

THE REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) ACT, 1956

ACT No. 27 OF 1956

An Act further to amend the Representation of the People Act, 1951 and to make certain consequential amendments in the Government of Part C States Act, 1951.

[6th June, 1956]

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Second Amendment) Act, 1956. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

43 of 1951.

~~2. In the long title of the Representation of the People Act, 1951 (hereafter in this Act referred to as the principal Act), the words "and illegal" shall be omitted.~~ Amendment of long title.

3. In section 2 of the principal Act,—

Amendment of section 2.

(a) in sub-section (1),—

(i) in clause (b), for the words 'to a primary election', the words and letter 'the electoral college of a scheduled Part C State' shall be substituted;

(ii) after clause (b), the following clause shall be inserted, namely:—

"(bb) 'chief electoral officer' means the officer appointed under section 13A of the Representation of the People Act, 1950";

(iii) in clause (c), the words and figures "or section 24" shall be omitted;

(iv) in clause (d), for the words 'and includes a primary election', the words and letter 'or in the electoral college of a scheduled Part C State' shall be substituted;

(v) for clause (e), the following clause shall be substituted, namely:—

"(e) 'elector' in relation to a constituency means a person whose name is entered in the electoral roll of that constituency for the time being in force and who

43 of 1950

28th August, 1956, vide Notification No. S.R.O. 1890, dated the 25th August, 1956, see Gazette of India, Part II, Sec. 3, p. 1434.

Rep. by Act 18 of 1960, s. 2 + sch I (w.r. 26.12.60).

is not subject to any of the disqualifications mentioned in section 16 of the Representation of the People Act, 43 of 1950, 1950”;

(vi) clause (f) shall be omitted;

(vii) clauses (h) and (i) shall be omitted;

(viii) clauses (j), (k) and (l) shall be re-lettered as clauses (h), (i) and (k) respectively and after clause (i) as so re-lettered, the following clause shall be inserted, namely:—

“(j) ‘State Government’ in relation to a Part C State, means the Lieutenant-Governor or Chief Commissioner thereof;”;

(b) in sub-section (2), for the words ‘a Council of States constituency’, the words ‘an electoral college constituency’ shall be inserted;

(c) in sub-section (3), for the words ‘to a primary election’, the words and letter ‘the electoral college of a scheduled Part C State’ shall be substituted;

(d) sub-sections (5) and (7) shall be omitted and sub-section (6) shall be re-numbered as sub-section (5).

Amendment
of section 7.

4. In section 7 of the principal Act,—

(a) in clause (a), the words ‘or illegal’ shall be omitted;

(b) at the end of clause (a), the following words shall be added, namely:—

“or the Election Commission has removed the disqualification;”;

(c) in clause (b), the words “to transportation or” shall be omitted; and

(d) for clause (c), the following clause shall be substituted, namely:—

“(c) if he has failed to lodge an account of his election expenses within the time and in the manner required by or under this Act, unless three years have elapsed from the date by which the account ought to have been lodged or the Election Commission has removed the disqualification;”.

061 Jo Rep. by Act
Rep. by Act 5 of 1960

5. In section 8 of the principal Act, in sub-section (1),—

Amendment
of section 8.

(a) for clause (b), the following clause shall be substituted, namely:—

“(b) a disqualification under clause (c) of that section shall not take effect until the expiration of two months from the date on which the Election Commission has decided that the account of election expenses has not been lodged within the time and in the manner required by or under this Act;”;

(b) clause (g) shall be omitted.

6. In section 10 of the principal Act, for the words ‘Council of States’, the words ‘electoral college’ shall be substituted.

Amendment
of section 10.

7. For Part III of the principal Act, the following Part shall be substituted, namely:—

Substitution
of new Part
for Part III.

PART III

NOTIFICATION OF GENERAL ELECTIONS

12. For the purpose of filling the seats of members of the Council of States retiring on the expiration of their term of office the President shall, by one or more notifications published in the Gazette of India on such date or dates as may be recommended by the Election Commission, call upon the elected members of the Legislative Assembly or, as the case may be, the members of the electoral college, of each State concerned to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder:

Notification
for biennial
election to
the Council
of States.

Provided that no notification under this section shall be issued more than three months prior to the date on which the term of office of the retiring members is due to expire.

13. For the Purpose of reconstituting the electoral college for a scheduled Part C State, the President shall, by notification published in the Gazette of India, call upon all electoral college constituencies in the State to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder:

Notification
for reconsti-
tution of
electoral
colleges for
certain Part
C States.

Provided that every such notification shall be issued at the same time as a notification calling upon the parliamentary constituencies in the State to elect members for the purpose of constituting a new House of the People is issued.

Rep. by Act 58 of 1960

Notification for general election to the House of the People.

14. (1) A general election shall be held for the purpose of constituting a new House of the People on the expiration of the duration of the existing House or on its dissolution.

(2) For the said purpose the President shall, by one or more notifications published in the Gazette of India on such date or dates as may be recommended by the Election Commission, call upon all parliamentary constituencies to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder:

Provided that where a general election is held otherwise than on the dissolution of the existing House of the People, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of that House would expire under the provisions of clause (2) of article 83.

Notification for general election to a State Legislative Assembly.

15. (1) A general election shall be held for the purpose of constituting a new Legislative Assembly on the expiration of the duration of the existing Assembly or on its dissolution.

(2) For the said purpose, the Governor, Rajpramukh, Lieutenant-Governor or Chief Commissioner, as the case may be, shall, by one or more notifications published in the Official Gazette of the State on such date or dates as may be recommended by the Election Commission, call upon all assembly constituencies in the State to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder:

Provided that where a general election is held otherwise than on the dissolution of the existing Legislative Assembly, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of that Assembly would expire under the provisions of clause (1) of article 172 or under the provisions of section 5 of the Government of Part C States Act, 1951, as the case may be.

49 of 1951.

Notification for biennial election to a State Legislative Council.

16. For the purpose of filling the seats of members of the Legislative Council of a State retiring on the expiration of their term of office, the Governor or Rajpramukh, as the case may be, shall, by one or more notifications published in the Official Gazette of the State on such date or dates as may be recommended by the Election Commission, call upon the members of the Legislative Assembly of the State and all the council constituencies concerned to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder:

Provided that no notification under this section shall be issued more than three months prior to the date on which the term of office of the retiring members is due to expire."

8. In section 19 of the principal Act, for the words 'a Council of States constituency', the words 'an electoral college constituency' shall be substituted. Amendment of section 19.

9. For sections 20 and 21 of the principal Act, the following sections shall be substituted, namely:— Substitution of new sections for sections 20 and 21.

"20. Subject to the superintendence, direction and control of the Election Commission, the chief electoral officer of each State shall supervise the conduct of all elections in the State under this Act. General duties of chief electoral officers.

21. For every constituency, for every election to fill a seat or seats in the Council of States and for every election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State, the Election Commission shall, in consultation with the Government of the State, designate or nominate a returning officer who shall be an officer of Government: Returning officers.

Provided that nothing in this section shall prevent the Election Commission from designating or nominating the same person to be the returning officer for more than one constituency."

10. In section 22 of the principal Act, in the proviso to sub-section (2), the words "to the acceptance of a nomination paper or" and the words "or to the counting of votes" shall be omitted. Amendment of section 22.

11. In section 25 of the principal Act, after the words, "polling areas", the words "or groups of voters" shall be inserted. Amendment of section 25.

12. In section 26 of the principal Act, to sub-section (1), the following further proviso shall be added, namely:— Amendment of section 26.

"Provided further that nothing in this sub-section shall prevent the returning officer from appointing the same person to be the presiding officer for more than one polling station in the same premises."

13. In section 29 of the principal Act, in sub-section (1), the words and brackets '(other than a primary election)' shall be omitted. Amendment of section 29.

1512 M of Law—66

Rep. by Act 56 of 1956

Substitution of new section for section 30. Appointment of dates for nominations, etc.

14. For section 30 of the principal Act, the following section shall be substituted, namely:—

“30. As soon as the notification calling upon a constituency to elect a member or members is issued, the Election Commission shall, by notification in the Official Gazette, appoint—

(a) the last date for making nominations, which shall be the tenth day after the date of publication of the first mentioned notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(b) the date for the scrutiny of nominations, which shall be the third day after the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(c) the last date for the withdrawal of candidatures, which shall be the third day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(d) 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 after the last date for the withdrawal of candidatures; and

(e) the date before which the election shall be completed.

Explanation.—In this section, “public holiday” means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881, or any day which has been notified by the State Government to be a holiday for the Government offices in the State.” 26 of 1881.

Amendment of section 32.

15. In section 32 of the principal Act,—

(a) the words “in any constituency” shall be omitted; and

(b) after the words “this Act”, the words, letter and figures “or under the provisions of the Government of Part C States Act, 1951, as the case may be” shall be added.

Substitution of new section for section 33.

16. For section 33 of the principal Act, the following section shall be substituted, namely:—

Presentation of nomination paper and requirements for a valid nomination.

“33. (1) On or before the date appointed under clause (a) of section 30 each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon deliver to the returning officer at the place specified in this behalf in the notice issued under section 31 a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer.

Rep. by Act 58 of 1960

(2) In a constituency where any seat is reserved, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste or tribe of which he is a member and the area in relation to which that caste or tribe is a Scheduled Caste or, as the case may be, a Scheduled Tribe of the State.

(3) Where the candidate is a person who, having held any office referred to in clause (f) of section 7, has been dismissed and a period of five years has not elapsed since the dismissal, such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued in the prescribed manner by the Election Commission to the effect that he has not been dismissed for corruption or disloyalty to the State.

(4) On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls:

Provided that the returning officer shall permit any clerical or technical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the electoral rolls; and where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

(5) Where the candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or of the relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before the returning officer at the time of scrutiny.

(6) Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper for election in the same constituency."

17. In section 34 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:— Amendment
of section 34.

"(1) A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited—

(a) in the case of an election from a parliamentary constituency, a sum of five hundred rupees or where the

candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of two hundred and fifty rupees;

(b) in the case of an election from an assembly or council constituency, a sum of two hundred and fifty rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of one hundred and twenty-five rupees; and

(c) in the case of an election from an electoral college constituency, a sum of fifty rupees:

Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency, not more than one deposit shall be required of him under this sub-section."

Amendment of section 35. 18. In section 35 of the principal Act, for the words 'the persons who have subscribed the nomination paper, as proposer and seconder', the words 'the proposer' shall be substituted.

Amendment of section 36. 19. In section 36 of the principal Act,—

(a) in sub-section (1), the words "and one seconder" shall be omitted;

(b) in sub-section (2),—

(i) for the word 'refuse', the word 'reject' shall be substituted; and

(ii) for clauses (a) to (e), the following clauses shall be substituted, namely:—

"(a) that the candidate either is not qualified or is disqualified for being chosen to fill the seat under any of the following provisions that may be applicable, namely:—

articles 84, 102, 173 and 191,

Part II of this Act, and

sections 7 and 17 of the Government of Part C States Act, 1951, or

49 of 1951.

(b) that there has been a failure to comply with any of the provisions of section 33 or section 34; or

(c) that the signature of the candidate or the proposer on the nomination paper is not genuine."

(c) in sub-section (3),—

(i) for the words, brackets and letters "clause (c), clause (d) or clause (e)", the words, brackets and letters "clause (b) or clause (c)" shall be substituted; and

(ii) for the word 'refusal', the word 'rejection' shall be substituted;

(d) in sub-section (4), the word "technical" shall be omitted;

(e) for sub-section (7), the following sub-sections shall be substituted, namely:—

"(7) For the purposes of this section, a certified copy of an entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to a disqualification mentioned in section 16 of the Representation of the People Act, 1950.

(8) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the returning officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it to his notice board."

20. In section 37 of the principal Act, in sub-section (1), the word "seconder" and the proviso shall be omitted. Amendment of section 37.

21. For section 38 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 38.

"38. (1) Immediately after the expiry of the period within which candidatures may be withdrawn under sub-section (1) of section 37, the returning officer shall prepare and publish in such form and manner as may be prescribed a list of contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period. Publication of list of contesting candidates.

(2) The said list shall contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers together with such other particulars as may be prescribed."

43 of 1950.

Substitution
of new sec-
tion for sec-
tion 39.

Nomination
of candidates
at other elec-
tions.

22. For section 39 of the principal Act, the following section shall be substituted, namely:—

“39. (1) As soon as the notification calling upon the elected members or the members of the Legislative Assembly of a State or the members of the electoral college of a Part C State to elect a member or members is issued, the Election Commission shall, by notification in the Official Gazette, appoint—

(a) the last date for making nominations, which shall be the tenth day after the date of publication of the first-mentioned notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(b) the date for the scrutiny of nominations, which shall be the second day after the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(c) the last date for the withdrawal of candidatures, which shall be the third day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(d) 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 seventh day after the last date for the withdrawal of candidatures; and

(e) the date before which the election shall be completed.

Explanation.—In this section, “public holiday” has the same meaning as in section 30.

(2) The provisions of sections 31 to 38, excluding sub-sections (2) and (5) of section 33 and section 34 shall apply in relation to any such election as they apply in relation to an election in any constituency:

Provided that—

(a) any references in the said provisions to the electoral roll of the constituency shall, unless the context otherwise requires, be construed, in the case of an election by the members or the elected members of the Legislative Assembly of the State, as references to the list of members or elected members, as the case may be, of that Assembly maintained under sub-section (1) of section 152, and in the case of an election by the members of the electoral college of a Part C

State, as references to the list of members of such electoral college maintained under sub-section (2) of that section;

(b) any references in the said provisions to section 30 shall be construed as references to sub-section (1) of this section; and

(c) at the time of presenting the nomination paper, the returning officer may require the person presenting the same to produce either a copy of the electoral roll, or part of the electoral roll, in which the name of the candidate is included or a certified copy of the relevant entries in such roll.”.

23. For section 40 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 40.

“40. A candidate at an election may appoint in the prescribed manner any one person other than himself to be his election agent and when any such appointment is made, notice of the appointment shall be given in the prescribed manner to the returning officer.”.

Election agents.

24. In section 42 of the principal Act,—

Amendment of section 42.

(a) in sub-section (1), the words “whether he be the candidate himself or not” shall be omitted; and

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In the event of such a revocation or of the death of an election agent whether that event occurs before or during the election, or after the election but before the account of the candidate’s election expenses has been lodged in accordance with the provisions of section 78, the candidate may appoint in the prescribed manner another person to be his election agent and when such appointment is made, notice of the appointment shall be given in the prescribed manner to the returning officer.”.

25. Sections 43 and 44 of the principal Act shall be omitted.

Omission of sections 43 and 44.

26. For section 45 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 45.

“45. An election agent may perform such functions in connection with the election as are authorised by or under this Act to be performed by an election agent.”.

Functions election agents.

Substitution of new section for section 46.

27. For section 46 of the principal Act, the following section shall be substituted, namely:—

Appointment of polling agents.

"46. 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 candidate at each polling station provided under section 25 or at the place fixed under sub-section (1) of section 29 for the poll."

Substitution of new section for section 47.

28. For section 47 of the principal Act, the following section shall be substituted, namely:—

Appointment of counting agents.

"47. A contesting candidate or his election agent may appoint in the prescribed manner one or more persons, but not exceeding such number as may be prescribed, to be present as his counting agent or agents at the counting of votes, and when any such appointment is made notice of the appointment shall be given in the prescribed manner to the returning officer."

Amendment of section 52.

29. In section 52 of the principal Act,—

(a) for the words "If a candidate who has been duly nominated under this Act dies after the date fixed for the scrutiny of nominations and a report of his death is received by the Returning Officer", the words "If a contesting candidate dies and a report of his death is received" shall be substituted;

(b) for the first proviso, the following proviso shall be substituted, namely:—

"Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:"; and

(c) in the second proviso, for the words, brackets and figures "under sub-section (1) of section 37 given a notice of withdrawal of his candidature", the words, brackets, figures and letter "given a notice of withdrawal of his candidature under sub-section (1) of section 37 or a notice of retirement from the contest under sub-section (2) of section 55A" shall be substituted.

Amendment of section 53.

30. In section 53 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) If the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken;" and

Rep. by Act

58 of 1980

(b) in sub-section (3),—

(i) for the words "appropriate authority" wherever they occur, the words "Election Commission" shall be substituted;

(ii) the words "before such date as may be appointed in this behalf by the Election Commission and specified in the notification" shall be omitted; and

(iii) in the proviso, for the words "until such date as the Election Commission may specify in this behalf" the words "until it is satisfied that if called upon again, there will be no such failure on the part of the constituency or such members" shall be substituted.

31. In section 54 of the principal Act,—

Amendment
of section 54.

(a) for the words "number of candidates" wherever they occur, the words "number of contesting candidates" shall be substituted;

(b) in sub-section (4),—

(i) for the words, brackets and figures "the procedure laid down in sub-section (1) of section 53 shall be followed", the words "a poll shall be taken" shall be substituted; and

(ii) in the *Illustration*, for the words "six candidates", the words "six contesting candidates" shall be substituted;

(c) in sub-section (5),—

(i) for the words "appropriate authority" wherever they occur, the words "Election Commission" shall be substituted:

(ii) the words "before such date as may be appointed in this behalf by the Election Commission and specified in the notification" shall be omitted; and

(iii) in the proviso, for the words "until such date as the Election Commission may specify in this behalf" the words "until it is satisfied that if called upon again, there will be no such failure on the part of the constituency or such members" shall be substituted; and

(d) sub-section (6) shall be omitted.

32. In section 55 of the principal Act, the words, letter and figures "or under the Government of Part C States Act, 1951, as the case may be" shall be added at the end.

Amendment
of section 55.

1512 M. of Law-67.

Rep. by Act JT of 1960

Insertion of new section after section 55 in Chapter III.

Retirement from contest at elections in parliamentary and assembly constituencies.

33. After section 55 of the principal Act, the following section shall be inserted in Chapter III, namely:—

55A. (1) The provisions of this section shall apply in relation to any election in a parliamentary or assembly constituency.

(2) A contesting candidate may retire from the contest by a notice in the prescribed form which shall be delivered to the returning officer between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon of any day not later than ten days prior to the date or the first of the dates fixed for the poll under clause (d) of section 30 either by such candidate in person or by an agent authorised in this behalf in writing by such candidate.

(3) No person who has given a notice of retirement under sub-section (2) shall be allowed to cancel the notice.

(4) The returning officer shall, upon receiving a notice of retirement under sub-section (2), cause a copy thereof to be affixed to his notice board and also to be published in such manner as may be prescribed.

(5) Any person who has given a notice of retirement under sub-section (2) shall thereafter be deemed not to be a contesting candidate for the purposes of section 52.

(6) Where by reason of any retirement from the contest under this section, the number of remaining contesting candidate becomes equal to the number of seats to be filled, the returning officer shall forthwith declare all such candidates to be duly elected to fill those seats and countermand the poll.

(7) Where by reason of any retirement from the contest at an election to which the provisions of section 54 apply, the number of remaining contesting candidates qualified to be chosen to fill the reserved seats becomes equal to the number of such seats, the returning officer shall forthwith declare all those candidates to be duly elected to fill those seats and countermand the poll in so far as it relates to elections for filling those seats and the procedure laid down in section 53 shall be followed for filling the remaining seat or seats, if any."

Amendment of section 56.

34. In section 56 of the principal Act, for the words "appropriate authority", the words "Election Commission" shall be substituted.

Rep. by Act 58 of 1960

35. For section 58 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 58.

“58. (1) If at any election, any ballot box used at a polling station or at a place fixed for the poll is unlawfully taken out of the custody of the presiding officer or the returning officer, or is in any way tampered with, or is accidentally or intentionally destroyed, lost or damaged, and the returning officer is satisfied that in consequence thereof the result of the poll at that polling station or place cannot be ascertained, he shall—

Fresh poll in the case of destruction, etc., of ballot boxes.

(a) declare the polling at that polling station or place to be void;

(b) report the matter forthwith to the Election Commission and to the appropriate authority;

(c) with the previous approval of the Election Commission, appoint a day, and fix the hours for taking a fresh poll at the polling station or place; and

(d) notify the day so appointed and the hours so fixed by him in such manner as the Election Commission may direct.

(2) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.”

36. In section 64 of the principal Act,—

Amendment of section 64.

(a) for the word “supervision” the words “supervision and direction” shall be substituted; and

(b) for the words “counting agent”, the words “counting agents” shall be substituted.

37. In Chapter V of Part V of the principal Act, after section 67, the following section shall be inserted, namely:—

Insertion of new section 67A.

“67A. For the purposes of this Act, the date on which a candidate is declared by the returning officer under the provisions of section 53, section 54, section 55A or section 66, to be elected to a House of Parliament or of the Legislature of a State or to the electoral college of a scheduled Part C State shall be the date of election of that candidate.”

Date of election of candidate.

38. In section 68 of the principal Act,—

Amendment of section 68.

(a) in sub-section (1), for the words “within ten days from the date of publication in the Gazette of India of the declarations that he has been so chosen or, if such publications have been made on different dates, within ten days from the later of such dates, intimate”, the words “within ten days from the date, or the later of the dates, on which he is so chosen, intimate” shall be substituted; and

(b) the following sub-section shall be added at the end, namely:—

“(4) For the purposes of this section and of section 69, the date on which a person is chosen to be a member of either House of Parliament shall be in the case of an elected member, the date of his election and in the case of a nominated member, the date of first publication in the Gazette of India of his nomination.”

Amendment
of section 69.

39. In section 69 of the principal Act,—

(a) in sub-section (1), for the words “on the publication in the Gazette of India of the declaration that he has been so chosen”, the words “on the date on which he is so chosen” shall be substituted; and

(b) in sub-section (2), for the words “on the publication in the Gazette of India of the declaration that he has been so chosen”, the words “on the date on which he is so chosen” shall be substituted.

Amendment
of section 70.

40. In section 70 of the principal Act, after the words “all but one of the seats”, the words “by writing under his hand addressed to the Speaker or Chairman, as the case may be, or to such other authority or officer as may be prescribed” shall be inserted.

Substitution
of new sections
for sections 71 to
75.

41. For sections 71 to 75 of the principal Act, the following sections shall be substituted, namely:—

Publication
of results of
elections to
the Council
of States and
of names of
persons
nominated
by the President.

“71. After the elections held in any year in pursuance of the notifications issued under section 12, there shall be notified by the appropriate authority in the Official Gazette the names of members elected by the elected members of the Legislative Assemblies of the States and by the members of the electoral colleges for the various Part C States at the said elections together with the names of any persons nominated by the President to the Council of States under sub-clause (a) of clause (1) of article 80 or under any other provisions.

Publication
of results of
elections for
the reconsti-
tution of
electoral
colleges for
certain Part
C States.

72. After the elections held in pursuance of the notification issued under section 13 for the reconstitution of the electoral college for a scheduled Part C State, there shall be notified by the appropriate authority in the Official Gazette as soon as may be after the date or the last of the dates fixed for the completion of the said elections, the names of the persons elected for the various electoral college constituencies at the said elections.

73. Where a general election is held for the purpose of constituting a new House of the People or a new State Legislative Assembly, there shall be notified by the appropriate authority in the Official Gazette, as soon as may be after the date originally fixed for the completion of the election under clause (e) of section 30, the names of the members elected for the various constituencies by that date together with the names of persons, if any, nominated by the President, Governor or Rajpramukh to that House or Assembly, as the case may be; and upon the issue of such notification that House or Assembly shall be deemed to be duly constituted:

Publication of results of general elections to the House of the People and the State Legislative Assemblies and of names of persons nominated thereto.

Provided that the issue of such notification shall not be deemed—

(a) to preclude the completion of the election in any parliamentary or any assembly constituency or constituencies for which time has been extended under the provisions of section 153; or

(b) to affect the duration of the House of the People or the State Legislative Assembly, if any, functioning immediately before the issue of the said notification.

74. After the elections held in any year in pursuance of the notifications issued under section 16, there shall be notified by the appropriate authority in the Official Gazette the names of the members elected for the various Council constituencies and by the members of the Legislative Assembly of the State at the said elections together with the names of any persons nominated by the Governor or Rajpramukh, as the case may be, under sub-clause (e) of clause (3) of article 171."

Publication of results of elections to the State Legislative Councils and of names of persons nominated to such Councils.

42. For sections 76, 77 and 78 of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections for sections 76, 77 and 78.

"76. This Chapter shall apply only to elections to the House of the People and to the Legislative Assembly of a State.

Application of Chapter.

77. (1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date of publication of the notification calling the election and the date of declaration of the result thereof, both dates inclusive.

Account of election expenses and maximum thereof.

(2) The account shall contain such particulars, as may be prescribed.

(3) The total of the said expenditure shall not exceed such amount as may be prescribed.

Lodging of account with the returning officer.

78. Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates, lodge with the returning officer an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under section 77."

Amendment of section 79.
Amendment of section 81.

43. In section 79 of the principal Act, clause (a) shall be omitted.

44. In section 81 of the principal Act, in sub-section (1),—

(a) for the words, brackets and figures "sub-sections (1) and (2)", the word, brackets and figure "sub-section (1)" shall be substituted; and

(b) for the words and figures "in such form and within such time but not earlier than the date of publication of the name or names of the returned candidate or candidates at such election under section 67, as may be prescribed", the words "within forty-five days from, but not earlier than, the date of election of the returned candidate, or if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates" shall be substituted.

Substitution of new section for section 82.
Parties to the petition.

45. For section 82 of the principal Act, the following section shall be substituted, namely:—

"82. A petitioner shall join as respondents to his petition—

(a) where the petitioner, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates; and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition."

Substitution of new section for section 83.
Contents of petition.

46. For section 83 of the principal Act, the following section shall be substituted, namely:—

"83. (1) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

of 1908.

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition."

47. For section 84 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 84.

"84. A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected."

Relief that may be claimed by the petitioner.

48. For section 85 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 85.

"85. If the provisions of section 81 or section 82 or section 117 have not been complied with, the Election Commission shall dismiss the petition:

Procedure on receiving petition.

Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard."

49. For section 86 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 86.

"86. (1) If the petition is not dismissed under section 85, the Election Commission shall cause a copy thereof to be published in the Official Gazette and a copy to be served by post on each respondent, and shall then refer the petition to an Election Tribunal for trial.

Appointment of Election Tribunal.

(2) For the purpose of constituting such Tribunals, the Election Commission shall obtain from the High Court of each State (other than Jammu and Kashmir) a list of persons who are district judges in the State and are in the opinion of the High Court fit to be appointed as members of Election Tribunals and shall maintain the list by making such alterations therein as the High Court may, from time to time, direct.

Explanation.—In this sub-section, the expression "district judge" includes judge of a city civil court, additional district judge, joint district judge and chief judge of a small cause court.

(3) Every Tribunal shall consist of a single member selected by the Election Commission from any of the lists maintained by it under sub-section (2):

Provided that where the petition is in respect of an election to the Legislative Assembly or Legislative Council of a State, no person who is a district judge in another State shall be selected for appointment as a member of the Tribunal except with the consent of the Government of that other State:

Provided further that if the Election Commission considers it expedient so to do, it may appoint a person who has been a judge of a High Court as the member of a Tribunal.

(4) If for any reason a vacancy occurs in the office of member of a Tribunal, the Election Commission shall, as soon as practicable, appoint a person to fill the vacancy in accordance with the foregoing provisions of this section; and upon his joining the Tribunal, the trial of the petition shall be continued as if he had been on the Tribunal from the beginning:

Provided that the Tribunal may, if it thinks fit, recall and re-examine any of the witnesses already examined.”.

Substitution
of new section
for
section 89.

50. For section 89 of the principal Act, the following section shall be substituted, namely:—

Power of
Election
Commission
to withdraw
and transfer
petitions.

“89. The Election Commission may at any stage after notice to parties and, for reasons to be recorded, withdraw any petition pending before a Tribunal and transfer it for trial to another Tribunal constituted in accordance with the provisions of section 86; and upon such transfer, that Tribunal shall proceed with the trial from the stage at which it was withdrawn:

Provided that it may, if it thinks fit, recall and re-examine any of the witnesses already examined.”.

Amendment
of section
90.

51. In section 90 of the principal Act,—

(a) sub-section (1) shall be omitted;

(b) in sub-section (2), the first proviso and the word “further” in the second proviso shall be omitted, and the sub-section shall be re-numbered as sub-section (1);

(c) sub-section (3) shall be re-numbered as sub-section (2);

(d) for sub-section (4), the following sub-sections shall be substituted, namely:—

“(3) The Tribunal shall dismiss an election petition which does not comply with the provisions of section 81, section 82 or section 117 notwithstanding that it has not been dismissed by the Election Commission under section 85.

(4) Any candidate not already a respondent shall, upon application made by him to the Tribunal within fourteen days from the date of commencement of the trial and subject to the provisions of section 119, be entitled to be joined as a respondent.

Explanation.—For the purposes of this sub-section and of section 97, the trial of a petition shall be deemed to commence on the date fixed for the respondents to appear before the Tribunal and answer the claim or claims made in the petition.

(5) The Tribunal may, upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

(6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of publication of the copy of the petition in the Official Gazette under sub-section (1) of section 86.”

52. In section 97 of the principal Act,—

(a) in the proviso to sub-section (1), for the words and figures, “the publication of the election petition under section 90”, the words “commencement of the trial” shall be substituted;

(b) in sub-section (2), the words “list of” shall be omitted.

Amendment
of section
97.

53. In section 98 of the principal Act,—

(a) in clause (b) and clause (c), for the words “the returned candidate”, the words “all or any of the returned candidates” shall be substituted; and

(b) the word “or” occurring at the end of clause (c) and clause (d) shall be omitted.

Amendment
of section
98.

54. In section 99 of the principal Act,—

(a) in sub-section (1)—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) where any charge is made in the petition of any

Amendment
of section
99.

corrupt practice having been committed at the election, recording—

(i) a finding whether any corrupt practice has or has not been proved to have been committed by, or with the consent of, any candidate or his agent at the election, and the nature of that corrupt practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and"; and

(ii) in the proviso, for the words "no person shall be named", the words "a person who is not a party to the petition shall not be named" shall be substituted; and

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) In this section and in section 100, the expression "agent" has the same meaning as in section 123."

Amendment
of section
100.

55. In section 100 of the principal Act,—

(a) for sub-sections (1) and (2), the following sub-section shall be substituted, namely:—

"(1) Subject to the provisions of sub-section (2), if the Tribunal is of opinion—

(a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Constitution or this Act or the Government of Part C States Act, 1951; or

49 of 1951.

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or

(c) that any nomination has been improperly rejected; or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate by a person other than that candidate or his election agent or a person

acting with the consent of such candidate or election agent, or

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or

(iv) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act,

the Tribunal shall declare the election of the returned candidate to be void.”; and

(b) sub-section (3) shall be re-numbered as sub-section (2) and in that sub-section as so re-numbered—

(i) the words and figures “specified in section 123” shall be omitted;

(ii) in clause (a), for the words “without the sanction or connivance”, the words “without the consent” shall be substituted; and

(iii) in clause (c) and clause (d), the words “or illegal” shall be omitted.

56. In section 101 of the principal Act, in clause (b), the words “or illegal” shall be omitted. Amendment of section 101.

57. Section 104 of the principal Act shall be omitted. Omission of section 104.

58. Section 105 of the principal Act shall be omitted. Omission of section 105.

59. In section 106 of the principal Act,— Amendment of section 106.

(a) the brackets and words ‘(other than a primary election)’ shall be omitted;

(b) for the words ‘shall cause the order to be published in the Gazette of India and in the Official Gazette of the State concerned’, the following shall be substituted, namely:—

“shall cause the order to be published—

(a) where the order relates to an election to a House of Parliament, in the Gazette of India as well as in the Official Gazette of the State concerned; and

(b) where the order relates to an election to the House or a House of the Legislature of the State, in the Official Gazette of the State.”.

Substitution
of new sec-
tion for sec-
tion 107.

Effect of
orders of
the
Tribunal.

60. For section 107 of the principal Act, the following section shall be substituted, namely:—

“107. (1) Every order of the Tribunal under section 98 or section 99 shall take effect as soon as it is pronounced by the Tribunal.

(2) Where by an order under section 98 the election of a returned candidate is declared to be void, acts and proceedings in which that returned candidate has, before the date thereof, participated as a member of Parliament or as a member of the Legislature of a State shall not be invalidated by reason of that order, nor shall such candidate be subjected to any liability or penalty on the ground of such participation.”

Amendment
of section
III.

61. In section 111 of the principal Act, the following words shall be added at the end, namely:—

“and thereupon the Election Commission shall publish the report in the Official Gazette”.

Insertion
of new
Chapter after
Chapter IV
in part VI.

62. In Part VI of the principal Act, after Chapter IV, the following Chapter shall be inserted, namely:—

“CHAPTER IVA

Appeals

Appeals
against orders
of Election
Tribunals.

116A. (1) An appeal shall lie from every order made by a Tribunal under section 98 or section 99 to the High Court of the State in which the Tribunal is situated.

(2) The High Court shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority, and follow the same procedure, with respect to an appeal under this Chapter as if the appeal were an appeal from an original decree passed by a civil court situated within the local limits of its civil appellate jurisdiction:

Provided that where the High Court consists of more than two judges every appeal under this Chapter shall be heard by a bench of not less than two judges.

(3) Every appeal under this Chapter shall be preferred within a period of thirty days from the date of the order of the Tribunal under section 98 or section 99:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

(4) Where an appeal has been preferred against an order made under clause (b) of section 98, the High Court may, on sufficient cause being shown, stay operation of the order appealed from and in such a case the order shall be deemed never to have taken effect under sub-section (1) of section 107.

(5) Every appeal shall be decided as expeditiously as possible and endeavour shall be made to determine it finally within three months from the date on which the memorandum of appeal is presented to the High Court.

116B. The decision of the High Court on appeal under this Chapter and subject only to such decision, the order of the Tribunal under section 98 or section 99 shall be final and conclusive." Finality of orders and decisions.

63. In section 119 of the principal Act, for the words, brackets and figure "sub-section (1)", the words, brackets and figure "sub-section (4)" shall be substituted. Amendment of section 119.

64. After section 119 of the principal Act, the following section shall be inserted, namely:— Insertion of new section after section 119.

"119A. Every person who prefers an appeal under Chapter IVA shall enclose with the memorandum of appeal a Government treasury receipt showing that a deposit of five hundred rupees has been made by him either in a Government treasury or in the Reserve Bank of India in favour of the Secretary to the Election Commission as security for the costs of the appeal." Security for costs of appeal.

65. For the heading of Part VII of the principal Act, the following heading shall be substituted, namely:— Substitution of new heading for heading of Part VII.

"CORRUPT PRACTICES AND ELECTORAL OFFENCES".

66. In Part VII of the principal Act, for Chapters I and II, the following Chapter shall be substituted, namely:— Substitution of new Chapter for Chapters I and II in Part VII.

"CHAPTER I

Corrupt Practices

123. The following shall be deemed to be corrupt practices for the purposes of this Act:—

(1) Bribery, that is to say, any gift, offer or promise by a candidate or his agent or by any other person, of any

gratification to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or to withdraw from being, a candidate, or to retire from contest, at an election;

(b) an elector to vote or refrain from voting at an election,

or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn his candidature, or for having retired from contest; or

(ii) an elector for having voted or refrained from voting.

Explanation.—For the purposes of this clause the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person, with the free exercise of any electoral right:

Provided that—

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(i) threatens any candidate, or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The systematic appeal by a candidate or his agent or by any other person, to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to, religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election.

(4) The publication by a candidate or his agent or by any other person, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, or retirement from contest, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person, for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical

power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The incurring or authorising of expenditure in contravention of section 77.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely:—

- (a) gazetted officers;
- (b) stipendiary judges and magistrates;
- (c) members of the armed forces of the Union;
- (d) members of the police forces;
- (e) excise officers;
- (f) revenue officers including village accountants, such as, patwaris, lekhpals, talatis, karnams and the like but excluding other village officers; and
- (g) such other class of persons in the service of the Government as may be prescribed.

Explanation.—(1) In this section the expression 'agent' includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent, or a polling agent or a counting agent of that candidate."

Amendment
of section
126.

67. In section 126 of the principal Act, for the word "constituency" occurring at both places, the words "polling area" shall be substituted.

Amendment
of section
133.

68. In section 133 of the principal Act, for the word, brackets and figure "clause (6)", the word, brackets and figure "clause (5)" shall be substituted.

Amendment
of section
134.

69. In section 134 of the principal Act, in sub-section (3), after the words 'Electoral Registration Officers', the words 'Assistant Electoral Registration Officers' shall be inserted.

Amendment
of section
136.

70. In section 136 of the principal Act, in clause (d) of sub-section (1), after the words "to any person", the words "or receives any ballot paper from any person or is in possession of any ballot paper" shall be inserted.

71. For section 140 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 140.

"140. The corrupt practices specified in section 123 shall entail disqualification for membership of Parliament and of the Legislature of every State for a period of six years counting from the date on which the finding of the Election Tribunal as to such practice takes effect under this Act."

Corrupt practices entailing disqualification.

72. (1) In part VIII of the principal Act, in Chapter I, after section 140, the following section shall be inserted, namely:—

Insertion of new section 140A.

"140A. The Election Commission may, for reasons to be recorded, remove any disqualification under this Chapter or reduce the period of any such disqualification."

Removal, or reduction of period, or disqualifications.

(2) It is hereby declared that any disqualification for membership entailed by any act which has ceased to be a corrupt or illegal practice under the principal Act as amended by this Act shall stand removed.

~~73. Section 142 of the principal Act shall be omitted.~~

Omission of section 142.

74. (1) Section 143 of the principal Act shall be omitted.

Omission of section 143.

~~(2) It is hereby declared that any disqualification for voting incurred by any person under the said section for default in making a return of election expenses shall stand removed.~~

Omission of section 143 and removal of disqualification incurred under that section.

75. Section 146 of the principal Act shall be omitted.

Omission of section 146.

76. In section 148 of the principal Act, for the words 'Council of States', the words 'electoral college' shall be substituted.

Amendment of section 148.

77. In section 152 of the principal Act, in sub-section (2), the words "or group of such States" shall be omitted.

Amendment of section 152.

78. For section 153 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 153.

"153. It shall be competent for the Election Commission for reasons which it considers sufficient, to extend the time for the completion of any election by making necessary amendments in the notification issued by it under section 30 or sub-section (1) of section 39."

Extension of time for completion of election.

79. In section 157 of the principal Act,—

Amendment of section 157.

(a) in sub-section (1) for the word and figures 'section 75' the word and figures 'section 74' shall be substituted; and

~~(b) in sub-section (2), for the word and figures 'section 75' the word and figures 'section 74' shall be substituted.~~

Amendment
of section
158.

80. In section 158 of the principal Act,—

(a) in sub-section (1), the words, brackets and figures 'or in that section read with sub-section (4) of section 39' and the words, brackets and figure 'or in that sub-section read with the said sub-section (4)' shall be omitted; and

(b) in sub-section (4),—

(i) the words, brackets and figures 'or under that sub-section read with sub-section (4) of section 39' shall be omitted; and

(ii) in the second proviso, the words 'or at an election in a Council constituency and an election by the members of the State Legislative Assembly to fill seats in the State Legislative Council' shall be omitted.

Amendment
of section
159.

81. In section 159 of the principal Act, the words 'the Election Commission or' shall be omitted.

Amendment
of section
169.

82. In section 169 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) All rules made under this Act shall, as soon as may be after they are made, be laid for not less than thirty days before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following."

Consequen-
tial amend-
ments.

83. In the Government of Part C States Act, 1951,—

49 of 1951.

(a) in section 7,—

(i) the word 'and' shall be added at the end of clause (a); and

(ii) the word 'and' at the end of clause (b), the whole of clause (c) and the *Explanation* shall be omitted;

~~(b) section 8 shall be omitted.~~

Act not to
apply to
pending
elections,
etc.

84. Save as otherwise provided in this Act, nothing herein shall apply to any election which has been called before the commencement of this Act or to any election petition arising out of such election, whether such petition is pending at such commencement or is presented afterwards, and all such elections shall be held and petitions tried, and all matters in connection with such elections or petitions (including the constitution of Election Tribunals) shall be regulated, in accordance with the provisions of the law in force immediately before such commencement.

Rep. by Act 58 of 1960