



SCRUTINY OF NOMINATIONS

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DATE, TIME AND PLACE OF SCRUTINY

- Date of scrutiny specified by the Commission in its programme notification and the RO has no discretion to change it;
- However, he has a discretion under the law to fix the time and place of scrutiny;
- The RO has to give notice both in public notice in Form-1 and also in the receipt which he has to give to each candidate in acknowledgement of receipt of nomination.

PERSONS WHO CAN BE PRESENT AT SCRUTINY OF NOMINATIONS

- Candidate himself;
- His election agent;
- One of his proposers; and
- One other person authorized by candidate.
- It is not necessary that a candidate or his representative should be present at the time of scrutiny of nominations.

Scrutiny proceedings Contd...

- Scrutiny of nominations is a quasi-judicial function of the RO but that does not give him the status of a Court. The enquiry into the question of validity or otherwise of a nomination paper is a summary enquiry;
- RO himself should conduct the scrutiny;
- ARO can be authorized to perform scrutiny only where RO is unavoidably prevented from performing that function;
- All present at time of scrutiny should be given reasonable opportunity of inspecting all nomination papers and their accompanying documents. They should not, however, be permitted to handle those papers.

Scrutiny proceedings

Contd...

- All nomination papers should be scrutinized one by one and decision accepting or rejecting should be recorded on each nomination paper separately.
- Even if one of the nomination papers of a candidate is accepted, his remaining nomination papers must also be scrutinized individually.
- Where any objection is made against any nomination paper, RO must record his decision giving reasons for accepting or rejecting the objection.
- RO can raise objection to any nomination suo motu also.

Scrutiny proceedings

Contd...

- If the nomination of a candidate has been objected to, he should be given reasonable opportunity of rebutting the same and, where necessary, scrutiny proceedings in relation to his nomination may be adjourned. **Scrutiny proceedings in relation to other candidates should, however, continue.**
- Scrutiny can be adjourned maximum upto the 3rd day which is normally the last date of withdrawal for candidatures and not beyond that date.
- If the nomination of any candidate is rejected, copy of the order should be furnished to the candidate urgently.
- Decision of RO rejecting or accepting the nomination of a candidate is not subject to any review or revision by any authority including the Courts and the Election Commission until the process of the election is over. It can be challenged only by means of an Election Petition.

GROUNDS FOR REJECTION OF NOMINATION PAPER

- Nomination paper of a candidate shall be rejected if :
 - he is not qualified or is disqualified on the date fixed for scrutiny of nominations;
 - nomination paper not in prescribed form, duly completed or not signed by candidate or subscribed by requisite number of proposers ;
 - requisite security deposit has not been made;
 - certified extract of entry in the electoral roll not submitted, if candidate is contesting election from a different constituency;
 - affidavit in Form 26 has not been submitted or columns left blank even after notice;
 - Failure to file the affidavit along with the 'No Demand Certificates' would be treated as a defect of substantial Nature for the purposes of Section-36 of the R.P. Act, 1951.

GROUNDNS FOR REJECTION

Contd....

- nomination paper has not been filed within the date and time prescribed for the purpose; or has not been filed before the RO or the authorized ARO at the specified place.
- Nomination paper shall not be rejected on ground of defect which is not of substantial character, like, defect in declaration relating to symbols.
- Any wrong information or suppression of information in candidate's affidavits is not defect of substantial character. However, failure to furnish affidavit is defect of substantial character entailing rejection of nomination.

PREPARATION OF LIST OF VALIDLY NOMINATED CANDIDATES

- After the completion of scrutiny proceedings, RO should prepare a list of validly nominated candidates, i.e., candidates whose nominations have been found valid on scrutiny;
- Such list should be prepared in Form 4;
- Arrangement of names in Form 4 should be on the same lines as in the list of contesting candidates explained hereafter.

1[FORM 4

(See rule 8)

LIST OF VALIDLY NOMINATED CANDIDATES

*Election to the**

Sl. No.	Name of candidate	Name of **Father/mother/husband	Address of candidates	@Party affiliation
1	2	3	4	5
(i) Candidates of recognised National and State Political Parties.				
(ii) Candidates of registered political parties (other than recognised National and State Political Parties).				
(iii) Other candidates.				

Place.....

Date

Returning Officer.]

*Appropriate particulars of the election to be inserted here.

**Strike off the inappropriate alternative.

@Applicable in the case of candidates mentioned under categories (i) and (ii) above.

N.B.—Under Col. 1 above, the serial numbers of candidates of all the three categories shall be given consecutively and not separately for each category.

1. Subs. by Notifn. No. S.O. 558(E), dated the 9th August, 1996, for Form 4.



Thanks !