

**THE MEMBERS OF PARLIAMENT (DETERMINATION
OF DISPUTE) ACT, 1980**

ACT NO. I OF 1981

[27th January, 1981]

An Act to make provision for empowering the Election Commission to give full effect to the provisions of clause (4) of Article 66 of the Constitution.

WHEREAS it is expedient to make provision for empowering the Election Commission to give full effect to the provisions of clause (4) of Article 66 of the Constitution;

It is hereby enacted as follows:-

1. This Act may be called the Members of Parliament (Determination of Dispute) Act, 1980. Short title

2. In this Act, unless there is anything repugnant in the subject or context,- Definitions

- (a) "Article" means an Article of the Constitution;
- (b) "dispute" means a dispute mentioned in clause (4) of Article 66;
- (c) "Election Commission" means the Election Commission established under Article 118.

3. The Speaker shall within thirty days after a dispute has arisen, prepare a statement containing the facts relating to the dispute, the name and address of the Member of Parliament in respect of whom or in respect of whose seat the dispute has arisen and the name and address of the person who has raised the dispute, hereinafter referred to as the parties to the dispute, and send the statement to the Election Commission to hear and determine the dispute. Reference of disputes under Article 66(4)

4. (1) Where a dispute has been referred to the Election Commission by the Speaker for hearing and determination, the Commission shall, unless it is of opinion that a reference on any point regarding the dispute is required to be made to the Speaker, communicate, within fourteen days of the receipt of the statement mentioned in section 3, the statement to the parties to the dispute asking them to submit statements in writing, if any, on the dispute within such time as may be specified by it. Procedure for hearing disputes by Election Commission

(2) After the expiry of the time specified for submission of statements, the Election Commission shall hear the dispute on such date and at such time and place as it may determine.

(3) All parties to the dispute shall have the right to appear before the Election Commission in person or to be represented by advocates.

(4) The Election Commission shall give a reasonable opportunity to the parties to the dispute of adducing evidence and of cross-examining witnesses.

(5) Except as aforesaid the procedure for hearing a dispute shall be such as the Election Commission considers appropriate in the circumstances of the case.

Powers of
Election
Commission

5. (1) For the purpose of hearing and determination of a dispute, the Election Commission shall have all the powers of a Civil Court, while trying a suit, under the Code of Civil Procedure, 1908 (V of 1908), in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavit;
- (d) issuing commissions for the examination of witnesses or documents;
- (e) such other matters as may be prescribed.

(2) Any proceeding before the Election Commission under this Act shall be deemed to be a judicial proceeding within the meaning of section 193 of the Penal Code (XLV of 1860).

Decision of the
Election
Commission

6. The Election Commission shall communicate its decision on a dispute to the Speaker within one hundred and twenty days of the receipt of the statement mentioned in section 3.

Power to make
rules

7. The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Act.
