



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Regn. No. N.E. - 313 (MZ)

VOL. XXXI Aizawl, Tuesday, 29.10.2002. Kartika 7, S.E. 1924 Issue No. 34

NOTIFICATION

No. H. 1217/55/99-LJD, the 16th October, 2002. The following Representation of the People (Amendment) Ordinance, 2002/Conduct of Elections (Amendment) Rules, 2002 is hereby published for general information.

Chawngtinthanga,
Deputy Secretary, to the Govt. of Mizoram
Law & Judicial Department.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

NOTIFICATION

New Delhi, the 3rd September, 2002.

S.O. 935(E).--- In exercise of the powers conferred by section 169 of the Representation of the people Act, 1951 (43 of 51), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the conduct of Elections Rules, 1961, namely :--

1. (1) These rules may be called the Conduct of Elections (Amendment) Rules, 2002.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Conduct of Elections Rules, 1961.--
(1) after rule 4, the following rule shall be inserted, namely :--

"4A. Form of affidavit to be filed at the time of delivering nomination paper.-- The candidate or his proposer, as the case may be, shall, at the time of delivering to the returning officer the nomination paper under sub-section (1) of section 33 of the Act, also deliver to him an affidavit sworn by the candidate before a Magistrate of the first class or a Notary in Form 26.";

(2) in each of Form 2A and Form 2B after Part III, the following Part shall be inserted, namely :-

'PART III A
(To be filled by the candidate)

Whether the candidate -

- (i) has been convicted -
(a) of any offence (s) under sub-section (1); or
(b) for contravention of any law specified in sub-section (2),

Yes/No

of section 8 of the Representation of the people Act, 1951 (43 of 1951); or

- (ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

If the answer is "Yes", the candidate shall furnish the following information:

- i) Case/First information report No./Nos.
- ii) Police station (s) District (s) State (s)
- iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted
- iv) Date(s) of conviction (s)
- v) Court(s) which convicted the candidate
- vi) Punishment(s) impose [indicate period of imprisonment(s) and/or quantum of fine(s)].....
- vii) Date(s) of release from prison

- (viii) Was/were any appeal(s)/revision(s) filed against above conviction (s)..... Yes/No
- (ix) Date and particulars of appeal(s) / application(s) for revision filed
- (x) Name of the court(s) before which the appeal(s) /application (s) for revision filed
- (xi) Whether the said appeal (s) /application (s) for revision has/have been disposed of or is/are pending
- (xii) If the said appeal(s) /application(s) for revision has/have been disposed of -
- (a) Date(s) of disposal
- (b) Nature of order(s) passed

Place :

Date : (Signature of the candidate)';

(3) in Form 2C,-

(a) after the words "*Election to the Council of States*", the following shall be inserted, namely :-

"PART I";

(B) after the portion beginning with the words "We hereby nominate" and ending with the words "Signature of the candidate", the following Part shall be inserted, namely :-

'PART II
(To be filled by the candidate)

Whether the candidate -

(i) has been convicted -

(a) of any offence (s) under sub-section (1); or

(b) for contravention of any law specified in sub-section (2),

Yes/No.

of section 8 of the Representation of the People Act, 1951 (43 of 1951); or

(ii) has been convicted for any other offence (s) for which he has been sentenced to imprisonment for two years or more.

If the answer is "Yes", the candidate shall furnish the following information:

- (i) Case/First information report No./Nos.
- (ii) Police station (s) District (s) State (s)
- (iii) Section (s) of the concerned Act (s) and brief description of the offence (s) for which he has been convicted
- (iv) Date (s) of conviction (s)
- (v) Court (s) which convicted the candidate
- (vi) Punishment (s) imposed [indicate period of imprisonment (s) and/or quantum of fine(s)]
- vii) Date (s) of release from prison
- (viii) Was/were any appeal (s) /revision (s) filed against above conviction (s) Yes/No

- (ix) Date and particulars of appeal (s)/application (s) for revision filed
- (x) Name of the court (s) before which the appeal (s)/application (s) for revision filed
- (xi) Whether the said appeal (s) /application (s) for revision has/have been disposed of or is / are pending
- (xii) If the said appeal (s)/application (s) for revision has/have been disposed of -

(a) Date (s) of disposal

(b) Nature of order (s) passed

Place :

Date : (Signature of the candidate)';

(c) after Part II as so inserted, the following shall be inserted, namely:-

"PART III";

(d) after the portion beginning with the words "Note.-Wherever" and ending with the words "not applicable.", following shall be inserted, namely :-

"PART IV";

(c) after the word "Perforation.....", the following shall be inserted, namely:-

"PART V";

(4) in Form 2D,-

(a) after the portion "Election to the Legislative Council of(State) by the Members of the Legislative Assembly.", the following shall be inserted, namely:-

"PART I";

(b) after the portion beginning with the words "We hereby nominate" and ending with the brackets and words "(Signature of the candidate)", the following Part shall be inserted namely:-

"PART II"

(To be filled by the candidate)

Whether the candidate -

(i) has been convicted-

(a) of any offence (s) under sub-section (1); or

(b) for contravention of any law specified in sub-section (2),

Yes/No.

of section 8 of the Representation of the People Act, 1951 (43 of 1951); or

(ii) has been convicted for any other offence (s) for which he has been sentenced to imprisonment for two years or more.

If the answer is "Yes", the candidate shall furnish the following information:

- (ii) Police station (s) District (s) State (s)
- (ii) Section (s) of the concerned Act (s) and brief description of the offence (s) for which he has been convicted
- (iv) Date (s) of conviction (s)
- (v) Court(s) which convicted the candidate
- (v) Punishment (s) imposed [indicate period of imprisonment (s) and/or quantum of fine (s)]
- (v i) Date (s) of release from prison
- (v ii) Was/were any appeal (s) /revision (s) filed against above conviction (s) Yes/No
- (ix) Date and particulars of appeal (s) /application (s) for revision filed
- (xi) Name of the court (s) before which the appeal (s) /application (s) for revision filed
- (x) Whether the said appeal (s) /application (s) for revision has/have been disposed of or is pending
- (x i) If the said appeal (s) /application (s) for revision has/have been disposed of -
- (a) Date (s) of disposal
- (b) Nature of order (s) passed

Place :

Date :

(Signature of the candidate)

(c) after Part II as so inserted, the following shall be inserted, namely:-

"PART III";

(d) before the words "Decision of Returning Officer accepting or rejecting the Nomination Paper", the following shall be inserted, namely:-

"PART IV";

(c) after the brackets and word "(perforation)", the following shall be inserted, namely

"PART V";

(5) in Form 2E,-

(a) after the portion "Election to the Legislative Council of(State) from a Constituency", the following shall be inserted, namely:-

"PART I";

(b) after the portion beginning with the words "We hereby nominate" and ending with the words "Score out the words not applicable", the following Part shall be inserted, namely:-

"PART II

(To be filled by the candidate)

Whether the candidate-

(i) has been convicted-

(a) of any offence (s) under sub-section (1); or

(b) for contravention of any law specified in sub-section (2), of section 8 of the Representation of the People Act, 1951 (43 of 1951); or

(ii) has been convicted for any other offence (s) for which he has been sentenced to imprisonment for two years or more

Yes/No.

- (i) Case/First information report No./Nos.
- (ii) Police station (s) District (s) State (s)
- (iii) Section (s) of the concerned Act (s) and brief description of the offence (s) for which he has been convicted
- (iv) Date(s) of conviction (s)
- (v) Court(s) which convicted the candidate
- (vi) Punishment (s) imposed [indicate period of imprisonment (s) and/or quantum of fine (s)]
- (vii) Date (s) of release from prison
- (viii) Was/were any appeal (s) /revision (s) filed against above conviction (s) Yes/No.
- (ix) Date and particulars of appeal (s) /application (s) for revision filed
- (x) Name of the court (s) before which the appeal (s) /application (s) for revision filed
- (xi) Whether the said appeal (s) /application (s) for revision has/have been disposed of or is/are pending
- (xii) If the said appeal (s) /application (s) for revision has/have been disposed of-
- (a) Date (s) of disposal
- (b) Nature of order (s) passed

Place :

Date : (Signature of the candidate)';

(c) after Part II as so inserted , the following shall be inserted, namely;-

"PART III";

(d) before the words "Decision of Returning Officer accepting or rejecting the Nomination Paper", the following shall be inserted, namely:-

"PART IV";

(e) before the words "Receipt for Nomination Paper and Notice of Scrutiny", the following shall be inserted, namely:-

"PART V";

(6) after Form 25, the following Form shall be inserted, namely:-

**"FORM 26
(See rule 4A)***Affidavit to be furnished by the candidate before the returning officer for election to _____ (name of the House) from _____ constituency (name of the constituency)*

I, _____, son/daughter/wife of _____ aged about _____ years, resident of _____ candidate at the above election, do hereby solemnly affirm/state on oath as under:-

1. I am/am not accused of any offence (s) punishable with imprisonment for two years or more in

a pending case (s) in which a charge (s) has/have been framed by the court (s) of competent jurisdiction

If the deponent is accused of any such offence (s) he shall furnish the following information:

- (i) Case/First information report No./Nos.
- (ii) Police station (s) District (s) State (s).....
- (iii) Section (s) of the concerned Act (s) and short description of the offence (s) for which the candidate has been charged
- (iv) Court (s) which framed the charge (s)
- (v) Date (s) on which the charge (s) was/were framed
- (vi) Whether all or any of the proceeding (s) have been stayed by any court (s) of competent jurisdiction

2. [I have been/have not been convicted of an offence (s) [other than any offence (s) referred to in sub-section (1) or sub-section (2), or covered in sub-section (3), of section 8 of the Representation of the People Act, 1951 (43 of 1951)] and sentenced to imprisonment for one year or more.

If the deponent is convicted and punished as aforesaid, he shall furnish the following information

- (i) Case/First information report No./Nos.
- (ii) Court (s) which punished
- (iii) Police station (s) District (s) State (s)
- (iv) Section (s) of the concerned Act (s) and short description of the offence (s) for which the candidate has ever been charged
- (v) Date (s) on which the sentence (s) was/were pronounced
- (vi) Whether the sentence (s) has/have been stayed by any court (s) of competent jurisdiction

Place :

Date :

Signature of deponent

VERIFICATION

I, the above named deponent, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therein.

Verified at _____ this _____ day of _____, 20 _____

Signature of deponent

Note : The columns in this Form which are not applicable to the deponent may be struck off."

[F.No.H-11019(12)/2002-Leg.II]

N.L.MENA,Jt. Secy and Legislative Counsel

Note :- The principal rules were published in the Gazette of India vide notification number S.O.859 dated the 15th April, 1961 and last amended vide notification number S.O.90(E), dated the 1st February, 2001.