

PART GG.-RULES OF PROCEDURE AND GUIDANCE IN THE  
MATTER OF TRIAL OF ELECTION PETITIONS  
UNDER PART VI OF THE REPRESENTATION OF  
THE PEOPLE ACT, 1951, AS AMENDED.

1. *Definitions.*-Unless the context otherwise requires, the following words and expressions, when used in this Chapter, have the meaning assigned to them in these rules -

- (i) "Act" means the Representation of the People Act, 1951, as amended from time to time.
- (ii) "Advocate in charge" means the Advocate through whom the petition has been filed other than the Senior Advocate, if any, instructed by him.
- (iii) "Candidate" means a person, who has been or claims to have been duly nominated as a candidate at any election, and any such person shall be deemed to have been a candidate as from the time when with the election in prospect he began to hold himself out as a prospective candidate.
- (iv) "Chief Justice" means the Chief Justice for the time being and shall include an Acting Chief Justice of the High Court.
- (v) "Designated Judge" means any Judge of the High Court assigned by the Chief Justice under section 80-A(2) of the Act for the purpose of trial of Election Petitions.
- (vi) "Elector" means a person, who was entitled to vote at the election, to which the election petition relates, irrespective of the fact whether he has actually voted at such election or not.
- (vii) "High Court" means the High Court for the States of Punjab and Haryana and the Union Territory of Chandigarh.

(viii) "Petition" means an election petition filed under sections 80 and 81 of the Act.

(ix) "Prescribed" means prescribed under these rules or the rules made under the Act or the Code of Civil Procedure, 1908.

(x) <sup>[46]</sup> [Registrar" means the Registrar of the High Court and includes a Joint Registrar, Deputy Registrar and any other official of the Registry of the Court authorised by the Chief Justice to discharge the functions of the Registrar under this Chapter.]

(xi) Any other words or phrases used in this Chapter, but not herein defined, shall be given the meaning ascribed to them in the Act or in the Code of Civil Procedure, 1908, as the case may be.

Section 79(e)  
and section 80.

2. *Jurisdiction.*-No election held within the territories, which are subject to the jurisdiction of the High Court, shall be called in question except by an election petition presented to the High Court in accordance with the provisions of Part VI of the Act.

Section 80-A(2)

3. *Designation of Judges.*-The Chief Justice shall, from time to time, assign one or more Judges of the High Court for the purpose of trial of petitions.

Section 80-A(2)

4. *Benches.*-(a) *The petitions* shall ordinarily be tried by any one of the designated Judges.

Section 86(3).

(b) Where more election petitions than one are presented to the High Court in respect of the same election, all of them shall be referred for trial to the same designated Judge, who may, in his discretion, try them separately or in the one or more groups.

Section  
80-A (3).

5. *Place of trial.*-Petitions shall normally be tried at the place where the seat of the High Court is for the time being situated. The designated Judge or Judges, may, however, in his or their discretion, and in consultation with the Chief Justice, direct that

in the interest of justice or for the sake of convenience any election petition shall be tried and/or heard, either wholly or partly, at a place other than the place of the seat of the High Court.

6. *Limitation.*-A petition shall not be filed earlier than the date of election of the returned candidate; and may be filed by any candidate at the election or by any elector within forty-five days from the date of election of the returned candidate or if there are more than one returned candidates at the election and the dates of their election are different, the later of those two dates.

Section 81(1).

7. *Security for costs.*-(a) At the time of presenting an election petition, the petitioner shall deposit in the High Court, in accordance with the rules for making deposits in the said Court, a sum of Rs. 2,000 (Rupees two thousand only) as security for costs of the respondents.

Section 117(1).

(b) During the course of the trial of the petition, the High Court may, at any time, call upon the petitioner to give such further security for costs as it may direct.

Section 117(2).

8. *Parties to a petition.*-A petitioner shall join as respondent to his petition :-

Section 82.

- (a) where the petitioner, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed all the returned candidates; and
- (b) any candidate against whom allegations of any corrupt practice are made in the petition.

9. *Added Respondents.*-Any candidate not already a respondent shall, upon application made by

Section 86(4).

him to the High Court within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the High Court, be entitled to be joined as a respondent

Section 118. 10. *Security from added respondent.*-No person shall be entitled to be joined as a respondent under the last preceding rule unless he has given such security for costs as the High Court may direct. In the absence of a specific order in that respect, such a respondent shall be required to deposit a sum of Rs. 1,000 (Rupees one thousand only) as security for costs.

Section 83(1). 11. Contents of Petition.-*(i)* A petition may be presented <sup>14</sup>[ (containing the age of the petitioner) ], either in person or through an Advocate in charge, for calling in question any election on one or more of the grounds specified in sub-section (1) of section 100 and section 101 of the Act by any candidate at such election or any elector, and

(a) shall contain a concise statement of the material facts on which the petitioner relied, arranged so far as possible in strictly chronological order ;

Section 83(1). (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed and verified by the petitioner in the manner laid down in Order VI, rule 15 of the Code of Civil Procedure, for the verification of pleadings.

*(ii)* The petition will be presented to the Registrar within office hours on any working day and his receipt showing the date and time of filing of the petition shall be obtained. The receipt shall, also, indicate the date on which the petitioner or his Advocate, if any, must

---

1. Amended vide Correction Slip No. 165 Rules/II.D4 dated 18.11.2016.

appear before the Registrar for removal of formal defects, if any. The said receipt shall be in Form 'A' appended to these rules.

<sup>[47]</sup> [(iii) Any document other than the election petition itself, but connected with the petition which is not filed with the election petition may be filed either with the Registrar or in the Election Branch with an endorsement in Form 'E', appended to these rules, of the date of filing the same made on the first page of such document under the dated signature of the party filing the documents or his Advocate.

“(iv) An inward diary or a receipt register shall be maintained in the Election Branch in which receipt of all petitions, applications, documents and papers connected with election petitions shall be entered on the very day on which those are received in the Branch. The register shall be put up to the Registrar at 4.00 p.m. on every working day and shall be signed by him by mentioning the time and date of his signature so as to close the entries of that particular day. The serial number in the receipt register and the date of filing the document in question in the Election Branch shall be endorsed on the document in the relevant column of a square rubber stamp of the prescribed type. The endorsement on the document shall be signed by the receipt Clerk or Diarist or the Dealing Assistant in the Election Branch, as the case may be.]

12. Papers accompanying the petition.-Every petition shall be accompanied by :-

<sup>[48]</sup> [(a) Deleted.]

(b) Schedules or annexures to the petition referred to in the body of the Petition.-Such schedules or annexures shall also be signed by the petitioner and verified in the same manner as the petition.

Section 83(2)

- (c) The documents in the possession or power of the petitioner, on which he relies in support of his petition, together with a list thereof in Form `B' appended to these Rules.
- (cc) A list of any other documents on which the petitioner relies in support of his claim which shall be in Form 'BB' appended to these rules, and where any such, document is not in possession or power any of the petitioner he shall, if possible, state in whose possession or power it is.
- (d) The original receipt for the deposit of security for costs.
- (e) A cloth-lined strong envelope of the size of not less than 14" x 15" for keeping documents;
- (f) twice as many copies of the election petition as there are respondents mentioned in the petition. Every such copy shall be attested by the petitioner under his own signature to be true copy of the petition; and
- (g) as many pre-paid Registered Acknowledgement Due Postal Covers as there are respondents mentioned in the petition, with the addresses of all those respondents being in-scribed either in type or in neat and legible manuscript on the respective covers,

The petitioner or the Advocate incharge should ensure that the postage pre-paid on the covers is enough to cover the requisite postage keeping in view the weight of the copy of the petition and its annexures and schedules, if any, which have to be despatched therein. If necessary, special postal covers may be got prepared for the purpose which should be of such size as may be able to contain conveniently a copy each of the election petition and its annexures and schedules.

- (h) A statement giving an address at which service of notices or other processes may be made on the petitioner. The said address shall be within the local limits of the High Court. Where the petitioner fails to file the said address, his petition shall be liable to be dismissed. Due service of all processes and communications shall be deemed to have been effected on him by properly addressing, pre-paying and posting by registered post, a letter containing the said processes or communications and unless the contrary is proved the service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Service of all processes and communications on the counsel for the petitioner, if any, shall be deemed to be due service of the same on the petitioner.

13. *General requirements regarding petitions.*-(a) All petitions shall be clearly typed or Cyclostyled or printed on only one side of foolscap Government (Judicial) paper in double space with at least a quarter margin.

(b) All copies of the petition shall be similarly prepared, but on ordinary paper.

(c) All copies of the petition shall conform to the original, page by page and line by line.

(d) The petition and the copies shall be page-marked legibly and the Annexures and Schedules, if

any, attached to the petition, shall be consecutively page-marked in the same manner.

(e) A cleanly typed, cyclostyled or printed index will be put at the top of the petition showing the serial number of the document, its date, particulars and the page or pages on which it occurs in the papers filed by the petitioner or the Advocate in charge and shall be signed and dated by the Petitioner or such Advocate.

(f) The petitions and their annexures and schedules shall be in the English language. Any original document or any copy of a document, which is not in the said language shall be accompanied by its translation into English, duly certified by the petitioner or the Advocate incharge to be a correct translation of the original or of the copy as the case may be.

(g) The petitioner or the Advocate incharge shall ensure that the petition does not suffer from unnecessary prolixity and does not contain any scandalous or vexatious allegations which are not necessary to be made for deciding the matters really in issue.

14. *Scrutiny of papers.*-(a) The Registrar shall cause the petition and its accompanying documents to be scrutinised under his personal supervision. On the conclusion of such scrutiny, the Registrar shall make an endorsement on the back of the last page of the index to the effect that the papers have been scrutinised and if the same have been found to be in order or not, if the Registrar finds that the papers are not complete or do not, otherwise, comply with the requirements of these rules or the provisions of Part VI of the Act, an endorsement to that effect would be made specifying the defaults or the omissions which require rectification. The endorsement would also show separately if the security for costs referred to above has been deposited by the petitioner before the filing of the petition, and, if the petition has filed within limitation.



(b) on such scrutiny if it is found that the petition does not comply with the requirements of section 81 or section 82 or section 117 of the Act, the Registrar shall make a specific enforcement to that effect.

(e) If some other defect is detected in the petition or it is found that it does not comply with any other rule, the petition will be returned with such endorsement as hereinbefore specified to the petitioner or the Advocate incharge, on the date specified in the receipt under rule 11 (ii). The said endorsement shall specify the time within which the defect or defects mentioned therein shall be removed and the said time shall not exceed seven days in any case. The rectified petition shall be refilled by the petitioner or the Advocate incharge within the time so specified.

[<sup>49</sup>] [(cc) It shall be the duty of the petitioner or the Advocate in charge to bring to the notice of the Registrar the fact of the removal of the defects or any one or more of the defects pointed out by the office on the very day on which the defect or defects are removed. The fact of removal of defect or defects having been brought to the notice of the Registrar shall be endorsed on the petition by the Registrar in his own handwriting under his dated signatures specifying with reference to the serial number of the defects or otherwise the particular defects which have been removed.]

(d) A list of all the petitions, which are not in conformity with the mandatory provisions of sections 81, 82 or 117 of the Act, shall be put on a special notice board meant for notices relating to election petitions and a copy of such list shall be sent to the Secretary of the High Court Bar Association before 3.30 p.m. on the day preceding the date for which these petitions are directed to be placed before any one of the designated judges. The list shall specify the date on which and the name of the designated judge before whom the petition will be placed for necessary directions or orders in respect of non compliance with the rules. Such date of hearing shall also be communicated to the petitioner or the Advocate incharge on the date specified in the receipt under rule 11(ii).

15. *Preliminary hearing of defective petitions.*-(a) All such petitions, (i) which have been *prima facie* found by the Registry as not complying with the provisions of section 81 or section 82 or section 117 of the Act or (ii) which have been filed incomplete or in any other way not complying with these rules and which the petitioners or the advocates incharge may not have taken back or (iii) which may have been re-filed without necessary compliance or (iv) which may have been re-filed after the expiry of the period allowed by the Registry, shall be brought up before any of the designated Judges on a date which has either been noted by the petitioners or the Advocates incharges or which has been specified in the list prepared, notified, and sent to the High Court Bar Association before 3.30 p.m. on the preceding date, or which has been notified to an un-represented petitioner by registered post.

(b) If the petition does comply with the provisions of the aforesaid the sections of the Act, but does not comply with any of the other rules or requirements contained in this Chapter, the High Court may allow the petitioner or the Advocate incharge such further time not exceeding one week to do the needful on such terms as it may deem fit to impose.

(c) All such cases reported by the Registry shall be included at the top of the Daily Cause list of the designated Judge.

(d) If the High Court finds that sections 81, 82 and 117 of the Act have been duly complied with and that there has been substantial compliance with the other rules and it is not necessary to have any other rectification or amendment made in the petition or other papers, the High Court shall order notice of the petition to issue to the respondent or respondents, as the case may be.

16. <sup>1</sup>*[Issue of process.*-In all cases covered by rule 15(d) and where the petition is on scrutiny, found by the Registrar to be in order, the Registry shall issue notice of the petition in Form 'C' appended to these]

<sup>1</sup>[rules, accompanied by a copy of the petition, together, with copies of the schedules and annexures, if any, to each of the respondents named in the petition under Registered (Acknowledgement Due) postal covers filed by the petitioner as also in the ordinary manner as well as electronically through the Administrative Subordinate Judge or the Senior Subordinate Judge or any other Civil Court of the district or place within whose jurisdiction the respective respondent is stated to reside or carry on business. The endorsement on the notice requiring such Subordinate Judge or Civil Court to effect service on the respondent shall specify that the afore-said subordinate Judge or Court shall make every effort to have service effected immediately and, in any event, to submit a detailed report of service well within time so as to reach the Registry of this Court before the date of scrutiny. The notices shall be for the settlement of issues and shall be issued for an actual date which shall not be more than four weeks ahead of the date of which the notices are despatched. The notices shall be in Form 'B' appended to these rules and shall specify, *inter alia*-

- (a) the date on which the respondents are required to appear in person or by an advocate;
- (b) the date of scrutiny on which the case will be put up before one of the designated Judges with a full and complete report of the office about service of notices; and
- (c) a direction to the effect that the case would be heard *ex parte* if the respondent does not put in appearance in the Registry of the Court and serve notice of having done so on the petitioner or the Advocate incharge before the date of hearing.

17. *Substituted service.*-If on the date fixed for scrutiny the designated Judge, before whom the case is put up, finds from the office report or the report of the process-serving agency or the postal authorities]

<sup>1</sup>[that any one or more of the respondents in any particular cases appears to be evading service or it is other-wise not possible to effect personal service on him expeditiously, he may direct substituted service to be effected on such respondent in any of the customary modes including publication in the approved newspaper in the abridged form containing link of website where the details of such notice is available.]

18. *Appearance.*--Any appearance, application or act required or authorised by the Act or these rules to be made or done by a party may be made or done by *the party in person* or by his recognized agent, or by an Advocate, appearing, applying or acting, as the case may be, on his behalf :

Provided that any such appearance shall, if the High Court so directs, be made by the party in person :

Provided further that, unless the context other-wise requires, the recognised agent of a party shall be deemed to be the petitioner or the respondent, as the case may be, for the purposes of these rules.

19. *Scrutiny.*--It shall *be* the duty of the petitioner or the Advocate incharge to appear before the Court on the date of scrutiny and to comply with the order or directions that may be given by the designated Judge at the time of the scrutiny.

20. *Appearance of respondents.*-(a) As soon as possible after the receipt of notice of the petition, each respondent shall enter before the Registrar appearance in writing. The appearance may be entered through an Advocate or in person. In either event the full, complete and detailed address of the respondent shall be entered on the memorandum of appearance. Thereafter, service of any notice or order of the Court or of the Registry shall be deemed to be sufficient if it is either communicated to the Advocate, or, in a case where the respondent is not so represented, sent by ordinary post to such address of the respondent as has been furnished by him.

(b) Immediately after entering appearance, the respondent or his Advocate, as the case may be, shall

serve on the Advocate incharge of the case or on the petitioner, if he is not represented by counsel, a notice of having entered appearance.

(c) <sup>[50]</sup> [Any respondent, who does not admit the correctness of the allegations or of the claim made in the petition, shall file a written-statement in the Registry of the Court at least three days before the date of hearing, replying to the petition and the allegations of the petitioner para-wise.]

(d) The written-statement shall be typed-written or cyclostyled or printed in double space on one side of foolscap judicial paper and shall be signed and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings.

(e) A spare copy of the written-statement shall be filed in the Registry which shall be attested by the respondent, concerned, or by his Advocate to be a true copy of the original written-statement.

(f) The written-statement shall be in English and any documents attached to it or filed by the respondent subsequently shall be either in English or be accompanied by their respective translations into English which should be certified by the respondent concerned or by his Advocate to be true and correct translation of the original documents, in question.

(g) The written-statement shall be accompanied by all documents in the possession or power of the respondent on which he bases his defence. Where he relies on other documents in support of his defence, he shall enter such documents in a list to be added or annexed to the written statement. A document which ought to be entered in the list, referred to above, but which has not been so entered shall not, without the leave of the High Court, be received in evidence on the respondent's behalf at the hearing of the petition.

The documents produced shall be accompanied by a list in Form 'B' appended to these rules.

(h) The written-statement shall, also be accompanied by a cloth-lined strong envelope which shall not be smaller in size ' than 10"-15", for keeping documents.

(i) The respondent shall serve on the Advocate incharge or on the petitioner himself, if he is not represented by an Advocate, an exact copy of the written-statement and its enclosures, if any, at least two days before the date of hearing.

Sections 86(4).  
Explanation.

21. *Commencement of trial.*-(a) The trial of a petition shall be deemed to commence on the date fixed for the respondents to appear before the High Court and to answer the claim or claims made in the petition.

(b) At the commencement of the trial, or on such adjourned date, for which all the respondents have been served or are deemed to have been served, the High Court shall scrutinise the pleadings of the parties and may, within such time as it may deem fit, permit the petitioner to file a replication in reply generally to any written-statement or direct him to file a better statement or better particulars in respect of any matter brought out in any written-statement.

(c) At the hearing of the petition, after pleadings have been filed, the High Court shall proceed to frame issues arising out of the pleadings of the parties which are necessary for the determination of the matters in controversy between the parties and postpone further hearing of the petition, but shall fix a day for the production of such evidence as the case requires. The Court shall, also, fix an intermediary date to watch the return of the summons of the witnesses. The parties or their counsel shall appear before the Registrar on the said date and obtain necessary orders with regard to re-summoning or otherwise the witnesses who might not have been served by the said date.

(d) within 5 days of the framing of the issues, the parties shall file any or other additional documents,

which are in their possession or power, and, also, file within the same period a list of all the documents which are not in such possession or power of the respective parties, but on which they propose to rely at the trial of the case indicating therein the person in whose possession, power or custody such documents may be available, and the relevancy of such documents.

(e) Within ten days of the date on which the issues are framed, the parties shall admit or deny the respective documents filed by the other side in the Registry of the Court by making an endorsement on each document under the signatures of the party concerned or his Advocate whether the document is admitted or denied, or how much of a document is admitted or denied.

(f) The preceding sub-rule shall not derogate from the right of the parties to serve on the counsel for the other side notice of admission or denial of documents or of admission or denial of facts.

(g) Parties may also, with the leave of the Court, serve interrogatories on the counsel for any other party for being replied to in accordance with law.

22. (i) A party desirous of requiring the attendance of his witnesses at the trial of the petition through the process of the High Court shall, within fifteen days of the settlement of the issues, make an application for the purpose, to the Registrar. The said application shall contain the names of the said witnesses and a gist of the facts to be proved, by each one of them: - A copy of the said application shall, also, be delivered by the party or his Advocate to the Advocate for the opposite party or if the same is not represented by an Advocate to the said party, at the same time it is made to the Registrar:

[<sup>51</sup>] [Provided that a party entitled to lead evidence in rebuttal may, move an application requiring the attendance of additional witnesses not already summoned, through the process of the High Court, within a period of two days from the date opposite party concludes its evidence.]

(ii) The said application shall be listed for hearing before the designated Judge by the Registrar on the next day of its filing in the Registry of the Court for passing necessary orders for summoning the witnesses provided that the designated Judge may refuse, for reasons to be recorded in writing to summon any witness or witnesses if he is of the opinion that evidence of such a witness or witnesses is not material for the decision of the petition or that the party summoning such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(iii) After the designated Judge has made necessary orders on the said application, the party concerned shall, within a period of three days pay into the High Court such sum of money as is ordered by the Registrar to defray travelling and other expenses for one day's attendance of the witness or witnesses ordered to be summoned. In fixing the said amount regard shall be had to the fees prescribed by the High Court in Appendix I to Chapter 5-C of Volume I of the Rules and Orders of the High Court.

(iv) Process fee in accordance with the provisions of Chapter 5-B of Volume IV of the Rules and Orders of the High Court and registered A.D. postal covers, pre-id and correctly addressed to the witness or witnesses, ordered to be summoned, shall, also, be filed by the party concerned within the aforesaid period of three days. The procedure for the service of the summons on the witnesses shall be, as far as practicable, as prescribed in Chapters 7-A to 7-H of Volume IV of the Rules and Orders of the High Court, as also, by registered post.

On an application of any of the parties to a petition or otherwise, a designated Judge may, also direct summons to be served on a witness through a special bailiff of the High Court. For the said purpose, the party



concerned may be required to pay the expenses of the said bailiff in addition.

(v) The summons to a witness shall be in form 'D' appended to these rules and the witness shall be paid his travelling and other expenses by the Registrar after he has attended the High Court on the date mentioned in the summons.

(vi) Service of a witness by registered post under sub-rule (iv) shall be deemed to be sufficient service for all purposes including those of Order 16, rule 12 of the Code of Civil Procedure.

23. *Amendment.*--The High Court may upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition. Section 86(5).

24. *Procedure.*-(a) Subject to the provisions of the Act and of these rules, every petition shall be tried, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits. Section 87(1).

(b) The High Court shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(c) The provisions of the Indian Evidence Act, 1872, shall, subject to the provisions of the Act and these rules, be deemed to apply in all respects to the trial of an election petition. Section 87(2).

(d) No document shall, however, be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

Section 94.

(e) No witness or other person shall be required to state for whom he has voted at an election.

Section 95(1).

(f) No witness shall be excused from answering any question as to any matter relevant to the points in issue in the trial of a petition upon the ground that the answer to such question may criminate or may tend to criminate him, or that it may expose or may tend to expose him to any penalty or forfeiture :

Provided that-

(1) (a) a witness, who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the High Court ; and

(b) an answer given by a witness to a question put by or before the High Court shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be admissible in evidence against him in any civil or criminal proceeding.

Section 95(2).

(2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under Chapter IX-A of the Indian Penal Code (45 of 1860), or Part VII of the Act, arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by the Act or any other law.

Section 96.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the High Court to such

person, and shall, unless the High Court otherwise directs, be deemed to be part of the costs.

25. *Relief that may be claimed.*-(a) A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected.

Section 84.

(b) (i) When in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other Party may give evidence to prove that the election of such candidate would have been void, if he had been the returned candidate and a petition had been presented calling in question his election

Section  
97(1).

Provided that the returned candidate or such other party as aforesaid, shall not be entitled to give such evidence unless he has, within fourteen days from the date of commencement of the trial, given notice to the High Court of his intention to do so and has also given the security and the further security referred to in sections 117 and 118, respectively, of the Act.

(ii) Every notice referred to in sub-rule (b) (i) above shall be accompanied by the statement and particulars required by section 83 of the Act in the case of an election petition and shall be signed and verified in like manner.

Section  
97(2).

26. *Miscellaneous.*-(a) The trial of an election petition shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion, unless the High Court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

Section  
86(6).

(b) Every election petition shall be tried as expeditiously as possible and endeavour shall be made

Section  
86(7).

to conclude the trial within six months from the date on which the election petition is presented to the High Court for trial.

(c) The High Court may give such other orders or directions in the course of a trial of the petition as may appear to it to be necessary in the interests of justice or for expediting the trial and disposal of the case or to prevent abuse of process of Court.

Section 119.

27. *Costs.*-(a) Costs shall be in the discretion of the High Court :

Provided that where a petition is dismissed under clause (a) of section 98 of the Act, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the High Court shall make an order for costs in favour of the returned candidate.

(b) If the costs have not been fixed by the designated Judge under clause (b) of section 99(1) of the Act, the costs shall be taxed by the Registrar within a week after the conclusion of the trial of the petition at a time of which at least two days' notice will be given to all the Advocates of the parties who were represented by counsel.

Section 103.

28. *Communication of orders of the High Court.*-The Registrar shall, as soon as may be after the conclusion of the trial of an election petition, intimate the substance of the decision to the Election Commission and the Speaker or Chairman, as the case may be, of the House of Parliament or of the State Legislature concerned and, as soon as may be thereafter, shall send to the Election Commission an authenticated copy of the decision.

29. *Arrangements of files.*-At any time before the commencement of hearing of a petition and before every adjourned hearing thereafter, the Registrar shall arrange the file of each election case into the following six parts :-

Part I--Orders in the main case.

Part II-Pleadings and issues.

Part III-Evidence.

Part IV-Documents filed by the petitioner.

(To be kept in the cover filed by the petitioner.)

Part V-Documents filed by the respondents.

(To be kept in the cover filed by the respondent concerned).

Separate covers of different respondents shall be marked with the Number of the party concerned in the array of respondents.

Part VI----Miscellaneous applications, replies thereto and orders thereon.

*Note.-Nathi Be* (Part B of the case) will contain the following : -

- (a) Notices ;
- (b) Office notes and correspondence
- (c) Reports of service ; and
- (d) Other miscellaneous papers.

30. *Paging and indexing.*--Each part of the file shall be separately page-marked and indexed by the Office and checked before the case is sent to the designated Judge one day before every hearing.

31. <sup>[52]</sup> [*Copies of evidence, etc.*--On an application moved by any party to a petition, the designated Judge may allow uncertified carbon copies of the evidence *and of all or any of the interlocutory orders* being given to the applicant or his counsel on paying for the same at the rates mentioned in rule 6 (iii) of Chapter 5-B, of Volume V of the High Court Rules & Orders .

*The expression "Court Stenographer" used in the said rule 6 (iii) shall for purposes of election petitions be deemed to include any Private Secretary or Judgment Writer of the High Court.*

Such copies shall be issued only after the Judge has signed the original record and corrections, if any, have been carried out in the copies.]

FORM `A'

Receipt to be obtained from the Registrar, under rule 11

(ii) Serial No. \_\_\_\_\_

Received from Shri \_\_\_\_\_

Election Petition No.- \_\_\_\_\_ of 19

\_\_\_\_\_

*Petitioner*

*versus*

\_\_\_\_\_

*Respondent*

entered in the register relating to Election Petitions at Serial No.- \_\_\_\_\_ this.....day of \_\_\_\_\_ 19 \_\_\_\_\_. The petitioner/Shri..... Advocate, to appear before the Registrar for removal of formal defects, if any, on \_\_\_\_\_.

*Registrar,*

High Court of Punjab and Haryana, Chandigarh.

Counterfoil .....

Signature of the petitioner/Shri \_\_\_\_\_, Advocate in token of having obtained the receipt.

## FORM 'B'

List of documents produced by petitioner/respondent.

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Election Petition No. \_\_\_\_\_ of 19 .

\_\_\_\_\_

*Petitioner**Versus*

\_\_\_\_\_

*Respondent.*

List of documents produced with the petition (or at first hearing) on behalf of petitioner or respondent.

The list was filed by \_\_\_\_ this day \_\_\_\_ of 19 .

1	2	3	4		5
Serial No.	Description and date, if any of the document	What the document is intended to prove	What became of the document		Remarks
			If brought on the record, the Exhibit mark put on the document	If rejected, date of return to the party and signature of party or pleader to whom the documents was returned	

Signature of party or Advocate producing the list.

FORM 'BB'

List of documents relied upon by the petitioner/respondent.

IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH

Election Petition No. \_\_\_\_\_ of 19

.....*Petitioner*

*versus*

.....:*Respondent.*

This list was filed by \_\_\_\_\_ this \_\_\_\_\_ day of 19

Signature of Party or Advocate  
producing the list.

1	2	3	4	5		5
Serial No.	Description and date, if any of the document	What the document is intended to prove	In whose possession the document is	What became of the document		Remarks
				If brought on the record, the Exhibit mark put on the document	If rejected, date of return to the party and signature of party or pleader to whom the documents was returned	

Signature of party or advocate producing the list.



## FORM 'C'

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

## NOTICE TO THE RESPONDENT

Election Petition No. \_\_\_\_\_ of 1967.

		<i>Petitioner</i>
	<i>versus.</i>	
		<i>Respondent.</i>

To

Shri/Shrimati \_\_\_\_\_

Whereas Shri/Shrimati \_\_\_\_\_ has instituted an election petition against you, you are hereby required to appear *in* this Court in person or by an Advocate, duly instructed and able to answer all material questions relating to the petition, on the day of \_\_\_\_\_, 19 , at 10 O'clock in the fore-noon to answer the petition and to produce on that day-

- (a) all the documents in your possession or power on which you intend to rely in support of your defence, and
- (b) a list of other documents on which you rely and which are not in your possession or power.

Take notice that if you do not appear in the Registry of this Court and serve notice of having done so on the Advocate incharge of the case or on the petitioner himself, if he is not represented by an Advocate, before the aforesaid date and do not serve on the said Advocate or the petitioner an exact copy of the written statement and its enclosures, if any, to be filed by you, at least two days before the aforesaid date, the petition will be heard and determined in your absence.

Also, note that the case will be put up before one of the designated Judges for scrutiny on \_\_\_\_\_ day of \_\_\_\_\_, 19 .

A copy each of the petition and its annexures and enclosures is enclosed.

By order,  
REGISTRAR

Endorsement No. \_\_\_\_\_, dated the \_\_\_\_\_

*Forwarded to* the Senior Subordinate/Administrative/Subordinate Judge, \_\_\_\_\_ for effecting service on the respondent/respondents. Service may please be effected immediately and a detailed report marked "IMMEDIATE---ELECTION PETITION" sent to the Superintendent, Election Petitions Branch, High Court of Punjab and Haryana, Chandigarh, so as to reach him before the day of , 19, without fail.

REGISTRAR.

FORM 'D'

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

SUMMONS TO WITNESS

Election Petition No. \_\_\_\_\_ of 19 .

\_\_\_\_\_ *Petitioner*

*versus*

\_\_\_\_\_ *Respondent*

To

Shri/Shrimati \_\_\_\_\_

\_\_\_\_\_

WHEREAS your attendance is required to \_  
on behalf of the \_\_\_\_\_ petitioner/respondent in  
the above-noted petition you are hereby required  
(personally) to appear before this Court on the \_\_\_\_\_  
day of \_\_\_\_\_, 19 , at 10 O'clock in the forenoon  
and to bring with you (or send to this Court).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A sum of Rs. \_\_\_\_\_, being your travelling and  
other expenses and subsistence allowance for one day,  
has been deposited by the \_\_\_\_\_ petitioner/respondent  
in this Court and will be paid to you after you have  
attended this Court on the aforesaid day. If you fail to  
comply with this Order without lawful

excuse, you will be subject to the consequence of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under my hand and the seal of the Court,  
this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

By order,

SUPERINTENDENT,  
Election Petitions Branch.

*Notice.*-(1) If *you are* summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

(2) If you are detained beyond the day aforesaid, a sum of Rs. \_\_\_\_\_ will be tendered to you for each day's attendance beyond the day specified.

By order of the Hon'ble the Chief Justice and Judges.

REGISTRAR.

[53] FORM 'E'

Facsimile of the rubber stamp to be used in the Election Branch for making endorsement on the documents filed in that Branch as required by sub-rule (iii) of Rule 11 :-

ELECTION BRANCH

RE:

Election Petition No. \_\_\_\_\_ of 19  
Date of filing \_\_\_\_\_  
Serial Number in the  
receipt register \_\_\_\_\_

Diarist:  
Punjab and Haryana High Court,  
Chandigarh.