chakma and Mara Autonomous District Councils. In fact, any such bar in respect of the latter two District Councils has been expressly removed through the impugned amendment.

2. Issue notice, returnable on 20.07.2026."

12. In continuation of the above-reproduced order, we are of the considered opinion that all the ADCs ought to be at par for the purpose of bar against dual membership. At present, the Lai ADC still retain the bar against dual membership of the ADC and the Legislative Assembly.

13. Consequently, we direct Respondent Nos. 7 and 8, especially the Chief Executive Member of the Chakma ADC, as also the Chief Executive Member and the Chairperson of the

Mara ADC, to take up the matter and consider the desirability of recalling the Impugned Rule, as a result whereof, the original version of Rule 11 of the Chakma Autonomous District Council (Constitution, Conduct of Business etc.) Rules, 2002 would stand restored. The Registry is directed to convey a copy of this order to the above office-bearers for necessary compliance.

14. Let an appropriate decision be taken within a period of three months. If the needful is not done within the stipulated period, the Appellant and/or the State of Mizoram shall be at liberty to approach this Court again.

15. Consequently, the Impugned Judgment dated 04.02.2026 of the High Court is set aside to the aforesaid extent.

16. The appeal stands disposed of in the above terms.

17. The pending application also stands disposed of.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

.....J.
(V. MOHANA)

**NEW DELHI;
JULY 20, 2026**

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).11399/2026

[Arising out of impugned final judgment and order dated 04-02-2026 in PIL No. 2/2024 passed by the Aizawl Bench of Gauhati High Court]

RUSTOM CHAKMA

Petitioner(s)

VERSUS

THE STATE OF MIZORAM & ORS.

Respondent(s)

IA No. 114626/2026 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 20-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) :Mr. Siddhartha Borgohain, Adv.
Ms. Farhat Jahan Rehmani, AOR
Mr. Baplu Chakma, Adv.
Mr. Wati Temjen Jamir, Adv.

For Respondent(s) :Mr. Biswajit Deb, Advocate General
Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.

Mr. Nitesh Kumar Singh, Adv.
Mr. Anand Shankar, AOR
Mr. Amit Kumar, Adv.
Mr. Devender Singh, Adv.
Ms. Shuaiza Amani, Adv.
Mr. Ayush Goyal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is disposed of in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR

(signed order is placed on the file)

