



**Election Commission of India**

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## TOPIC – SCRUTINY OF NOMINATIONS



**India International Institute of Democracy and Election Management**



# Authority: Scrutiny of Nominations

**Returning Officer is the only authorized person who can do the scrutiny of nomination papers.**

## **Exception:**

- ✓ *Only under extremely rare instances of unavoidable circumstances which prevent RO from undertaking this function can one of the Assistant Returning Officers be authorized by RO in this behalf can do the scrutiny.*
- ✓ *If such situation occurs, record immediately the unavoidable reasons for such delegation as also written authority by RO in favour of one of the Assistant Returning Officers by name.*
- ✓ *Also intimate the District Election Officer about it before authorizing the ARO.*

# 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 about scrutiny 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.





# Scrutiny: A Quasi-Judicial Process

- ✓ 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.
- ✓ 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.
- ✓ All nomination papers should be scrutinized one by one and decision accepting or rejecting should be recorded on each nomination paper separately.



## Scrutiny: A Quasi-Judicial Process-Contd.

- ✓ 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.



# Persons Who Can Be Present At Scrutiny Of Nominations



Candidate himself.

His election agent.

One of his proposers

One other person authorized by the candidate..

## Note:

- ✓ Presence of a candidate or his representative not mandatory at the time of scrutiny.
- ✓ Even if none is present on behalf of a candidate, the nomination paper shall be scrutinized on merits and appropriate decision shall be taken.



# Scrutiny: How to Conduct

- ✓ 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: How to Conduct

- ✓ 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 2<sup>nd</sup> day after the day of scrutiny which is normally the last date of withdrawal for candidatures. Scrutiny in such case has to be completed by 11 am on that day.
- ✓ If the nomination of any candidate is rejected, reasons for rejection should be recorded in brief and copy of the order should be furnished to the candidate urgently.



# Grounds for Rejection of Nomination Papers

Not qualified or is disqualified on the date fixed for scrutiny of nominations;

Nomination paper 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;



# Grounds for Rejection of Nomination Papers

If even after notice by RO to file Affidavit or fresh affidavit with all columns filled in, the same is not submitted by the candidate.

Any of the provisions of section 33 not complied.

Additional Affidavit has not been submitted.

## **IMPORTANT NOTE:**

- ✓ Nomination paper shall not be rejected on ground of defect which is not of substantial character, like, defect in declaration relating to symbols, or any other insignificant ground.
- ✓ Any wrong information in candidate's affidavits is not defect of substantial character. However, failure to furnish affidavit, even after notice by RO, is defect of substantial character entailing rejection of nomination.
- ✓ If any column is left blank in affidavit even after notice, nomination shall be rejected.



# 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 in FORM 4.**
- ✓ **Arrangement of names in Form 4 should be on the same lines as in the list of nominated candidates.**

## **STEP 1: Classification of Candidates as:**

- i. Recognized National and State political parties (belonging to the state)
- ii. Registered un-recognized political parties including state parties of other states.
- iii. Independent candidates.



# Preparation of list of validly nominated candidates

**STEP 2: Arrangement of names in alphabetical order shall be made in each category separately.**

## **OTHER CLARIFICATIONS:**

### **Addition of titles:**

- ✓ *No objection to the addition of any honorific, academic, hereditary, professional or any other title to the name of a candidate,*
- ✓ *However, such title should on no account be taken into consideration in the arrangement of names in alphabetical order.*



# Preparation of list of validly nominated candidates

## Language(s):

- ✓ **List is to be prepared in the language(s) specified in the Commission's direction dated 16-09-2008 for Assembly Constituencies and direction dated 06-02-2009 for Parliamentary Elections**
- ✓ **Category headings should not appear on the ballot papers.**



# FORM 4

(See rule 8)

## List of Validity Nominated Candidates Election to the\*

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Serial	Name of candidate	Name of **father/mother/ husband]	Address candidate	@Party affiliation
1	2	3	4	5

- i. Candidates of recognized National and State Political Parties

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- ii. Candidates of registered political parties (other than recognized National and State Political Parties).

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## FORM 4-Contd

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 9/8/96.



# Follow Up Steps After Scrutiny

## Note:

- ✓ Two copies of the list of validly nominated candidates should be sent to the Chief Electoral Officer by the next available post or by Fax/E-mail or by special messenger.
- ✓ One copy of the list along with an English translation should be forwarded to the Election Commission.
- ✓ The list of validly nominated candidates should be sent by you immediately on the very day on which scrutiny of all nomination papers is completed, so that it may reach the Commission before the last date for the withdrawal of candidatures.

# Do's during Scrutiny of Nominations



## Do's

- ✓ The RO has to be guided by his/her own judgement, based on the position of law and applicable rulings, without any apparent outside influence.
- ✓ Give reasonable opportunity and time for resolving a particular objection or deficiency. If specifically requested by a candidate/ agent, time may be granted for replying to objection, by adjourning scrutiny.
- ✓ Clarify all doubts through Legal Division of the Election Commission much before the start of scrutiny.
- ✓ Give benefit of doubt to the candidate in case of doubt.

# Don'ts during Scrutiny of Nominations



## Don'ts

- ✓ Under no circumstances should the RO be in telephonic consultation during the scrutiny.
- ✓ Not giving reasonable opportunity.
- ✓ Perceived non- application of mind by RO.
- ✓ Wrongful rejection of a nomination.
- ✓ No special treatment for any candidate.



*Thank  
you*

