

PROPOSED AMENDMENTS IN THE ELECTION RULES 2017

6A. Procedure of the Commission.— (1) For exercising the powers under sub-section (1) of section 9, the Commission shall regulate its procedure as follows:

- (a) The Commission may on the petition presented to it, initiate proceedings under section 9 and pass order to the office for fixation for hearing or placing before it on file.
- (b) The petition under section 9 shall contain a statement of material facts alongwith complete particulars of grievances and grave illegalities and violations of the Act or the Rules.
- (c) The petitioner shall file one plus seven (1+7) copies of the petition for utilization of the Commission and handing over to the respondent(s).
- (d) The petition shall have duly attached relevant documents pertaining to the grievances, illegalities or violations of the Act or the Rules.
- (e) The petition shall contain complete address of the party and copy of the national identity card and contact number of the petitioner.
- (f) The officer or official authorized in this behalf shall examine the petition and ensure that the petition is properly indexed and paged.
- (g) The petition shall be duly entered in the register on the duly approved format and data entry of its particulars shall be carried out accordingly.
- (h) The officer or official shall return the petition, if it is found to be not properly numbered, paged or is not accompanied by relevant documents, with the advice of resubmission thereof by due date if the petitioner so desires.

(2) Once the matter has been fixed for hearing or placed before it on file, the Commission may proceed as follows:

- (a) The Commission shall cause to be issued notice(s) to the respondent(s) or any other person to be affected by the Order of the Commission along with copy of the petition and the accompanying documents requiring them to appear in person or through a duly authorized agent or counsel
- (b) The notice(s) under sub-rule(a) may be issued through any of the following modes:
 - (i) registered post acknowledgment due;
 - (ii) courier service;
 - (iii) urgent mail service;
 - (iv) special representative;
 - (v) any other mode as the Commission may deem fit
- (c) the date and time of hearing may also be disseminated by the following modes:
 - (i) newspaper;
 - (ii) short message service (SMS); or

- (iii) any electronic mode of communication, which may include radio, television.
- (d) If the respondent(s) fail to appear before the Commission on a date of hearing despite due service, the Commission shall proceed in the matter ex-parte.
- (e) The Commission may require a respondent to file his written statement.
- (f) Each respondent shall provide his complete address, copy of the national identity card and contact number (mobile number) for his service with his reply or written statement to be filed under clause (d);
- (g) The Commission may in appropriate case require a petitioner to file rejoinder.
- (h) The Commission may seek report and relevant documents from the concerned department or agency or any of the officer thereof or its own officers.
- (i) The Commission may record such evidence as it may deem necessary concerning grave illegalities and violations of the Act and the Rules.
- (j) The Commission may order that any or all facts to be proved or disproved by affidavit(s) and, for the purpose of expeditious conclusion of inquiry, may apply such other procedure as it deems fit if circumstances so warrant.
- (k) The Commission may also on its own motion or on the report of concerned election official initiate proceedings under section 9 of the Act and may conduct such inquiry, issue summons or notices to the parties, government functionaries, election officials, elected members and other citizen(s) relevant to the matter, as it may deem necessary and shall make an order declaring the poll void in one or more polling stations or in the whole constituency.
- (l) The Commission shall decide the matter after providing an opportunity of hearing to the parties.

5B. Procedure before the Commission for inquiry.— For the purpose of inquiry under section 9(1) of the Elections Act 2017, the Commission shall have powers in respect of the following:

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the discovery and production of documents, articles or objects;
- (c) summoning and examining, on its own motion, any person whose evidence appears to be material; and
- (d) proceeding with the matter on day-to-day basis and the Commission may grant no adjournment to any party for more than three days and that too on payment of such costs as it may determine.
