PART III

RULES AND ORDERS UNDER THE CONSTITUTION

OFFICERS BEFORE WHOM CANDIDATES MAY MAKE OR SUBSCRIBE OATH OR AFFIRMATION[1]

1. In pursuance of clause (a) of article 84 and clause (a) of article 173 of the Constitution of India and in supersession of its notification No. 3/3/66, dated the 25th April, 1967, the Election Commission [2][hereby authorises—

(i) the returning officer concerned and all the assistant returning officers subordinate to him,

(ii) all stipendiary presidency magistrates and all stipendiary magistrates of the first class, and

(iii) all district judges and all persons belonging to the judicial service of a State other than district judges,

as the persons] before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Council of States, or in the House of the People or in the Legislative Assembly of a State (other than Jammu and Kashmir), or in the Legislative Council of a State (other than Jammu and Kashmir) having a Legislative Council, shall make and subscribe the oath or affirmation in the form set out for the purpose in the Third Schedule to the said Constitution.

2. Notwithstanding anything contained in paragraph 1, in pursuance of clause (*a*) of the said article 84 and clause (*a*) of the said article 173, the Election Commission hereby also authorises as the person before whom the candidate may make and subscribe the said oath or affirmation,—

(a) where the candidate is confined in a prison, the superintendent of the prison;

(b) where the candidate is under preventive detention, the commandant of the detention camp;

(c) where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause, the medical superintendent in charge of the hospital or the medical practitioner attending on him;

(d) where the candidate is out of India, the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorised by such diplomatic or consular representative;

(e) where the candidate is for any other reason unable to appear, or prevented from appearing before the returning officer concerned or any assistant returning officer as aforesaid, any other person nominated by the Election Commission on application made to it in this behalf.

Explanation.—In this notification,—

(1) the expression "the returning officer concerned" means—

(a) where a person has been nominated as a candidate for election to fill a seat in the House of the People from a Parliamentary Constituency or a seat in the Legislative Assembly of a State from an Assembly Constituency or a seat in the Legislative Council of a State from a Council Constituency, the returning officer for that constituency;

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1. Published with the Election Commission of India Notification No. S.O. 1111, dated the 18th March, 1968, *see* Gazette of India, Extraordinary, 1968, Part II, Section 3 (*ii*), Page 361.
2. Subs. by Notification No. S.O. 3798, dated 25-10-1968, for certain words.

(b) where a person has been nominated as a candidate for election to fill a seat in the Council of States by the elected members of the Legislative Assembly of a State, the returning officer for that election;

(c) where a person has been nominated as a candidate for election to fill a seat in the Legislative Council of a State by the members of the Legislative Assembly of that State, the returning officer for that election;

[1][(*1A*) The expressions "district judge" and "judicial service" shall have the meanings respectively assigned to them in article 236 of the Constitution of India;]

(2) The expressions "parliamentary constituency", "assembly constituency" and "council constituency" shall have the meanings respectively assigned to them in the Representation of the People Act, 1950 (43 of 1950).

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1. Ins. by Notification No. S.O. 3798, dated 25-10-1968.