

Regd. No. NE 307



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Vol. XXIII Aizawl, Friday, 15. 7. 1994. Asadha 24, S.E. 1916, Issue No. 121

NOTIFICATION

No. H-12017/4/93-LJD, the 13th July 1994. The following Act is hereby published for general information.

Rolura Sailo,
Deputy Secretary to the Govt. of Mizoram,
Law, Judicial & Parliamentary Affairs Department.

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

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 commencement.**

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

11 of 1991. 2. In the Chief Election Commissioner and other Election Commissioners (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. **Amendment of long title.**

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

Amendment of section 1.

Amendment of section 2.

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:—

“(b) “Election Commission” means the Election Commission referred to in article 324 of the Constitution;”.

Amendment of section 3.

5. In section 3 of the principal Act,—

(a) in sub-section (1),—

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

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

(b) in sub-section (2), the brackets, figure and “(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.

Amendment 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:”.

Amendment 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.

Amendment 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.

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

Insertion of new Chapter III.

“CHAPTER III TRANSACTION OF BUSINESS OF ELECTION COMMISSION

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

Transaction of business of Election Commission.

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.

Disposal of business by Election Commission.

(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.