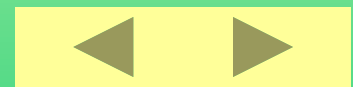


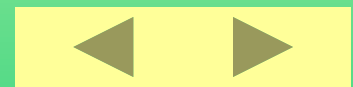
SCRUTINY OF NOMINATIONS



SCRUTINY OF NOMINATIONS

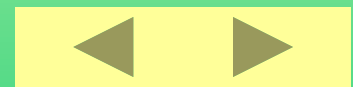
DATE, TIME AND PLACE OF SCRUTINY

- 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.



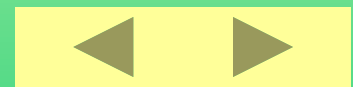
PERSONS WHO CAN BE PRESENT AT SCRUTINY OF NOMINATIONS

- 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...

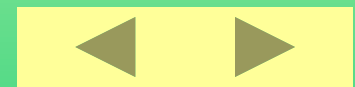
- Scrutiny of nominations is A QUASI-JUDICIAL FUNCTION OF THE RO but that does not give him the status of a Court. The enquiry into the question of validity or otherwise of a nomination paper is a summary enquiry;
- RO himself should conduct the scrutiny;
- ARO can be authorized to perform scrutiny only 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...

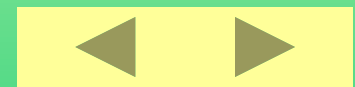
- All nomination papers should be scrutinized one by one and decision accepting or rejecting should be recorded on each nomination paper separately.
- Even if one of the nomination papers of a candidate is accepted, his remaining nomination papers must also be scrutinized individually.
- Where any objection 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

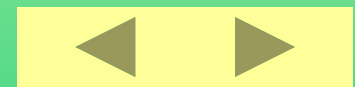
Contd...

- 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

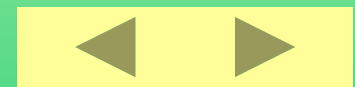
- Nomination paper of a candidate shall be rejected if :
 - he is not qualified or is disqualified on the date fixed for scrutiny of nominations;
 - nomination paper is not signed by candidate or subscribed by requisite number of proposers;
 - requisite security deposit has not been made;
 - certified 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;
 - complete address of candidate has not been mentioned in nomination paper;



GROUNDNS FOR REJECTION

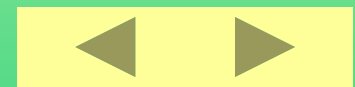
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- nomination paper has not been filed within the date and time prescribed for the purpose; or has not been filed before the RO or the authorized ARO at the specified place.
- Nomination paper shall not be rejected on ground of defect which is not of 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.



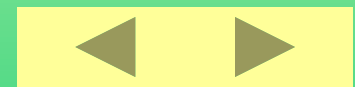
PREPARATION OF LIST OF VALIDLY NOMINATED CANDIDATES

- 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.



WITHDRAWAL OF CANDIDATURES

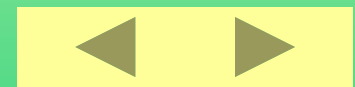
- Validly nominated candidate may withdraw his candidature by giving a notice in the prescribed Form (Form-5 appended to 1961-Rules) to that effect upto 3.00 pm on the last date fixed for withdrawal of candidatures in the programme notification. Notice in any other form shall not be taken cognizance of.
- Commission has clarified that candidatures may be withdrawn on any intervening day during normal working hours of the Office of RO and not necessarily upto 3.00 pm on those days.



WITHDRAWAL OF CANDIDATURES

Contd...

- No provision for retirement from contest after last date fixed for withdrawals;
- Notice of withdrawal can be submitted either by the candidate himself or by his election agent, or any of his proposers but such proposer or election agent must additionally be authorized in writing by the candidate himself to present that notice on his behalf. Such notice cannot be sent to the RO in any other manner.



NOTICE OF WITHDRAWAL

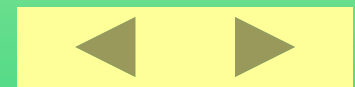
- RO should publish the list of candidates who have withdrawn their candidatures in Form-6.
- Notice of withdrawal once given by a candidate is irrevocable.

PREPARATION OF LIST OF CONTESTING CANDIDATES

- Allotment of symbols has to be made before drawing the list of contesting candidates in parliamentary and assembly constituencies.
- Such list is prepared in Form 7A; for elections to Council of States and State Legislative Councils, such list is prepared in Form 7B.
- At an election to any House of Parliament, the list is published in the Gazette of India in English and Hindi and is also re-published in the official gazette of state concerned.

PREPARATION OF LIST OF CONTESTING CANDIDATES

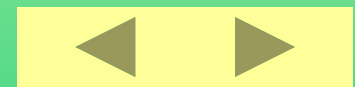
- For any election to a state legislature, it is published in the official Gazette of the State concerned in the official language(s) of that State.
- Copy of the list is to be furnished to each of the contesting candidates besides displaying it in the notice board and copies sent to Election Commission of India and CEO.



ARRANGEMENT OF NAMES OF CANDIDATES IN LIST OF VALIDLY NOMINATED CANDIDATES AND LIST OF CONTESTING CANDIDATES

- Names of candidates shall be classified into three categories, namely,
 - (a) candidates of recognized National and State political parties,
 - (b) candidates of registered un-recognized political parties, and
 - (c) independent candidates.
- The arrangement of names of candidates shall be in alphabetical order according to Devanagari script in the case of elections to Parliament and in the script of the official language of the state concerned in the case of elections to State Legislatures.

M. A. Saiyed, N.M.L. ECI, Gujarat



ARRANGEMENT OF NAMES OF CANDIDATES IN LIST OF VALIDLY NOMINATED CANDIDATES AND LIST OF CONTESTING CANDIDATES

- Such determination shall be made with reference to the first letter of the name of the candidate as given by him in his nomination paper irrespective of whether the name given is the proper name or surname. Initials prefixed to a name shall be ignored.
- Arrangement of names in alphabetical order shall be made in each category separately; but serial numbers of names shall be run-on.

CANDIDATE PERMITTED TO SHOW HIS NAME BY WHICH POPULARLY KNOWN

- Normally, the name of each candidate in the list of validly nominated candidates shall be shown as it appears in his nomination paper (Rule 8(2), 1961-Rules).

CANDIDATE PERMITTED TO SHOW HIS NAME BY WHICH POPULARLY KNOWN

- However, if a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may furnish in writing to the RO, the proper form and spelling of his name and the RO shall, if satisfied as to the genuineness of the request, make the necessary correction or alteration in the name of the candidate in the list of validly nominated candidates and also adopt that form and spelling in the list of contesting candidates

CANDIDATE PERMITTED TO SHOW HIS NAME BY WHICH POPULARLY KNOWN

- But such request for correction or alteration must be made to the RO before he has prepared the list of contesting candidates. Any request for the purpose after the list of contesting candidates has been prepared cannot be entertained by the RO. Further, in order to be satisfied about the genuineness of the request, he can require the candidate to produce such evidence in support of the request as may be considered appropriate by him.

PREFIXING HONORIFIC TITLES TO NAMES OF CANDIDATES

- The Election Commission has also permitted the candidates to prefix any honorific, academic, hereditary, professional or any other title, like, Doctor, Professor, Lt General, to their names. But these prefixes are not taken into account in the determination of the alphabetical arrangement of their names.

!! Thanks !!

