



Election to the Office of President of India, 2017 (15th Presidential Election).

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The term of office of Shri Pranab Mukherjee, President of India, is ending on 24th July, 2017. As per Article 62 of the Constitution, an election to fill the vacancy caused by the expiration of the term of office of the outgoing President is required to be completed before the expiration of the term. The law provides that the notification for election shall be issued on or after the sixtieth day before the expiry of term of office of the outgoing President.

2. Article 324 of the Constitution read with the Presidential and Vice - Presidential Elections Act, 1952, and the Presidential and Vice - Presidential Elections Rules, 1974 vests the superintendence, direction and control of the conduct of election to the office of the President of India in the Election Commission of India. The Election Commission is mandated to ensure that the election to the office of the President of India, which is the highest elective office in the nation, must be a free and fair election and the Commission is taking all necessary steps for discharging its constitutional responsibility.

3. The President is elected by the members of the Electoral College consisting of:

- (I) elected members of both Houses of Parliament, and
- (II) elected members of the Legislative Assemblies of all States including National Capital Territory of Delhi and the Union Territory of Puducherry.

(The nominated members of either Rajya Sabha and Lok Sabha or Legislative Assemblies of the States are not eligible to be included in the Electoral College and therefore, they are not entitled to participate in the election. Similarly, members of the Legislative Councils are also not electors for the Presidential election).

4. Article 55 (3) of the Constitution provides that the election shall be held in accordance with the System of Proportional Representation by means of single transferable vote and the voting at such election shall be by secret ballot. In this system, the elector has to mark preferences against the names of the candidates. Preference can be marked in the international form of Indian numerals, in Roman form, or in the form in any recognised Indian languages. Preference has to be marked in figures only. The elector can mark as many preference as the number of candidates. While the marking of the first preference is compulsory for the ballot paper to be valid, other preferences are optional.

5. For marking the vote, the Commission will supply particular pens. This pen will be given to the electors in the polling station by the designated official when the ballot paper is handed over. **Electors have to mark the ballot only with this particular pen and not with any other pen.** Voting by using any other pen may lead to invalidation of the vote at the time of counting, under Rule 31(1) (d) of the Presidential and Vice-Presidential Elections Rules, 1974, reproduced below:-

“ A ballot paper shall be invalid on which-

.....

(d) any mark is made by which the elector may afterwards be identified” .

6. The Election Commission, in consultation with the Central Government, appoints the Secretary General of Lok Sabha and Rajya Sabha, by rotation, as the Returning Officer. Accordingly, the Secretary General, Lok Sabha will be appointed as the Returning Officer for the present election. Poll for the election will be taken in the Parliament House and in the premises of the State Legislative Assemblies, including the Legislative Assemblies of NCT of Delhi and Puducherry. The Commission has also decided to appoint Assistant Returning Officers in all State Capitals, including NCT of Delhi and Union Territory of Puducherry, for making arrangements for conducting the poll and for transportation of the ballot boxes and other important documents to and from the Election Commission. For meeting any eventuality in case the Assistant Returning Officer is not available for any reason, a second Assistant Returning Officer is also being appointed. A list of Assistant Returning Officers is at **Appendix-I.**

7. In pursuance of sub-section (1) of section (4) of the Presidential and Vice Presidential Elections Act, 1952, the Election Commission of India has fixed the schedule for the election to fill the office of the President of India as given in **Appendix II.**

8. The nomination paper of a candidate must be delivered to the Returning Officer at New Delhi in the place to be specified by him by a public notice that will be issued by him (in Form-1 appended to the Presidential and Vice- Presidential Elections, Rules, 1974), and at no other place. Under the law, nomination (in prescribed Form 2) can be filed either by the candidate himself or by any of his Proposers or Seconders between 11.00 a.m. to 3.00 p.m. Nomination cannot be filed on public holidays. A nomination paper of a candidate has to be subscribed by at **least fifty electors as Proposers** and by at least another **fifty electors as Seconders**. An elector can subscribe to only one nomination paper of a candidate as either a Proposer or a Secunder. If an elector subscribes more than one nomination paper, his signature on the nomination papers other than the one first delivered to the Returning Officer, will be invalid. A candidate can file maximum of four nomination papers. The security deposit for the election is Rs. 15,000/- (Rupees fifteen thousand only), which is required to be made along with the nomination paper, or should be deposited in Reserve Bank of India or a Govt. Treasury under the relevant Head of Accounts for the purpose prior to filing of nomination.

9. The list of members of the Electoral College maintained by the Commission for the Presidential Election, 2017, would be available for sale @ Rs. 300/- per copy from the counter opened in the premises of Election Commission of India. A copy of the Electoral College is also being uploaded on the Commission's website.

10. The polling, if required, shall take place in the polling stations as given in the list at **Appendix-III**.

11. Each contesting candidate can authorize a representative to be present in each place of polling (polling stations) and at the place fixed for counting (counting hall). Authorization of representatives for this purpose shall be made by the candidate in writing.

12. Normally, members of Parliament are expected to cast their votes at the Place of Poll in the Parliament House, New Delhi, and members of State Legislative Assemblies are expected to vote at the respective State Capital. However, on account of any exigency or special circumstances, the Members of Parliament can vote in any of the polling stations in the State capital/Delhi/Puducherry. Similarly, any MLA may vote at New Delhi instead of voting in the respective State Capital. For this purpose, the MPs/MLAs concerned have to apply in advance to the Election Commission in the prescribed format so as to reach the Election Commission at least 10 days before the date of poll. The format for making such application will be available with the Returning Officer and with the Assistant Returning Officers.

13. The Constitution has expressly provided that election to the office of President shall be by secret ballot. Therefore, the electors are expected to scrupulously maintain secrecy of vote. There is no concept of open voting at this election and showing the ballot to anyone under any circumstances in the case of Presidential and Vice Presidential elections is totally prohibited. Voting procedure laid down in the 1974 Rules provides that after marking the vote in the Voting Compartment, the elector is required to fold the ballot paper and insert it in the Ballot Box. Any violation of the voting procedure will entail cancellation of the ballot paper by the Presiding Officer. As already mentioned in paragraph 4, marking of vote can be done only with the particular pen supplied to the electors in the polling station.

14. In this connection, it is also clarified that political parties cannot issue any whip to their MPs and MLAs in the matter of voting in the Presidential election. It is also clarified that as per Section 18 of the Presidential and Vice-Presidential Elections Act, 1952, the offence of 'bribery' or 'undue influence' as defined in Sections 171B and 171C of IPC, by the returned candidate or any person with the consent of the returned candidate are among the grounds on which the election can be declared void by the Hon'ble supreme Court in an Election Petition.

15. The Chief Electoral Officers of each State including NCT of Delhi and UT of Puducherry shall supervise and coordinate with the Assistant Returning Officers for the conduct of poll at the respective State Capitals and matters such as transport of the ballot boxes and other important documents from the Election Commission to the respective State Capitals and back to New Delhi after the poll.

16. Counting of votes will be held in New Delhi under the supervision of the Returning Officer. On completion of counting, Return of Election (in Form 7 appended to the Presidential and Vice-Presidential Elections Rules, 1974) will be signed and issued by the Returning Officer declaring the candidate who secures the quota elected. Formal announcement of election of the President will be made by the Commission.

17. The Commission appoints senior Officers of the Government of India as its Observers at the place(s) of polling to ensure proper conduct of poll.

18. The Commission has brought out a comprehensive booklet covering all aspects of election to the office of the President and copies of the publication can be obtained @ Rs. 25/- per copy from the Commission's sale counter or from the offices of the Chief Electoral Officers in different States and Union Territories.

Appendix I

Appendix II

Appendix III

