

ELECTION PROCESS

[A] WHO CAN CONTEST ELECTIONS ?

Q 1. What is the minimum age for becoming a candidate for Lok Sabha (House of People) or Vidhan Sabha (Legislative Assembly) election?

Ans. Not less than Twenty Five Years of age on the date of scrutiny of nomination papers.
(Refer : Article 84 (b) of Constitution of India and Article 173 (b) of the Constitution read with Sec. 36 (2) of the Representation of People Act, 1951.)

Q 2. I am not registered as a voter in any constituency. Can I contest election?

Ans. No
You have to be registered as a voter in the current electoral roll to contest election.
(Refer: Sec. 4 (d) and Section 5 (c) of Representation of People Act, 1951)

Q 3. I am registered as a voter in a particular State. Can I contest election for Lok Sabha (House of the People) from outside that State?

Ans. Yes
You can contest election from any constituency in the Country, except autonomous Districts of Assam, Lakshadweep and Sikkim
(Refer : Sec. 4 of the Representation of People Act, 1951)

Q 4. 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?

Ans. 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)

Q 5. 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?

Ans. 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)

Q 6. 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?

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

Q 8 A person is a member of Scheduled Castes or Scheduled Tribes community. Can he contest an election from a general constituency?

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

Q 9. A person is convicted for some offence and is sentenced to imprisonment for 2 years. Can he contest elections?

Ans. No
(Refer: Section 8 (3) of Representation of People Act, 1951)

Q 10 Supposing such person is on bail, pending disposal of his appeal, can he contest the election?

Ans. No
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 Supreme Court's decision. But if his conviction is also stayed, then he can contest.

Q.11 Can a person confined in Jail vote in an election?

Ans. No
Such person can not 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.
(Refer: Section 62(5) of the Representation of the People Act, 1951)

Q.12. Is a person subjected to preventive detention under any law entitled to vote in an election?

Ans Yes
He is entitled to vote by Postal Ballot paper
(Refer: Proviso to Section 62(5) of the Representation of the People Act, 1951 and Rule 18 (a) (iv) of Conduct of Elections Rules 1961).

[B] SECURITY DEPOSIT

Q 13. Every candidate is required to make security deposit. How much is the security deposit for Lok Sabha (House of People) election?

Ans. Rs. Ten Thousand
(Refer Sec. 34 (1) (a) of Representation of People Act, 1951)

Q 14. Is there any concession in security deposit for a candidate belonging to Scheduled Caste or Scheduled Tribe for Lok Sabha (House of People) election?

Ans. Yes
It is Rs. Five thousand.
(Refer Sec. 34 (1) (a) of Representation of People Act, 1951)

Q 15. How much is the security deposit for a Vidhan Sabha (Legislative Assembly) election?

Ans. Rupees Five Thousand
(Refer Sec. 34 (1) (b) of Representation of People Act, 1951)

Q16. Is there any concession in security deposit for a candidate belonging to Scheduled Caste or Scheduled Tribe for Vidhan Sabha (Legislative Assembly) election?

Ans. Yes
It is Rs. Two thousand five hundred
(Refer Sec. 34 (1) (b) of Representation of People Act, 1951)

Q.17. If a person, who is a member of Scheduled Castes or Scheduled Tribes contests election from general seat, how much security deposit he is required to make to contest election for Lok Sabha (House of the People) / Vidhan Sabha (Legislative Assembly)?

Ans. Rs. Five thousand for Lok Sabha / Rs. Two thousand five hundred for Vidhan Sabha.
(Refer Section 34 (1) (a) (b) of Representation of People Act 1951)

Q 18. Which candidates lose the deposit?

Ans. A defeated candidate who fails to secure more than one-sixth of the valid votes polled in the constituency will lose his security deposit
(Refer: section 158(4) of Representation of People Act. 1951.)

[C] NOMINATIONS

Q 19. Suppose, I am a candidate of a recognised National or State party, how many proposers I require for my nomination?

Ans. Only one
(Refer: Sec. 33 (1) of Representation of People Act, 1951)

Q 20. If I am an independent candidate or a candidate of registered unrecognized Political Party, how many proposers I require for nomination?

Ans. Ten
(Refer: Proviso to Sec. 33(1) of Representation of People Act, 1951)

Q 21. Can a person contest election to Lok Sabha (House of People)/Vidhan Sabha (Legislative Assembly) from as many constituencies as he likes?

Ans. No
A person cannot contest from more than two constituencies at a general election for Lok Sabha (House of People)/Vidhan Sabha (Legislative Assembly)
(Refer: Section 33 (7) of Representation of People Act, 1951)

Q.22. Whether same restriction applies in relation to bye-elections to any House held simultaneously?

Ans. Yes
You cannot contest more than two bye-elections to the same House, if called simultaneously by the Election Commission.
(Refer: Section 33 (7) of Representation of People Act, 1951)

Q.23. How many nomination papers can be filed for standing as a candidate in the same Constituency?

Ans. Four
(Refer: Proviso to section 33 (6) of Representation of People Act, 1951)

Q.24. Can I go to the Office of Returning Officer for filing a nomination with a procession ?

Ans. No
The maximum number of vehicles that will be allowed to come within the periphery of 100 mtrs. of Returning Officer's office has been restricted to 3 and maximum number of persons that will be allowed to enter the office of Returning Officer has been limited to 5 (including the candidate).

Q.25. How many persons are allowed at the time of scrutiny of nominations by the Returning Officer?

Ans. The candidate, his election agent, one Proposer and one other person (who can be an advocate) duly authorized in writing by the candidate, but no other person, may attend at the time fixed for scrutiny of nominations by Returning Officer.
(Refer: Sec. 36 (1) of Representation of People Act, 1951)

Q.26. If a candidate, to whose nomination paper an objection has been raised, applies for time to rebut such objection, can Returning Officer grant time for such candidate?

Ans. Yes

The Returning Officer may adjourn the hearing of the objection till the next day or the day after that but not beyond 11.00 a.m. on that day. The hearing in any case should be completed by Returning Officer well before 3.00 p.m. on the day fixed for withdrawal of candidatures.

[D] OATH OR AFFIRMATION

Q.27. Is it necessary for a candidate to make and subscribe an oath or affirmation before an officer authorized by the Election Commission?

Ans. Yes

(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)

Q.28. Who are authorized persons by the Election Commission before whom to make and subscribe an oath or affirmation?

Ans. For any particular election, the authorized persons are, principally, the Returning Officer and the Assistant Returning Officer for the constituency. In the case of a candidate confined in a prison or under preventive detention, the superintendent of the prison or commandant of the detention camp in which he is so confined or is under such detention is authorized to administer the oath. And in the case of a candidate confined to bed in a hospital or elsewhere owing to illness or any other cause, the medical superintendent in charge of the hospital or the medical practitioner attending on him is similarly authorized. If a candidate is outside India, Indian Ambassador or High Commissioner or diplomatic consular authorized by him can also administer oath/affirmation.

Q.29. When the oath or affirmation by the candidate is required to be made?

Ans. 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.

[E] ALLOTMENT OF ELECTION SYMBOLS

Q.30. Who allots the election symbols to contesting candidates?

Ans. Returning Officer

[Refer: The Election Symbols (Reservation and Allotment) Order, 1968]

Q.31. How reserved election symbol is allotted to candidate of a recognized National or State Party?

Ans. 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: Paras 8 and 13 the Election Symbols (Reservation and Allotment) Order, 1968.]

Q.32. 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?

Ans. No

Forms 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.]

Q.33. 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?

Ans. 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.]

Q.34. Is it necessary for a candidate sponsored by registered unrecognized political party to submit the Forms A & Form B to the Chief Electoral Officer of the State and Returning Officer?

Ans. Yes

[Refer: Para 13 of the Election Symbols (Reservation and Allotment) Order, 1968.]

[F] **ELECTION CAMPAIGN**

Q.35. Whether there is any restriction for plying of vehicles for electioneering purposes?

Ans. No

You can ply any number of vehicles (all mechanized/motorized vehicles including 2 wheelers) for the purpose but you have to seek prior approval of the Returning Officer for plying such vehicles and must display permit issued by Returning Officer in original (not photocopy) prominently on the windscreen of the Vehicle. The permit must bear the number of the vehicle and name of the candidate in whose favour it is issued. The expenditure incurred on this will be booked against you.

Q.36 Can a vehicle be used for electioneering purposes without getting permit from the District Election Officer/Returning Officer?

Ans. No

Such vehicle shall be deemed to be unauthorized by campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately out of the campaigning exercise.

Q.37. Is there any restriction for displaying/carrying poster/ placard/ banner/flag of the concerned party or of the candidate on the vehicle during the procession?

Ans. You may display /carry one poster/placard/banner/flag of your party/or your own on vehicle during the procession.

Q.38. Is external fitting/modification allowed in the Vehicles used for campaigning?

Ans. External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules and any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.

Q.39. Are there conditions/guidelines for setting up and operating of Temporary Offices by Party or candidate?

Ans. Yes

Such offices can not be opened by way of any encroachment either on public or private property/ in any religious places or campus of such religious places/ contiguous to any educational institution / hospital / within 200 meters of an existing polling station. Further, such offices can display only one party flag and banner with party symbol/photographs and the size of the banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc., then the lower size prescribed by local law shall prevail.

Q.40. What is the deadline after which no public meetings and processions can be taken out?

Ans. You can not hold public meetings and processions during the period of 48 hours ending with the hour fixed for the conclusion of poll. Suppose, poll day is 12th June 2009 (Friday) and hours of poll are from 8.00A.M to 5.00 P.M., the public meetings and processions shall be closed at 5.00 P.M on the 10th June 2009 (Wednesday).
(Refer: Sec. 126 of Representation of People Act, 1951)

Q.41. Is there any restriction on the presence of political functionaries in a constituency after campaign period is over?

Ans. Yes
After the closure of campaign period(mentioned in answer to Q.6 above), presence of political functionaries etc. who have been brought from outside the constituency and who are not voters of the constituency should not continue to remain present in the constituency. Such functionaries should leave the constituency immediately after campaign period is over.

Q.42. Is such restriction applicable in the case of office bearer who is in-charge of election of a political party in the State?

Ans. Yes
However, such restriction is not insisted upon during the general elections to Lok Sabha/State Assembly only in respect of the office bearer who is in-charge of the State during the election period. Such office bearer shall declare his place of stay in the State Headquarters and his movement during the period in question shall remain confined normally between his party office and place of his stay. The above restrictions will be applicable to all other functionaries in all elections.

Q.43. Are there any arrangements for videography of critical events during the election process?

Ans. Yes. Video Teams are formed in constituency to record and videotape critical events like meetings addressed/attended by Ministers, National/State level leaders of political parties, violent incidents, etc.

Q.44. Is wearing of special accessories like cap, mask, scarf etc. permitted during the campaigning?

Ans. Yes
However supply and distribution of main apparels like saree, shirt, etc. by party/candidate is not permitted as it may amount to bribery of voters.

[G] **POLL DAY**

Q.45. Is there any facility provided to voters for locating their names in the electoral roll if a political party cannot set up or not willing to set up a booth in an area.?

Ans Yes

A “VOTER ASSISTANCE BOOTH” is set up in premises/building location where three or more polling stations are located with a proper signage manned by a team of officials who are provided with lists of roll in alphabetical order to assist the voters for locating their sl. no. in the roll and polling station. If political party inform of their inability in advance, the District Election Officer may consider making such arrangement in other areas too.

Q.46. Are there any guidelines for setting up of election booth by candidate/political parties near polling station on the day of poll?

Ans. Election booth can be set up beyond a distance of 200 meters from the polling stations, only with 1 table and 2 chairs with an umbrella or a piece of tarpaulin or cloth to protect the two occupants with one banner (3 x 4^{1/2} feet) to display the name of the candidate/ party / election symbol at the booth. No crowd is allowed.

Q.47. Is it necessary to obtain written permission of the concerned Government authorities or local authorities for setting up of election booth?

Ans. Yes

It is necessary to obtain the written permission of the concerned Government authorities or local authorities before setting up of such booths. Written permission must be available with the persons manning the booth for production before the police /election authorities concerned on demand.

Q.48. Is there any restriction on the printing of pamphlets, posters etc ?

Ans Yes

You shall not print or publish, or cause to be printed or published names of any election pamphlet or poster which does not bear on its face and addresses of the printer and the publisher thereof.

(Refer : Section 127A of Representation of 1951)

Q.49. Is there any restriction of canvassing in or near polling station ?

Ans. Yes:

Canvassing for votes etc. within a distance of one hundred metres of polling station is prohibited on the day of poll.

(Refer : Section 130 of Representation of 1951)

Q.50. Is there any restriction of going armed to or near polling station ?

Ans. Yes

No person is allowed to go armed with arms as defined in Arms Act 1959 of any kind within the neighborhood of a polling station on the day of poll.

(Refer: Section 134B of Representation of 1951)

Q.51. Who is entitled for voting through Postal ballot system?

Ans. Special voters, service voters, voters on election duty and electors subjected to preventive detention are entitled to vote by post subject to their fulfilling the requirements specified under the Rules.

(Refer: Rule 18 of Conduct of Elections Rules ,1961)

Q.52. Who can exercise Proxy Voting?

Ans. As an alternative option to postal ballot, service voters belonging to the Armed Forces and members belonging to a Force to which provisions of the Army Act applies, have been provided with a facility to opt to vote either through proxy or through postal ballot papers.

(Refer: Section 60 of Representation of People Act,1951)

[H] MICRO OBSERVERS

Q.53. What is the concept of Micro Observer?

Ans. An officer/official of Central Govt./Public Sector undertakings of Central Govt. working in the district is deployed as a Micro Observer at a polling station or a group of polling stations located in a premises/building who works directly under the control and supervision of Observer of Election Commission of India.

Q.54. What is the criteria for deployment of Micro Observers?

Ans. Polling stations are short listed for the purpose on the basis of various factors which contribute to vulnerability of voters.

Q.55. What are the duties of Micro Observer on the poll day?

Ans. The duties of Micro Observer are mainly to watch the following aspects:-

- (i) Mock poll procedures,

- (ii) Presence of polling agents and observance of ECI instructions with regard to them,
- (iii) Observance of entry pass system and access to polling station,
- (iv) Proper identification of electors in accordance with ECI guidelines,
- (v) Identification and recording procedures for the absentee, shifted and duplicate voters list (ASD list), wherever made,
- (vi) Application of Indelible Ink,
- (vii) Noting down particulars of electors in the register in Form 17A,
- (viii) Maintenance of secrecy of voting,
- (ix) Conduct of polling agents, their complaints,

If the Micro observer feels that the poll is, for any reason being vitiated he will immediately bring it to the notice of the constituency Observer for taking remedial action.

[I] ELECTION EXPENDITURE

Q.56. Is a candidate free to spend as much as he likes on his election?

Ans. No

A candidate is not free to spend as much as he likes on his election. The law prescribes that the total election expenditure shall not exceed the prescribed maximum limit for the constituency concerned.

(Refer: Rule 90 of the Conduct of Election Rules, 1961 and Section 123 (6) of Representation of People Act, 1951.)

Q.57. What is the limit for election expenditure in a parliamentary constituency in bigger states, like, UP, Bihar, Andhra Pradesh, M.P?

Ans. The limit for election expenditure is revised from time to time. At present the limit of expenditure for a parliamentary constituency in bigger states like U. P, Bihar, Andhra Pradesh, Madhya Pradesh is Rs. 25 lakhs.

(Refer: Rule 90 of the Conduct of Election Rules, 1961)

Q .58. What is the limit of such expenditure for an Assembly Constituency in these bigger States?

Ans. At present, the limit of election expenditure for an assembly constituency in the above bigger states is Rs. 10 lakhs.

(Refer: Rule 90 of the Conduct of Election Rules, 1961)

Q .59. Are these limits uniform for all States? If not, can you tell the lowest limit for a Parliamentary Constituency at present?

Ans. No

The maximum limits of election expenditure varies from State to State. The lowest limit at present for a parliamentary constituency is Rs. 10 lakhs for the constituency of Dadra and Nagar Haveli, Daman and Diu and Lakshadweep. (Refer: Rule 90 of the Conduct of Election Rules, 1961)

Q.60. Are the candidates required to file any account of election expenses?

Ans. Yes

Every candidate at an election to the House of the People or State Legislative Assembly is required to keep, either by himself or by his election agent, a separate and correct account of all expenditure in connection with the election incurred or authorized by him or his election agent between the date on which he has been nominated and the date of declaration of result, both dates inclusive. Every contesting candidate has to lodge a true copy of the said account within 30 days of result of the election.

(Refer : Sections 77 & 78 of the Representation of People Act, 1951)

Q.61. Who is the authority before whom such account is to be lodged?

Ans. The account of election expenses shall be lodged by a contesting candidate with the District Election Officer of the district in which the constituency from which he contested lies.

(Refer : Section 78 of the Representation of People Act, 1951)

Q.62. If a candidate is contesting from more than one constituency, is he required to file separate accounts or only one consolidated account?

Ans. If a candidate is contesting from more than one constituency, he has to lodge a separate return of election expenses for every election which he has contested. The election for each constituency is a separate election.

(Refer : Section 77 of the Representation of People Act, 1951)

Q.63. What is the penalty if a candidate does not file his account of election expenses?

Ans. If the Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and in the manner required by or under the Representation of People Act, 1951 and he has no good reason or justification for the failure, it has the power to disqualify him for a period of 3 years for being chosen as, and for being, a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State.

(Refer : Section 10A of the Representation of People Act, 1951)

Q.64. Whether expenditure on travel incurred by Star Campaigners (leaders) of political party for propagating programme of that party shall be treated as expenditure incurred/authorized by a candidate of that party? If so what are the conditions?

Ans. Only in the case of expenditure on travel in respect of Star Campaigners (leaders) of the Political Party who have submitted the list of such leaders (40 in the case of National and State parties and 20 in the case of registered unrecognized party) within 7 days from the date of issue of notification to the Election Commission and Chief Electoral Officer of the State concerned for availing benefit is exempted, failing which such expenditure shall be treated as an expenditure incurred/authorized by the concerned candidate of that party.
(Refer : Clause (a) of Explanation 1 to Section 77 of the Representation of People Act, 1951)

Q.65. Whether a person who is not a member of the party can be nominated as a Star Campaigner (Leader) of the Party for the purpose?

Ans. No
(Refer: Section 77(1) of Representation of People Act, 1951)

Q.66. Can the name of a Star Campaigner(s) be allowed to be substituted from the list of Star Campaigners (leaders) after it is submitted to the Commission?

Ans. No
Substituting a name from the list is permitted under the law only where any of the persons mentioned in the list dies or ceases to be a member of the political party concerned and not otherwise.
(Refer : Explanation 2 to Section 77(1) of Representation of People Act, 1951)

Q.67. Whether a candidate who has been declared as a Star Campaigner (leader) by a political party can be considered to be a Star Campaigner (leader) of his political party in his own constituency from where he is contesting election for the purpose of explanation to Section 77 (1) of Representation of People Act, 1951.?

Ans. No
Such leader cannot be considered Star Campaigner (leader) of his political party in his own constituency. In his own constituency, he is a candidate first. The expenditure incurred by him within his constituency is to be booked against his election expenditure.

Q.68. Can a friend of a candidate incur expenditure for promoting his election without his approval?

Ans. Expenditure exceeding the amount of Rs.10/- incurred for promoting of election without approval of the candidate is punishable.
(Refer: Section 171H of Indian Penal Code)

Q.69. Suppose an expenditure is incurred by a friend with the approval of candidate for promoting his election, is such expenditure to be booked against the accounts of candidate?

Ans. Yes.
(Refer: Section 77 of Representation of People Act, 1951)
