

Qualifications & Disqualifications to Contest Elections

Question222. Can a non-citizen be a candidate? Where do you find provision relating to this?

Answer. A non-citizen cannot be a contesting candidate in the elections. Article 84 (a) of the Constitution of India envisages that a person shall not be qualified to be chosen to fill up a seat in the Parliament unless he is a citizen of India. Similar provision exists for State Legislative Assemblies in Article 173 (a) of the Constitution.

Question223. What is the minimum age for becoming a candidate for Lok Sabha or Assembly election? What is the crucial date for determining age?

Answer. Twenty Five Years on the date of security of nomination by the RO. Article 84 (b) of Constitution of India provides that the minimum age for becoming a candidate for Lok Sabha election shall be 25 years. Similar provision exists for a candidate to the Legislative Assemblies vide Article 173 (b) of the Constitution read with Sec. 36 (2) of the R. P. Act, 1950.

Question224. If I am not registered as a voter in any Constituency, can I contest election? Please explain in brief?

Answer. For contesting an election as a candidate a person must be registered as a voter. Sec 4 (d) of Representation People Act, 1951 precludes a person from contesting unless he is an elector in any parliamentary constituency. Section 5 (c) of R. P. Act, 1951 has a similar provision for Assembly Constituencies.

Question225. I am registered as a voter in Delhi. Can I contest election to Lok Sabha from Haryana or Maharashtra, or Orissa?

Answer. If you are a registered voter in Delhi, you can contest an election to Lok Sabha from any constituency in the country except Assam, Lakshadweep and Sikkim, as per Section 4 (c), 4 (cc) and 4 (ccc) of the R. P. Act, 1951.

Question226. If somebody is convicted for some offence and he is sentenced to imprisonment for 3 years, can he contest elections?

Answer. As per Section 8 (3) of R. P. Act, 1951, if a person is convicted of any offence and sentenced to an imprisonment of 2 years or more, this will be disqualification to contest elections.

Question227. Supposing he is on bail, pending disposal of his appeal, can he contest the election?

Answer. Even if a person is on bail, after the conviction and his appeal is pending for disposal, he is disqualified from contesting an election as per the guidelines issued by the Election Commission of India.

Question228. Can a person confined in jail vote in an election?

Answer. According to section 62(5) of the Representation of the People Act, 1951, no person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police.

Question229. A person is a member of Schedule Caste in a particular State. Can he contest election from any other State for Lok Sabha (House of People) from a seat reserved for Scheduled Castes?

Answer. Yes. He can contest election from any other State from a seat reserved for Scheduled Castes. (Refer : Sec. 4 of the Representation of People Act, 1951)

Question230. A person is a member of Schedule Tribe in a particular State. Can he contest election from any other State for Lok Sabha (House of People) from a seat reserved for Scheduled Tribes?

Answer. Yes. He can contest election from any other State from a seat reserved for Scheduled Tribes except Lakshadweep, other than those in autonomous Districts of Assam and excluding the tribal areas of Assam.

(Refer: Sec. 4 of the Representation of People Act, 1951)

Question231. A person is an elector in a particular State. Can he contest election for a seat in the Vidhan Sabha (Legislative Assembly) of any other State?

Answer. No. The person has to be elector in the state from where he is contesting elections for Vidhan Sabha (Refer: Sec. 5 of the Representation of People Act, 1951)

Question232. A person is registered as a voter in a particular State but he is a member of Schedule Caste of other State. Can he contest election from a seat reserved for Scheduled Castes for Vidhan Sabha (Legislative Assembly) in which he is an voter?

Answer. No. The person should belong to Scheduled Caste in the state from where he is contesting elections. (Refer: Sec. 5 of the Representation of People Act, 1951)

Question233. A person is registered as a voter in a particular State but he is a member of Schedule Tribes of other State. Can he contest election from a seat reserved for Scheduled Tribes for Vidhan Sabha (Legislative Assembly) in which he is a voter?

Answer. No. (Refer: Sec. 5 of the Representation of People Act, 1951)

Question234. A person is a member of Scheduled Castes or Scheduled Tribes community. Can he contest an election from a general constituency?

Answer. Yes. (Refer: Sec. 4 & 5 of the Representation of People Act, 1951)

Oath of Affirmation

Question235. Is it necessary for a candidate to make and subscribe an oath or affirmation before an officer authorized by the Election Commission?

Answer. Yes. It is a constitutional and legal requirement. (Refer: Article 84 (a) or Article 173 (a) of the Constitution, Section 4(a) of Govt. of Union Territory Act, 1963 or section 4(a) Govt. of National Territory of Delhi Act, 1991)

Question236. When the oath or affirmation by the candidate is required to be made?

Answer. The candidate, in person, is required to make the oath or affirmation immediately after presenting his nomination papers and in any case not later than the day previous to the date of the scrutiny.

Security Deposit

Question237. Which candidates lose the deposit?

Answer. Section 158 (4) RP Act, 1951.

A defeated candidate who fails to secure more than one sixth of the valid votes polled in the constituency will lose his security deposit.

Question238. At an election all the contesting candidates secured less than 1/6 th of valid votes. What will happen to the security deposit of winning candidates?

Answer. Security deposit of all candidates except winner will be forfeited.

Question239. Every candidate is required to make security deposit. How much is the security deposit for Lok Sabha election?

Answer. Rupees Twenty five Thousand

As per Section 34 1 (a) of R. P. Act, 1951, every candidate is required to make a security deposit of Rs. 25,000/- (Rupees Twenty five Thousand Only) for Lok Sabha elections.

Question240. Is there any concession in security deposit for a candidate belonging to Scheduled Caste or Scheduled Tribe for Lok Sabha (House of People) election?

Answer. Yes, The same section 34 of R. P. Act, 1951 provides that a candidate belonging to Scheduled Caste and Scheduled Tribe is required to make a security deposit half of the amount of Rs. 12,500 (Rupees Twelve Thousand five hundred Only).

Question241. How much is the security deposit for an Assembly election?

Answer. Rupees Ten Thousand. As per Sec. 34 (1) (b) of the R. P. Act 1951, a general candidate for contesting an Assembly election will have to make a security deposit of Rs. 10,000/-. A candidate belonging to Scheduled Caste / Tribe will have to make a security deposit of Rs. 5,000/- (Five Thousand Only).

Question242. Is there any concession in security deposit for a candidate belonging to Scheduled Caste or Scheduled Tribe for Vidhan Sabha (Legislative Assembly) election?

Answer. Yes. It is Rs. Five Thousand. (Refer Sec. 34 (1) (b) of Representation of People Act, 1951)

Allotment of Election Symbols

Question243. Who allots the election symbols to contesting candidates?

Answer. Returning Officer. [Refer: The Election Symbols (Reservation and Allotment) Order, 1968]

Question244. How reserved election symbol is allotted to candidate of a recognized National or State Party?

Answer. For allotment of reserve symbol, the candidate has to declare in his nomination form that he has been setup by the concerned recognized party and has to submit prescribed declaration in Form B from the authorized office bearer of the party to the effect that he has been setup by that party. The declaration in Form B should be duly signed by the office bearer of the Party whose specimen signatures have been communicated in Form –A subject to condition that both the Forms have been delivered to Chief Electoral Officer of the State and Returning Officer before 3 P.M on the last date of making nominations. [Refer: Para’s 8 and 13 the Election Symbols (Reservation and Allotment) Order, 1968.]

Question245. Can a candidate deliver the declaration in Form A and Form B with facsimile signature or signature by means of rubber stamp etc. of the office bearer of the political party?

Answer. No. Form A & Form B must bear the signatures in ink of authorized office bearer of the political party. [Refer: Para 13 the Election Symbols (Reservation and Allotment) Order, 1968.]

Question246. Can a candidate sponsored by a registered unrecognized political party or a candidate contesting as independent choose any one of the free symbols specified in the list of free symbols?

Answer. Yes, for the purpose, such candidate may choose 3 free symbols from the list, in order of preference and mention the same in his nomination paper.

[Refer: Para 12 of the Election Symbols (Reservation and Allotment) Order, 1968.]

Question247. What is the requirement for a candidate sponsored by registered unrecognized political party to submit the Form A & Form B?

Answer. The candidate sponsored by all the political parties, recognized or unrecognized, have to submit form A & B to the Chief Electoral Officer of the State and Returning Officer. [Refer: Para 13 of the Election Symbols (Reservation and Allotment) Order, 1968.]

Question248. What are the new provisions for allotment of common symbols to register but unrecognized political parties?

Answer. The new provisions added as Para 10B of the symbol order provide one time facility for these parties – Under this provision a registered political party can request for one time common symbol to contest election under conditions enumerated in the said Para 10B. Under these provisions even those political parties who were recognized earlier but now have become unrecognized can avail this concession.

Corrupt practices & Electoral offences

Question249. When you are walking down to your polling station, some candidate or his agent offers you a free lift to the polling station. Can you accept that offer of lift?

If you accept which offence will be committed by you?

Answer. No, It is a corrupt practice under section 123 (5) of the R. P. Act, 1951. This offence is punishable under Section 133 of the same Act, with imprisonment which may extend upto 3 months and/or with fine.

Question250. Can you accept such lift when you are going back to your house after you have cast your vote?

Answer. No, the provision of Corrupt Practice under section 123 (5) as mentioned above will cover conveyance of any elector, to or from any polling station.

Question251. Somebody offers you some money to vote for a candidate. Can you accept such money? Explain in brief?

Answer. No, acceptance of money to vote for a candidate is a corrupt practice of bribery under Section 123 (1) of R. P. Act, 1951. It is also an offence under section 171-B of Indian Penal Code and is punishable with imprisonment of either description for a term which may extend to one year or with fine or both.

Question252. Somebody offers you some money, not to vote for a certain candidate. Can you accept such money? Explain in brief?

Answer. No, the corrupt practice of bribery will also be attracted, if a person accepts money not to vote for a particular candidate.

Question253. Somebody makes any offer of whisky, liquor or other intoxicant or gives you a dinner to vote for a particular candidate or not to vote for him. Can you accept such offer? Explain in brief?

Answer. No, acceptance of any offer of liquor or other intoxicants or a dinner to vote for a particular candidate or not to vote for him is bribery.

Question254. Can anyone threaten a voter that he would be excommunicated if he votes for a particular candidate or does not vote for another particular candidate?

Answer. No, any threat to a voter that he would be excommunicated if he votes for a particular candidate or does not vote for another particular candidate is a corrupt practice of undue influence under Section 123 (2) of R. P. Act, 1951. It is also punishable under sec 171 F of Indian Penal Code with imprisonment of either description for a term which may extend to one year or with fine or with both.

Question255. Can anyone tell another person that he should vote for a particular person, or not to vote for him, because the candidate belongs to a particular religion, caste or creed or speaks a particular language?

Answer. No, any one telling another person that he should vote for a particular candidate or not to vote for him because he belongs to a particular religion, caste or creed or speaks a particular language is a corrupt practice under section 123 (3) of R. P. Act, 1951.