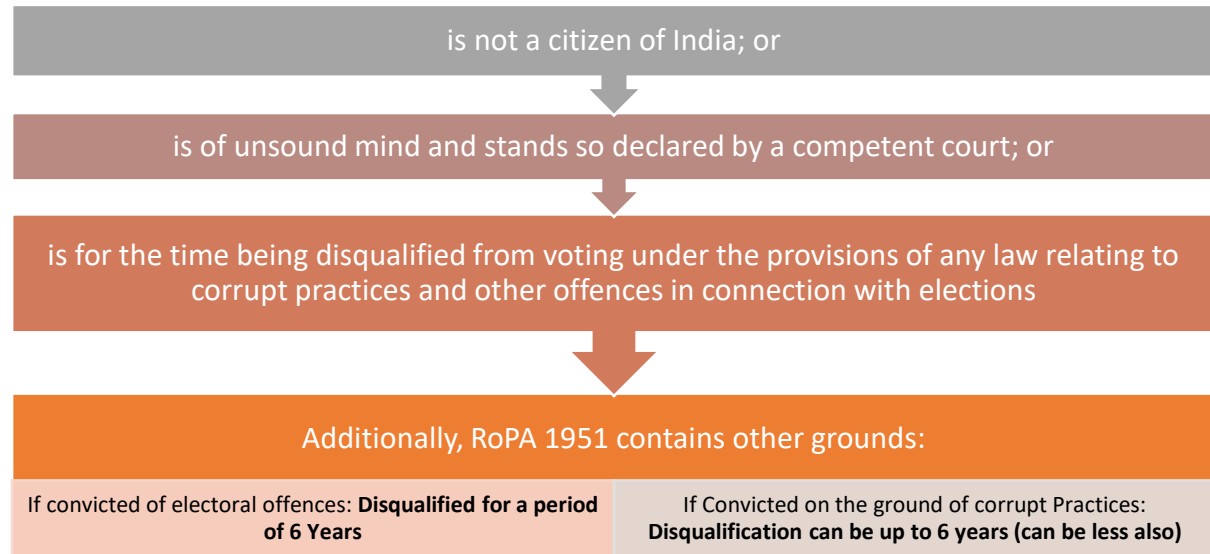


Representation of People's Act 1950

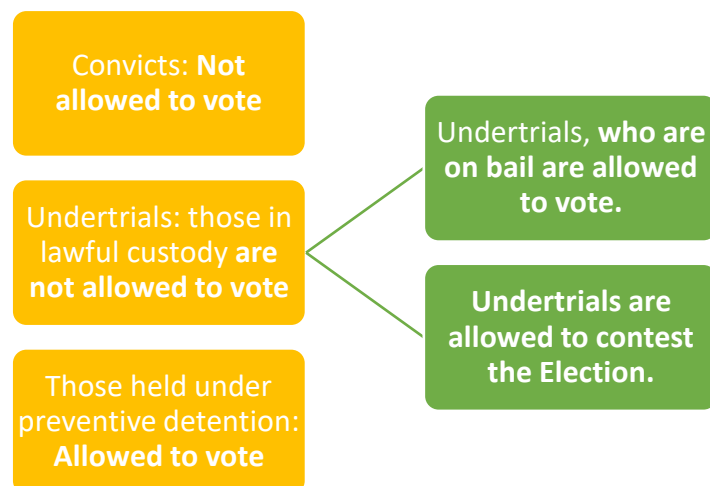
Rules for registration as a voter

- One person can register at only one constituency.
- is not less than eighteen years of age on the qualifying date, and
- is ordinarily resident in a constituency shall be entitled to be registered in the electoral roll for that constituency.

Disqualification from being a voter:



Voting Rights of Prisoners



Representation of People's Act 1951

PART IV Section 19-29 ADMINISTRATIVE MACHINERY FOR THE CONDUCT OF ELECTIONS

- **Chief Electoral Officer:** Subject to the superintendence, direction and control of the Election Commission, the chief electoral officer of each State shall supervise the conduct of all elections in the State under this Act.
- **District Election Officer:** the district election officer shall coordinate and supervise all work in the district or in the area within his jurisdiction in connection with the conduct of all elections to Parliament and the Legislature of the State.
- **Observers:** Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a constituency or a group of constituencies.
 - shall have the power to direct the returning officer, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer booth capturing has taken place.
- **Returning Officer:** general duty of the returning officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Act.
- **Presiding Officers and Other polling officers:** The district election officer shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary.
 - It shall be the general duty of the presiding officer at a polling station to keep order thereat and to see that the poll is fairly taken and he shall be assisted by other polling officers.

Part IVA- REGISTRATION OF POLITICAL PARTIES

- Any association or body of individual citizens of India calling itself a political party shall make an application to the Election Commission for its registration as a political party for the purposes of this Act **within 60 days of commencement of this act.**
- If such association has been formed after the commencement of this act then within **30 days of its formation.**
- Needs to furnish details like officer bearers of party, strength of workers, representation in legislature etc.
- The decision of the Commission shall be final.

Section 29B Political parties entitled to accept contribution. —Subject to the provisions of the Companies Act, 1956 (1 of 1956), **every political party may accept any amount of contribution voluntarily offered to it by any person or company other than a Government company.**

If any contribution is received in excess of 20,000 rupees then treasurer of the party shall make a report of it to the election commission.

PART V CONDUCT OF ELECTIONS

Nomination of Candidates

- 7 days from notification to file nomination papers.
 - Thereafter next day shall be for the screening of nominations.
 - Then 2 days' time shall be given for withdrawal of nomination if a candidate wishes.
 - the returning officer shall prepare and publish in such form and manner as may be prescribed a list of contesting candidates.
 - Then at least after 14 days only elections can be completed. This limit is 7 days for assembly elections.
1. **Nomination paper of the candidate shall be signed by one of the electors of the constituency as a proposer.**
 2. **If the candidates do not belong to a recognized political party, then need at least 10 proposers.**
 3. **Restriction on number of Nomination:** Two constituencies
 4. While filing the nomination candidate has to furnish certain information wrt his conviction or pending cases.
 5. **Security Deposit:**
 - a. For MP: 25,000 Rs (in case of SC/ST- 12500)
 - b. For MLA: 10,000 (in case of SC/ST- 5000)
 - c. For each nomination he has filed.

Advertising via media: Election Commission shall, on the basis of the past performance of a **recognised political party**, during elections, allocate equitable sharing of time on the cable television network and other electronic media in such manner as may be prescribed to display or propagate any election matter or to address public in connection with an election.

If a candidate whose nomination paper was found to be valid dies before actual poll then election has to be adjourned. ECI may call upon party to nominate new candidate.

Adjournment of Polls:

1. Due to emergency of calamities:
2. Destruction of ballot box or EVMs- election of such booth may be declared void and conducted on fresh day.

Section 61: In order to reduce impersonation for the marking with indelible ink of the thumb or any other finger of every elector who applies for a ballot paper or ballot papers for the purpose of voting at a polling station before delivery of such paper or papers to him;

Section 62 : Right to vote: at one constituency and one booth

- Subject to disqualification under this act

- 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.
- This provision does not apply those who are detained under preventive detention- they can vote.

Counting of votes:

- Under the supervision and direction of returning officer.
- In case of equality of votes RO shall decide winner by lottery.
- The returning officer shall report the result to the appropriate authority and the Election Commission, and in the case of an election to a House of Parliament or of the Legislature of a State also to the Secretary of that House, and the appropriate authority shall cause to be published in the Official Gazette the declarations containing the names of the elected candidates.

Disputes:

- No election shall be called in question except by an election petition presented in accordance with the provisions of the act.
- The Court having jurisdiction to try an election petition shall be the High Court.
- petitioner. —A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected.
- Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the High Court for trial.
- **Secrecy of voting:** No witness or other person shall be required to state for whom he has voted at an election.
- **HC may declare the election, of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.**
- Grounds for declaring election to be void:
 - that on the date of his election a returned candidate was not qualified, or was disqualified.
 - that any corrupt practice has been committed by a returned candidate or his election agent
 - that any nomination has been improperly rejected.
 - an appeal shall lie to the Supreme Court within 30 days on any question (whether of law or fact) from every order made by a High Court.

Bye-Elections:

- to be conducted within 6 months
- But not required if the remainder of term is less than 1 year

Electoral Offences and Corrupt Electoral Practices:

Section 123: Defined Corrupt Practices

1. "Bribery"
2. **Receiving gratification** by a person for standing or not standing as, or for withdrawing or not withdrawing from being, a candidate;
3. **Undue Influence:** direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the free exercise of any electoral right.
4. The **promotion of, or attempt to promote, feelings of enmity or hatred between different classes** of the citizens of India on grounds of religion, race, caste,
5. The propagation of the practice or the commission of sati or its glorification
6. Publication of false statements wrt to the character of other candidates
7. The incurring or authorizing of expenditure in contravention of limit.
8. booth capturing by a candidate or his agent or other person.

Section	Offence	Punishment
125	Promoting enmity between classes in connection with election. —	imprisonment for a term which may extend to three years , or with fine, or with both
125A.	Penalty for filing false affidavit	imprisonment for a term which may extend to six months , or with fine, or with both
126	Prohibition of public meetings during period of forty-eight hours ending with hour fixed for conclusion of poll.	imprisonment for a term which may extend to two years , or with fine, or with both
126A	Publication of exit polls beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the poll in all the States and Union territories	imprisonment for a term which may extend to two years , or with fine, or with both
127A	No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.	imprisonment for a term which may extend to six months , or with fine, or with both
129	Officers, etc., at elections not to act for candidates or to influence voting	imprisonment for a term which may extend to six months , or with fine, or with both
130	Prohibition of canvassing in or near polling station within 100 meters	Fine

134	Breaches of official duty in connection with election	Fine
134A	Penalty for Government servants for acting as election agent, polling agent or counting agent	imprisonment for a term which may extend to three months , or with fine, or with both
134B	Prohibition of going armed to or near a polling station	imprisonment for a term which may extend to two years , or with fine, or with both
135	Removal of ballot papers from polling station to be an offence- Even Presiding officer has the power to get that person arrested	imprisonment for a term which may extend to one year , or with fine, or with both
135A.	Offence of booth capturing.—	shall not be less than one year but which may extend to three years and with fine If government servant does booth capturing- min 3years to max 5 years
135C.	Liquor not to be sold, given or distributed on polling day	imprisonment for a term which may extend to six months , or with fine, or with both

National Party

	A political party can be recognized as a national party in India if it fulfills one of the requirements listed below as per the Election Commission of India
Obtain	Obtain at least 6% of valid votes in elections to the Legislative Assembly or Lok Sabha in four or more states and win at least four seats in the Lok Sabha from any state or state.
Win	If it has won at least 2% of the total seats in the LS from at least 3 states
Recognize	At least four states recognize the party as a state party.

State Party

If it secures 6% of the valid votes polled and , Wins 2 seats in the assembly of the state concerned or

If it secures 6% of the valid votes polled in the state at a general election to the Lok Sabha and it wins 1 seat in the Lok Sabha from the state concerned or

If it wins 3% of seats in the legislative assembly at a general election to the legislative assembly of the state concerned or 3 seats in the assembly, whichever is more or

If it wins 1 seat in the Lok Sabha for every 25 seats or any fraction thereof allotted to the state at a general election to the Lok Sabha from the state concerned or

If it secures 8% of the total valid votes polled in the state at a General Election to the Lok Sabha from the state or to the legislative assembly of the state. This condition was added in 2011.