

OFFICER BEFORE WHOM A CANDIDATE FOR ELECTION TO FILL A SEAT IN THE
LEGISLATIVE ASSEMBLY OF A UNION TERRITORY SHALL MAKE AND
SUBSCRIBE OATH OR AFFIRMATION

Election Commission Notification No. 3/6/68 (2), dated the 18th March, 1968.—(1) In pursuance of clause (a) of section 4 of the Government of Union Territories Act, 1963 (20 of 1963), and in suppression of its Notification No. 3/3/66, dated the 2nd May, 1967, the Election Commission ¹[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 Legislative Assembly of a Union territory shall make and subscribe the oath or affirmation in the form set out for the purpose in the First Schedule to the said Act.

(2) Notwithstanding anything contained in paragraph (1), in pursuance of clause (a) of the said section 4, 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 the returning officer for the assembly constituency from which a person has been nominated as a candidate for election to fill a seat in Legislative Assembly;

²[(1A) the expressions "district judge" and "judicial service" shall have meanings respectively assigned to them in article 236 of the Constitution of India]; and

(2) the expression "assembly constituency" shall have the meaning assigned to it in clause (c) of sub-section (1) of section 2 of the Government of Union Territories Act, 1963 (20 of 1963).

1. Subs. by Notifn. No. 3/6/68(2), dated the 25th October, 1968, for certain words.

2. Ins., *ibid.*