

**THE PONDICHERRY VILLAGE PANCHAYATS
(INQUIRY OF ELECTION PETITIONS) RULES, 1977**

1. **Short title, extent and commencement.**— (1) These rules may be called the Pondicherry Village Panchayats (Inquiry of Election Petitions) Rules, 1977.

(2) They shall extend to the whole of the Union territory of Pondicherry.

(3) They shall come into force at once.

2. **Definitions.**— In these rules, unless the context otherwise requires:-

(a) 'Act' means the Pondicherry Village and Commune Panchayats Act, 1973;

(b) '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;

(c) 'corrupt practice' means any of the offences referred to in section 27 of the Act;

(d) 'costs' means all costs, charges and expenses of, or incidental to an inquiry of, an election petition;

(e) 'judicial authority' means such authority as the Government may, by notification, prescribe under section 35 of the Act;

(f) 'returned candidate' means a candidate whose name has been declared elected by the returning officer under rule 42 or rule 44 of the Pondicherry Village and Commune Panchayats (Conduct of Election of Members of the commune panchayat councils and presidents and members of village panchayat) Rules, 1978.

(g) 'section' means a section of the Act.

3. No election held under the Pondicherry Village and Commune Panchayat Act, 1973, whether of a member of the commune panchayat council or of a member or president of village panchayat shall be called in question except by an election petition presented in accordance with the provisions of the Act and the rules to the judicial authority by any person qualified to vote at the election to which such question relates, against the candidate who has been declared to have been elected (hereinafter called the returned candidate).

4. (1) The election petition shall be presented at any time within fifteen days from the date of the declaration of the result of the election.

Explanation: If the office of the judicial authority is closed on the last day of the fifteen days aforesaid, the petition may be presented to the judicial authority on the next following day on which such office is open.

(2) The election petition shall contain a statement in concise form of the material facts on which petitioner relies and shall set forth particulars of any corrupt practice which he alleges, and shall where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.

5. (1) At the time of presentation of the election petition, the petitioner shall deposit with the judicial authority in cash one hundred rupees as security for the costs of the same.

(2) If the provisions of sub-rule (1) are not complied with, the judicial authority shall dismiss the petition.

(3) Upon compliance with the provisions of sub-rule (1), the judicial authority shall proceed to inquire into the petition.

6. The judicial authority shall as soon as may be, cause a copy of the petition to be served on each respondent and on the executive authority of the village panchayat concerned and the election authority. Copies shall also be affixed to the notice board of the judicial authority and of the office of the village panchayat. The judicial authority may also call on the petitioner to execute a bond in such amount and with such sureties as it may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on furnishing similarly such security as may be demanded by the judicial authority.

7. (1) Every election petition shall be enquired into by the judicial authority as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits:

Provided that it shall only be necessary for the judicial authority to make a memorandum of substance of the evidences of any witness examined by it.

(2) The judicial authority shall have the powers which are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters:

- (a) discovery and inspection,
- (b) enforcing the attendance of witnesses, and requiring the deposit of their expenses,
- (c) compelling the production of documents,
- (d) examining witnesses on oath,
- (e) granting adjournments,
- (f) reception of evidence taken on affidavit, and
- (g) issuing commissions for examination of witnesses and may summon and examine *suo motu* any person whose evidence appears to it to be material.

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

9. The reasonable expenses incurred by any person in attending to give evidence may be allowed by the judicial authority to such person and shall, unless the judicial authority otherwise directs, be deemed to be part of the costs.

10. (1) No election petition shall be withdrawn without the leave of the judicial authority.

(2) If there are more than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the manner specified in rule 6.

(4) No application for withdrawal shall be granted if the judicial authority is of opinion that such application has been induced by any bargain or consideration which it considers ought not to be allowed.

(5) If the application is granted

(a) the petitioner shall be ordered to pay costs of the respondent therefor incurred or such portion thereof as the judicial authority may think fit, and

(b) such withdrawal shall be communicated to executive authority of the village panchayat concerned and the election authority by the judicial authority.

11. Any order as to costs made by the judicial authority may be produced before the Principal Civil Court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay the costs has a place of residence or business and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it was a decree for the payment of money made by itself in a suit.

12. An election petition shall abate on the death of a sole petitioner or of the survivor of several petitioners, and such abatement shall be communicated to the executive authority of the village panchayat concerned and the election authority by the judicial authority.

13. (1) At the conclusion of the inquiry, the judicial authority shall declare whether the election of the returned candidate is invalid under sub-section (2) of section 35 of the Act.

(2) A copy of every order under sub-rule (1) shall be communicated to the executive authority of the village panchayat concerned and the election authority.