

**THE CHIEF ELECTION COMMISSIONER AND OTHER
ELECTION COMMISSIONERS (CONDITIONS OF
SERVICE) AMENDMENT ACT, 1993**

No. 4 OF 1994

[4th January, 1994.]

An Act to amend the Chief Election Commissioner and other
Election Commissioners (Conditions of Service) Act, 1991.

BE it enacted by Parliament in the Forty-fourth Year of the Republic
of India as follows:—

1. (1) This Act may be called the Chief Election Commissioner and
other Election Commissioners (Conditions of Service) Amendment Act,
1993.

Short
title and
com-
mence-
ment.

(2) It shall be deemed to have come into force on the 1st day of
October, 1993.

2. In the Chief Election Commissioner and other Election Commis-
sioners (Conditions of Service) Act, 1991 (hereinafter referred to as the
principal Act), in the long title, for the words "and for matters", the
words "and to provide for the procedure for transaction of business by
the Election Commission and for matters" shall be substituted.

Amend-
ment of
long
title.

3. In section 1 of the principal Act, for the words and brackets "the
Chief Election Commissioner and other Election Commissioners (Con-
ditions of Service)", the words and brackets "the Election Commission
(Conditions of Service of Election Commissioners and Transaction of
Business)" shall be substituted.

Amend-
ment of
section 1.

4. In section 2 of the principal Act, clause (b) shall be re-lettered
as clause (c) and before clause (c) as so re-lettered, the following
clause shall be inserted, namely:—

Amend-
ment of
section 2.

'(b) "Election Commission" means the Election Commission re-
ferred to in article 324 of the Constitution;'

5. In section 3 of the principal Act,—

Amend-
ment of
section 3.

(a) in sub-section (1),—

(i) the brackets and figure "(1)" shall be omitted;

(ii) after the words "Chief Election Commissioner", the words "and other Election Commissioners" shall be inserted;

(b) in sub-section (2), the brackets, figure and words "(2) There shall be paid to an Election Commissioner a salary which is equal to the salary of a Judge of a High Court:" shall be omitted.

Amend-
ment of
section 4.

6. In section 4 of the principal Act, for the first proviso, the following proviso shall be substituted, namely:—

"Provided that where the Chief Election Commissioner or an Election Commissioner attains the age of sixty-five years before the expiry of the said term of six years, he shall vacate his office on the date on which he attains the said age:"

Amend-
ment of
section 6.

7. In section 6 of the principal Act,—

(a) in sub-section (2),—

(i) after the words "Chief Election Commissioner", the words "or an Election Commissioner" shall be inserted;

(ii) for the word, brackets and figure "sub-section (4)", the word, brackets and figure "sub-section (3)" shall be substituted;

(b) sub-section (3) shall be omitted;

(c) sub-section (4) shall be re-numbered as sub-section (3) and in sub-section (3) as so re-numbered, in clause (b), the words "or as the case may be, sixty-two years," shall be omitted.

Amend-
ment of
section 8.

8. In section 8 of the principal Act, for the portion beginning with the words "for the time being, applicable to", and ending with the words "apply to an Election Commissioner", the following shall be substituted, namely:—

"for the time being, applicable to a Judge of the Supreme Court under Chapter IV of the Supreme Court Judges (Conditions of Service) Act, 1958 and the rules made thereunder, shall, so far as may be, apply to the Chief Election Commissioner and other Election Commissioners".

41 of 1958.

Insertion
of new
Chapter
III.

9. After section 8 of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER III

TRANSACTION OF BUSINESS OF ELECTION COMMISSION

Transac-
tion of
business
of
Election
Commis-
sion.

9. The business of the Election Commission shall be transacted in accordance with the provisions of this Act.

Disposal
of
business
by
Election
Commis-
sion.

10. (1) The Election Commission may, by unanimous decision, regulate the procedure for transaction of its business as also allocation of its business amongst the Chief Election Commissioner and other Election Commissioners.

(2) Save as provided in sub-section (1), all business of the Election Commission shall, as far as possible, be transacted unanimously.

(3) Subject to the provisions of sub-section (2), if the Chief Election Commissioner and other Election Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.”.

Ord. 32
of 1993.

10. (1) The Chief Election Commissioner and other Election Commissioners (Conditions of Service) Amendment Ordinance, 1993 is hereby repealed.

Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.