



FACULTY OF JURIDICAL SCIENCES

COURSE: BALLB/BBALLB

SEMESTER SUBJECT:

ELECTION LAWS

SUBJECT CODE: BALLB

1004/BBALLB 1004

NAME OF FACULTY: PANKHURI SRIVASTAVA

Lecture-19



LECTURE 19: WITHDRAWAL OF NOMINATIONS AND REJECTION GROUNDS

❖ GROUND FOR WITHDRAWAL

Commission staff has gotten calls from the province and civil assistants asking about whether a candidate who has appropriately documented nomination papers and qualified for the polling form can pull back their nomination papers to expel their name from the ballot. The legal language which tends to this inquiry is clear and expresses that “any individual who records nomination papers and meets all requirements to show up on the voting form may not decline the nomination. The name of that individual will show up upon the voting form except on account of the death of the person.” Based on this legal language, the Commission staff has exhorted that once an individual has recorded nomination papers with a documentation officer, and has equipped for polling form position, nomination papers or other voting form get to archives can’t be pulled back to expel an individual’s name from the voting form. When a candidate meets all requirements for polling form status, her name shows up on the ballot. The candidate can’t pull back and have her name removed.

The candidate can say something to notice to the voters that she/he no longer wishes to look for the office by election, yet her/his name will show up on the list. Should the candidate win the election, she may decline to hold that office. Generally, when polling forms get to reports including nomination papers have been genuinely moved to the recording officer, they are considered petitioned for motivations behind the details. If all voting forms get to reports have been documented, the individual fits the bill for polling form get to, and their name will show up on the voting form (except for the death of the individual). Although in a marginally extraordinary setting (maintenance of records), backing the translation that once nomination papers have been moved and acknowledged by the documentation officer, they are filed.

“Documenting a nomination paper... or other structure or explanation with the proper official or office answerable for tolerating such materials under s. 5 to 12 unavoidably moves the legitimate title to such official or office, paying little heed to the adequacy of the filing. The official or organization will hold all election materials until demolition or another aura is approved.” At the State level, when a candidate shows up at the Commission’s office with their nomination papers (or papers are gotten via mail) and submits them to be stepped as gotten, their papers are considered documented, and they can no longer adjust their perspective or solicitation that their papers become back to expel their name from the voting form. Nearby recording officers are at last entrusted with deciding whether all polling forms get to reports have been documented by a candidate looking for the office.

If all legitimate voting forms get to archives have been documented, the candidate’s name “will show up” on the voting form per. If a grievance were to be documented against a nearby election official with the Commission under for inability to put a candidate’s name on a polling form who recorded all necessary voting forms to get to reports, the Commission’s examination regarding whether the official’s choice was in opposition to the law, or was maltreatment of circumspection would start with this rule.

❖ Grounds for rejection of nomination

(a) If you are simply not qualified to be an individual from the House of the People or of State

Legislative Assembly; or

(b) If you are precluded in law (to be in such parts), as failure to comply with any of the provisions of Section 52 and Section 53; or

(c) Whether he has qualifications as indicated by Article 84, 102, 173 and 191 of Constitution just as the arrangements made in Part-II of the Representation of the People Act, 1951;

(d) Whether the conditions are satisfied according to Section 33 or 34 of the Representation of the People Act, 1951;

(e) If you have not made the vow or assertion as required by the Constitution; or

(f) If your nomination paper has not been conveyed in time; or

(g) If your nomination paper has been conveyed to the Returning Officer or an approved Assistant Returning Officer by an individual other than yourself or your proposer; or

(h) If your nomination paper has not been conveyed at the spot indicated in the public notification given by the Returning Officer; or

(i) If your nomination paper has been conveyed to an individual other than the Returning Officer or any of his approved Assistant Returning Officer; or

(j) If your nomination paper isn't significantly in the endorsed structure; or

(k) If your nomination paper has not been marked either by you or by the necessary number of proposers or by both in the spots implied for such marks in the nomination paper; or

(l) If the best possible security store has not been made by you as per the law previously clarified; or

(m) If your mark or the mark of your proposer(s) on the nomination paper isn't certifiable; or

(n) If you don't have a place with that class of people for whom the seat in your electorate is saved for example if you don't have a place with Scheduled Caste and you record nomination paper to challenge a seat held for the Scheduled Castes; or

(o) If the proposer isn't a balloter of the voting demographic or isn't qualified to be proposer.

(p) If you neglect to assert that, you have not been, and will not be assigned as a candidate at the current general election/bye-elections being held all the while, to the House of the People or Legislative Assembly of a State, from more than two Parliamentary/Assembly supporters, by and large.