

The Disputed Elections (Prime Minister and Speaker) Rules, 1977

UNION OF INDIA

India

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Rule

THE-DISPUTED-ELECTIONS-PRIME-MINISTER-AND-SPEAKER-RULES of 1977

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The Disputed Elections (Prime Minister and Speaker) Rules, 1977 Published vide the Gazette of India, Extraordinary, Part 2, Section 3 (ii), dated 19th March, 1977 (w.e.f. 19th March, 1977).

2067.

S.O. 246 (E), dated 19th March 1977. - In exercise of the powers conferred by Section 3 of the Disputed Elections (Prime Minister and Speaker Ordinance, 1977 (4 of 1977), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement.

(1) These rules may be called the Disputed Elections (Prime Minister and Speaker) Rules, 1977. (2) They shall come into force of the date of their publication in the Official Gazette.

2. [Definitions. - In these rules unless the context otherwise requires,-

(a) "Act" means the Disputed Elections (Prime Minister and Speaker) Act, 1977 (16 of 1977); (b) "Election Commission" means the Election Commission appointed by the President under Art. 324 of the Constitution; (c) "Registrar" means the persons designated as such by the Election Commission; (d) "Section" means a section of the Act; (e) expressions not defined herein but defined in the Act have the meanings respectively assigned to them in the Act.]

3. Steps for convening a

[Authority] [Substituted by S. O. 297 (E), dated 21st April, 1977 (w.e.f. 21st April, 1977)]. - (1) As soon as may be after a petition is presented under Section 8, the Election Commission shall for the purpose of convening a [Authority] [Substituted by S. O. 297 (E), dated 21st April, 1977 (w.e.f. 21st April, 1977).] under sub-section (1) of Section 4, make a request in writing to the Central Government to take such action as may be necessary in pursuance of the provisions of that section.(2)After the nomination or as the case may be, election of the members referred to in sub-section (2) of Section 4, the Central Government shall make a request to the President to appoint the Chairman and Vice-Chairman from amongst such members.(3)The Central Government shall communicate the names of the Chairman and Vice-Chairman and other members to the Election commission; and thereupon the Election Commission shall, by notification in the Official Gazette, convene [the Authority] [Substituted by S. O. 297 (E), dated 21st April, 1977 (w.e.f. 21st April, 1977)].[4. Conditions of service of member constituting the Authority. - (1) The Judge of the Supreme Court, nominated as the Authority under Section 4, will not draw any additional remuneration for discharging the function of the Authority.

2. For the journeys performed by him in connection with the work of the Authority, he with draw travelling allowance and daily allowance in accordance with Supreme Court Judges Travelling Allowance Rules 1959.] [Ibid] [Rule 2, Substituted by S. O. 297 (E), dated 21st April. 1977 (w.e.f. 21st April, 1977).]

5. Appointment of officers and other employees.

(1)The officers and other employees, if any, required for the discharge of the functions conferred on [the Authority] [Substituted by S. O. 297 (E), dated 21st April, 1977 (w.e.f. 21st April, 1977).] by or under the [Act] [Ibid], shall be made available by the Election Commission and the Election Commission shall designate one of the officers to be the Registrar of [the Authority] [Substituted by S. O. 297 (E), dated 21st April, 1977 (w.e.f. 21st April, 1977).].(2)The Registrar shall discharge such functions as may be assigned to him by [the Authority] [Substituted by S. O. 297 (E), dated 21st April, 1977 (w.e.f. 21st April, 1977).].(3)The terms and conditions of service of the officers and other employees referred to in sub-rule (1) shall be the same as are applicable to officers and employees of corresponding categories under the Central Government.

6. Publication of the order of the Council in the Official Gazette.

- As soon as may be after the receipt of an authenticated copy of the decision of [the Authority] [Substituted by S. O. 297 (E), dated 21st April, 1977 (w.e.f. 21st April, 1977).] under Section [20] [Substituted by ibid.] the Election Commission shall cause the order made by [the Authority] [Substituted by S. O. 297 (E), dated 21st April, 1977 (w.e.f. 21st April, 1977).] under Section [16] [Substituted by ibid.] to be published in the Official Gazette.

7. Fee for petition.

- The petitioner shall, at the time of presenting the petition, deposit by a crossed demand draft drawn in favour of the Pay and Accounts Officer, Election Commission, and payable of the Indian Bank, Connaught Circus, New Delhi, a sum of twenty-five rupees as the fee payable for the presentation of such petition, and the receipt in evidence of such deposit shall be filed with the Election Commission.

8. Manner of deposit.

- The sum required to be deposited by a petitioner as security for costs under sub-section (4), the further security for costs, if any, which he may be called upon to give under sub-section (5) and the security for costs which a person has to give to be joined as respondent to petition under sub-section (6), of [Section 5] [Ibid] shall be deposited by a crossed demand draft drawn in favour of the Pay and Accounts Officer, Election Commission and payable at the Indian Bank, Connaught Circus, New Delhi, and the receipt in evidence of such deposit shall be filed with the Election Commission.

9. Place of trial.

- [The Authority] [Ibid] shall hold the trial at New Delhi: Provided that if [the Authority] [Ibid] considers it necessary so to do having regard to the circumstances of the case or the convenience of the parties, it may also sit at such other places as it may deem fit.

10.

[* * *] [Omitted by ibid.]

11. Custody of records of the Council.

- The Registrar shall have the custody of the records of [the Authority] [Ibid] and shall, at the conclusion of trial of the petition by [the Authority] [Ibid.], transfer the same to the Election Commission.

12. Form of affidavit to be filed with petition.

- The affidavit referred to in sub-section (1) of [Sec. 7] [Substituted by ibid.] shall be sworn before a Magistrate of the first class or a notary or a Commissioner of Oaths and shall be in the Form annexed to these rules.

13. Application of certain provisions of the Conduct of Election Rules 1961.

- For the purposes of the trial of the petition under the [Act] [Substituted by ibid.], rules 93 and 94 of the Conduct of Election Rules, 1961 made under the Representation of the People Act, 1951 (43 of

1951), shall apply subject to the modification that for the references in those rules to a competent Court, references to [the Authority] [Ibid.] shall be substituted. Annexure Form of Affidavit under [Section 7] [Substituted by ibid.] [See rule 12] I, the petitioner in the accompanying petition calling in question the election of Shri/Shrimati (respondent No. in the said petition) make solemn affirmation, oath and say-(a) that the statements made in paragraphs of the accompanying petition about the commission of the corrupt practice of and the particulars of such corrupt practice mentioned in paragraph of the same petition and in paragraphs of the Schedule annexed thereto are true to my knowledge. (b) That the statements made in paragraphs of the said petition about the commission of the corrupt practice of [.....] [Here specify the name of the corrupt practice] and the particulars of such corrupt practice given in paragraphs of the said petition and in paragraphs of the Schedule annexed thereto are true to my information; (c) (d) etc., Signature of deponent. Solemnly affirmed/sworn by Shri/Shrimati at this day of 197 Before me, Magistrate of the First class Notary/Commissioner of Oaths [No. F. 23 (18)/75-Leg]