The Presidential and Vice-Presidential Elections Act, 1952

(ACT NO. 31 OF 1952)

(*As on the 15th January, 2026*)

LIST OF AMENDING ACTS

1.The Presidential and Vice-Presidential Elections (Amendment) Act, 1974 (5 of 1974). 2.The Insecticides (Amendment) Act, 1977 (24 of 1977).

3.The Presidential and Vice-Presidential Elections (Amendment) Act, 1997 (35 of 1997).

LIST OF ABBREVIATIONS USED

Cl.,cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

THE PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS ACT, 1952

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

SECTIONS

1. Short title.

2. Definitions.

PART II

CONDUCT OF PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS 3. Returning Officer and his assistants.

4. Appointment of dates for nominations, etc.

5. Public notice of election.

5A. Nomination of candidates.

5B. Presentation of nomination papers and requirements for a valid nomination. 5C. Deposit.

5D. Notice of nominations and the time and place for their scrutiny.

5E. Scrutiny of nominations.

6. Withdrawal of candidature.

7. Death of candidate before poll.

8. Procedure in contested and uncontested elections.

9. Manner of voting at elections.

10. Counting of votes.

11. Declaration of results.

12. Report of the result.

PART III
DISPUTES REGARDING ELECTIONS 13. Definitions.
14. Authority to try election petitions.
14A. Presentation of petition.
SECTIONS
15. Form of petitions, etc., and procedure.
16. Relief that may be claimed by the petitioner.
17. Orders of the Supreme Court.
18. Grounds for declaring the election of a returned candidate to be void.
19. Grounds for which a candidate other than the returned candidate may be declared to have been elected.
20. Transmission of orders to the Central Government and its publication.
PART IV
MISCELLANEOUS 20A. Return or forfeiture of candidate's deposit.
21. Power to make rules.
22. Maintenance of secrecy of voting.
23. Jurisdiction of civil courts barred.
The Presidential and Vice-Presidential Elections Rules, 1974.

THE PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS ACT, 1952

ACT NO. 31 OF 1952

[14*th March*, 1952.] An Act to regulate certain matters relating to or connected with elections to the offices of President and Vice-President of India.

BE it enacted by Parliament as follows:—

PART I

PRELIMINARY

1. Short title.—This Act may be called the Presidential and Vice-Presidential Elections Act, 1952.

2. Definitions.— In this Act, unless the contest otherwise requires,—

(*a*) "article" means an article of the Constitution;

(*b*) "election" means a Presidential election or Vice-Presidential election;

(*c*) "Election Commission" means the Election Commission appointed by the President under article 324;

(*d*) "elector", in relation to a Presidential election, means a member of the electoral college referred to in article 54, and in relation to a Vice-Presidential election, means [1][a member of the electoral college referred to in article 66];

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "Presidential election" means an election to fill the office of the President of India;

[2][(*ff*) "public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881 (26 of 1881);]

(*g*) "Returning Officer" includes an Assistant Returning Officer performing any function which he is [3][competent] to perform under sub-section (*2*) of section 3;

(*h*) "Vice-Presidential election" means an election to fill the office of the Vice-President of India.

PART II

CONDUCT OF PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS

3. Returning Officer and his assistants.—(*1*) For the purposes of each election the Election Commission shall, in consultation with the Central Government, appoint a Returning Officer who shall have his office in New Delhi and may also appoint one or more Assistant Returning Officers.

(*2*) Subject to rules made under this Act, every Assistant Returning Officer shall be competent to perform all or any of the functions of the Returning Officer.

1. Subs. by Act 5 of 1974, s. 2, for "a member of either House of Parliament" (w.e.f. 23-3-1974). 2. Ins. by s. 2, *ibid*. (w.e.f. 23-3-1974).

3. Subs. by s. 2, *ibid*., for "authorised" (w.e.f. 23-3-1974).

4. Appointment of dates for nominations, etc.—[1][(*1*) The Election Commission shall, by notification in the Official Gazette, appoint for every election—

(*a*) the last date for making nominations, which shall be the fourteenth day after the date of publication of the notification under this sub-section, or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(*b*) the date for the scrutiny of nominations, which shall be the day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(*c*) the last date for the withdrawal of candidatures, which shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(*d*) the date on which a poll shall, if necessary, be taken, which shall be a date not earlier than the fifteenth day after the last date for the withdrawal of the candidatures.]

(*2*) In the case of the first Presidential and Vice-Presidential elections, the notifications under sub-section (*1*) shall be issued as soon as may be after both Houses of Parliament have been constituted.

(*3*) In the case of an election to fill a vacancy caused by the expiration of the term of office of the President or Vice-President, the notification under sub-section (*1*) shall be issued on, or as soon as conveniently may be after, the sixtieth day before the expiration of the term of office of the outgoing President or Vice-President, as the case may be, and the dates shall be so appointed under the said sub-section that the election will be completed at such time as will enable the President or the Vice-President thereby elected to enter upon his office on the day following the expiration of the term of office of the outgoing President or Vice-President, as the case may be.

(*4*) In the case of an election to fill a vacancy in the office of President or Vice-President occurring by reason of his death, resignation or removal or otherwise, the notification under sub-section (*1*) shall be issued as soon as may be after the occurrence of such vacancy.

2[**5. Public notice of election**.—On the issue of a notification under sub-section (*1*) of section 4, the Returning Officer for the election shall give public notice of the intended election in such form and in such manner as may be prescribed, inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered.

5A. Nomination of candidates.—Any person may be nominated as a candidate for election to the office of President or Vice-President if he is qualified to be elected to that office under the Constitution.

5B. Presentation of nomination papers and requirements for a valid nomination.—(*1*) On or before the date appointed under clause (*a*) of sub-section (*1*) of section 4, each candidate shall, either in person or by any of his proposers or seconders, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver to the returning officer at the place specified in this behalf in the public notice issued under section 5 a nomination paper completed in the prescribed form and subscribed by the candidate as assenting to the nomination, and

(*a*) in the case of Presidential election, also by at least [3][fifty electors]as proposers and at least [3][fifty electors]as seconders;

1. Subs. by Act 5 of 1974, s. 3, for sub-section (*1*) (w.e.f. .23-3-1974).

2. Subs. by s. 4, *ibid*., for section 5 (w.e.f. 23-3-1974)

3. Subs. by Act 35 of 1997, s. 2, for "ten electors" (w.e.f. 5-6-1997).

(*b*) in the case of Vice-Presidential election, also by at least [1][twenty electors] as proposers and at least [1][twenty electors] as seconders:

Provided that no nomination paper shall be presented to the Returning Officer on a day which is a public holiday.

(*2*) Each nomination paper shall be accompanied by a certified copy of the entry relating to the candidate in the electoral roll for the parliamentary constituency in which the candidate is registered as an elector.

(*3*) The Returning Officer shall not accept any nomination paper which is presented on any day before eleven o'clock in the forenoon and after three o'clock in the afternoon.

(*4*) Any nomination paper which is not received before three o'clock in the afternoon on the last date appointed under clause (*a*) of sub-section (*1*) of section 4 or to which the certified copy referred to in sub-section (*2*) of this section is not attached shall be rejected and a brief note relating to such rejection shall be recorded on the nomination paper itself.

(*5*) No elector shall subscribe, whether as proposer or as seconder, more than one nomination paper at the same election and, if he does, his signature shall be inoperative on any paper other than the one first delivered.

(*6*) Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper for the same election:

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer.

5C. Deposit.—(*1*) A candidate shall not be deemed to be duly nominated for election unless he deposits or causes to be deposited a sum of [2][fifteen thousand rupees]:

Provided that where a candidate has been nominated by more than one nomination paper for the same election, not more than one deposit shall be required of him under this sub-section.

(*2*) The sum required to be deposited under sub-section (*1*) shall not be deemed to have been deposited under that sub-section unless at the time of presentation of the nomination paper under sub-section (*1*) of section 5B, the candidate has either deposited or caused to be deposited that sum with the Returning Officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the Reserve Bank of India or in a Government Treasury.

5D. Notice of nominations and the time and place for their scrutiny.—On the presentation of a nomination paper, the Returning Officer shall—

(*a*) sign thereon a certificate stating the date and time of presentation of the nomination paper and enter thereon its serial number;

(*b*) inform the person or persons presenting the nomination paper of the date, time and place fixed for the scrutiny of nominations; and

(*c*) cause to be affixed in some conspicuous place in his office a copy of the nomination paper as certified and numbered under clause (*a*).

5E. Scrutiny of nominations.—(*1*) On the date fixed for the scrutiny of nominations under sub-section (*1*) of section 4, the candidates, one proposer or one seconder of each candidate and one other

1. Subs. by Act 35 of 1997, s. 2, for "five electors" (w.e.f. 5-6-1997).

2. Subs. by s. 3, *ibid.,* for "two thousand five hundred rupees" (w.e.f. 5-6-1997).

person duly authorised in writing by each candidate, but no other person, shall be entitled to be present at the time of scrutiny of nominations and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have not been rejected under sub-section (*4*) of section 5B.

(*2*) For the removal of doubts, it is hereby declared that it shall not be necessary to scrutinise on the date fixed for the scrutiny of nominations the nomination papers already rejected under sub-section (*4*) of section 5B.

(*3*) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination paper and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:—

(*a*) that, on the date fixed for the scrutiny of nominations, the candidate is not eligible for election as President or Vice-President, as the case may be, under the Constitution; or

(*b*) that any of the proposers or seconders is not qualified to subscribe a nomination paper under sub-section (*1*) of section 5B; or

(*c*) that the nomination paper is not subscribed by the required number of proposers or seconders; or

(*d*) that the signature of the candidate or any of the proposers or seconders is not genuine or has been obtained by fraud; or

(*e*) that there has been a failure to comply with any of the provisions of section 5B or section 5C.

(*4*) Nothing contained in clauses (*b*) to (*e*) of sub-section (*3*) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(*5*) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(*6*) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (*b*) of sub-section (*1*) of section 4 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that in case an objection is raised by the Returning Officer or is made by any other person the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(*7*) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(*8*) For the purposes of this section, a certified copy of an entry in the electoral roll for the time being in force shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to any of the disqualifications mentioned in section 16 of the Representation of the People Act, 1950 (43 of 1950).]

6. Withdrawal of candidature.—(*1*) Any candidate may withdraw his candidature by a notice in writing in the prescribed form subscribed by him and delivered before three o'clock in the afternoon on the date fixed under clause (*c*) of sub-section (*1*) of section 4, to the Returning Officer either by such candidate in person or 1[by any one of his proposers or seconders] who has been authorised in this behalf in writing by such candidate.

(*2*) No person who has given notice of withdrawal of his candidature under sub-section (*1*) shall be allowed to cancel the notice.

[2][(*3*) The Returning Officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-section (*1*), cause the notice to be affixed in some conspicuous place in his office.]

7. Death of candidate before poll.—If a candidate, whose nomination has been made and is found to be in order on scrutiny, dies after the time fixed for nomination and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Election Commission, and all proceedings with reference to the election shall be commenced a new in all respects as if for a new election:

Provided that no further nomination shall be necessary in the case of a candidate whose nomination was valid at the time of the countermanding of the poll:

Provided further that no person who has under sub-section (*1*) of section 6 given a notice of withdrawal of his candidature before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

8. Procedure in contested and uncontested elections.—If after the expiry of the period within which candidatures may be withdrawn under sub-section (*1*) of section 6—

(*a*) there is only one candidate who has been validly nominated and has not withdrawn his candidature in the manner and within the time specified in that sub-section, the Returning Officer shall forthwith declare such candidate to be duly elected to the office of President or Vice-President, as the case may be;

(*b*) the number of candidates who have been duly nominated but have not so withdrawn their candidatures exceeds one, the Returning Officer shall forthwith publish in such form and manner as may be prescribed a list containing the names in alphabetical order and addresses of candidates as given in the nomination papers, together with such other particulars as may be prescribed, and a poll shall be taken;

(*c*) there is no candidate who has been duly nominated and has not so withdrawn his candidature, the Returning Officer shall report the fact to the Election Commission and thereafter all the proceedings in relation to the election shall be commenced afresh and for that purpose the Election Commission shall cancel the notification issued under sub-section (*1*) of section 4 in respect of such election and issue another notification under that sub-section appointing the dates referred to in that sub-section for the purposes of such fresh election.

9. Manner of voting at elections.—At every election where a poll is taken, votes shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy.

10. Counting of votes.—At every election where a poll is taken, votes shall be counted by, or under the supervision of, the Returning Officer, and each candidate and one representative of each candidate authorised in writing by the candidate, shall have a right to be present at the time of counting.

1. Subs. by Act 5 of 1974, s. 5, for "by his proposer or seconder".

2. Subs. by s. 5, *ibid.*, for sub-section (*3*).

11. Declaration of results.—When the counting of the votes has been completed, the Returning Officer shall forthwith declare the result of the election in the manner provided by this Act or the rules made thereunder.

12. Report of the result.—As soon as may be after the result of an election has been declared, the Returning Officer shall report the result to the Central Government and the Election Commission, and the Central Government shall cause to be published in the Official Gazette the declaration containing the name of the person elected to the office of President or Vice-President, as the case may be.

[1][PART III

DISPUTES REGARDING ELECTIONS

13. Definitions.—In this Part, unless the context otherwise requires,—

(*a*) "candidate" means a person who has been or claims to have been duly nominated as a candidate at an election;

(*b*) "costs" means all costs, charges and expenses of, or incidental to, a trial of an election petition;

(*c*) "returned candidate" means a candidate whose name has been published under section 12 as duly elected.

14. Authority to try election petitions.—(*1*) No election shall be called in question except by presenting an election petition to the authority specified in sub-section (*2*).

(*2*) The authority having jurisdiction to try an election petition shall be the Supreme Court.

(*3*) Every election petition shall be presented to such authority in accordance with the provisions of this Part and of the rules made by the Supreme Court under article 145.

14A. Presentation of petition.—(*1*) An election petition calling in question an election may be presented on one or more of the grounds specified in sub-section (*1*) of section 18 and section 19, to the Supreme Court by any candidate at such election or—

(*i*) in the case of Presidential election, by twenty or more electors joined together as petitioners;

(*ii*) in the case of Vice-Presidential election, by ten or more electors joined together as petitioners.

(*2*) Any such petition may be presented at any time after the date of publication of the declaration containing the name of the return candidate at the election under section 12, but not later than thirty days from the date of such publication.

15. Form of petitions, etc., and procedure.—Subject to the provisions of this Part, rules made [whether before or after the commencement of the Presidential and Vice-Presidential Elections (Amendment) Act, 1977 (20 of 1977)] by the Supreme Court under Article 145 may regulate the form of election petitions, the manner in which they are to be presented, the persons who are to be made parties thereto, the procedure to be adopted in connection therewith and the circumstances in which petitions are to abate, or may be withdrawn, and in which new petitioners may be substituted, and may require security to be given for costs.

16. Relief that may be claimed by the petitioner.—A petitioner may claim either of the following declarations:—

(*a*) that the election of the returned candidate is void;

1. Subs. by Act 20 of 1977, s. 2, for Part III.

(*b*) that the election of the returned candidate is void and that he himself or any other candidate has been duly elected.

17. Orders of the Supreme Court.—(*1*) At the conclusion of the trial of the election petition, the Supreme Court shall make an order—

(*a*) dismissing the election petition; or

(*b*) declaring the election of the returned candidate to be void; or

(*c*) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected.

(*2*) At the time of making an order under sub-section (*1*), the Supreme Court shall also make an order fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid.

18. Grounds for declaring the election of a returned candidate to be void.—(*1*) If the Supreme Court is of opinion,—

(*a*) that the offence of bribery or undue influence at the election has been committed by the returned candidate or by any person with the consent of the returned candidate; or

(*b*) that the result of the election has been materially affected—

(*i*) by the improper reception or refusal of a vote; or

(*ii*) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act;

(*iii*) by reason of the fact that the nomination of any candidate (other than the successful candidate), who has not withdrawn his candidature, has been wrongly accepted; or

(*c*) that the nomination of any candidate has been wrongly rejected or the nomination of the successful candidate has been wrongly accepted;

the Supreme Court shall declare the election of the returned candidate to be void.

(*2*) For the purposes of this section, the offences of bribery and undue influence at an election have the same meaning as in Chapter IXA of the Indian Penal Code (45 of 1860).

19. Grounds for which a candidate other than the returned candidate may be declared to have been elected.—If any person who has lodged an election petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Supreme Court is of opinion that in fact the petitioner or such other candidate received a majority of the valid votes, the Supreme Court shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected:

Provided that the petitioner or such other candidate shall not be declared to be duly elected if it is proved that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election.

20. Transmission of orders to the Central Government and its publication.—The Supreme Court shall, after announcing the orders made under section 17, send a copy thereof to the Central Government, and on receipt of such copy the Central Government shall forthwith cause the order to be published in the Official Gazette.]

PART IV

MISCELLANEOUS

[1][**20A. Return or forfeiture of candidate's deposit.—**(*1*) The deposit made under section 5C shall either be returned to the person making it or his legal representative or be forfeited to the Central Government in accordance with the provisions of this section.

(*2*) Except in cases hereafter mentioned in this section, the deposit shall be returned as soon as practicable after the result of the election is declared.

(*3*) If the candidate is not shown in the list referred to in clause (*b*) of section 8, or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be.

(*4*) Subject to the provisions of sub-section (*3*), the deposit shall be forfeited if at the election where the poll has been taken, the candidate is not elected, and the number of valid votes polled by such candidate does not exceed one-sixth of the number of votes necessary to secure the return of a candidate at such election.]

21. Power to make rules.—(*1*) The Central Government may, after consulting the Election Commission, by notification in the Official Gazette, make rulesfor carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the maintenance of a list of members of the electoral college referred to in article 54 with their addresses corrected up to date for the purposes of Presidential elections;

(*b*) the maintenance of a list of [2][members of the electoral college referred to in article 66] with their addresses corrected up to date for the purposes of Vice-Presidential elections;

(*c*) the powers and duties of a Returning Officer and the performance by any officer appointed to assist the Returning Officer of any function of the Returning Officer;

[3][(*cc*) the form and manner in which public notice under section 5 shall be given by the Returning Officer;]

(*d*) the form and manner in which nominations may be made and the procedure to be followed in respect of the presentation of nomination papers;

(*e*) the scrutiny of nominations and, in particular, the manner in which such scrutiny shall be conducted and the conditions and circumstances under which any person may be present or may enter objections thereat;

(*f*) the publication of a list of valid nominations;

[4][(*g*) the place and hours of polling, the manner in votes are to be given both generally and in the case of illiterate voters or voters not conversant with the language in which ballot papers are printed or voters under physical or other disability and the procedure as to voting to be followed at elections;]

1. Ins. by Act 5 of 1974, s. 8 (w.e.f. 23-3-1974).

2. Subs. by s. 9, *ibid*., for "members of both Houses of Parliament".

3. Ins. by s. 9, *ibid*.

4. Subs. by s. 9, *ibid*., for cl. (*g*).

(*h*) the scrutiny and counting of votes including cases in which a re-count of the votes may be made before the declaration of the result of the election;

(*i*) the safe custody of ballot boxes, ballot papers and other election papers, the period for which such papers shall be preserved and the inspection and production of such papers;

(*j*) any other matter required to be prescribed by this Act.

[1][(*3*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form, or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

22. Maintenance of secrecy of voting.—(*1*) Every officer, clerk or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(*2*) Any person who contravenes the provisions of sub-section (*1*) shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

23. Jurisdiction of civil courts barred.—Save as provided in Part III, no Civil Court shall have jurisdiction to question the legality of any action taken or of any decision given by the Returning Officer or by any other person appointed under this Act in connection with an election.

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1. Ins. by Act 5 of 1974, s. 9.

THE PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS RULES, 1974

CHAPTER I

Preliminary

1.Short title and commencement.—(*1*) These rules[1] may be called the Presidential and Vice-Presidential Elections Rules, 1974.

(*2*) They shall come into force at once.

2. Interpretation.—(*1*) In these rules, unless the context otherwise requires,—

(*a*) "Act" means the Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952); (*b*) "article" means an article of the Constitution of India;

(*c*) "Form" means a Form appended to these rules;

(*d*) "section" means a section of the Act.

(*2*) The General Clauses Act, 1897 (10 of 1897), shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

CHAPTER II

Nomination of candidates

3. Public notice of intended election.—The public notice of an intended election referred to in section 5 shall be in

Form 1 and shall be published by the Returning Officer by such means, in such language or languages and in such places as the Election Commission may direct.

4. Nomination paper.—Every nomination paper presented under sub-section (*1*) of section 5B shall be completed in Form 2 or Form 3, as may be appropriate.

5. Notice of withdrawal of candidature.—(*1*) A notice of withdrawal of candidature under sub-section (*1*) of section 6 shall be in Form 4.

(*2*) On receipt of such notice, the Returning Officer shall note thereon the date on which and the hour at which it was delivered, and cause a copy thereof, together with the note, to be affixed in some conspicuous place in his office.

6. Preparation and publication of the list of contesting candidates.—In every case in which a poll is to be taken under clause (*b*) of section 8, the Returning Officer shall, immediately after the expiry of the period within which candidature may be withdrawn under sub-section (*1*) of section 6—

(*a*) prepare in

Form 5 a list of contesting candidates (that is to say, candidates who have been duly nominated but have not withdrawn their candidatures within the time specified in that behalf), containing the names in alphabetical order as given in the nomination papers together with their addresses;

(*b*) cause the list to be published in the Gazette of India and in such other manner as the Election Commission may direct; and

(*c*) cause a copy of the list to be affixed in some conspicuous place in his office.

1. These rules were published with the Ministry of Law, Justice and Company Affairs (Legislative Department) Notification No. S.O. 305(E), dated 21st May, 1974. *See* Gazette of India, Extraordinary, Part II, Section 3 (*ii*).

CHAPTER III

The Poll

7. Fixing place and time of polling for Presidential election.—At every Presidential election where a poll is to be taken, the Election Commission shall—

(*a*) fix a place of polling in the Parliament House in New Delhi, and also in the premises in each State in which the Legislative Assembly, if any, of that State meets for the transaction of business;

(*b*) specify with reference to each such place of polling the group of electors who will be entitled to vote, and the hours during which the poll will be taken, at such place; and

(*c*) give due publicity to the places so fixed and the groups of electors and the hours so specified.

8. Fixing place and time of polling for Vice-Presidential election.—At every Vice-Presidential election where a poll is to be taken, the Election Commission shall—

(*a*) fix a place of polling in the Parliament House in New Delhi;

(*b*) specify the hours during which the poll will be taken; and

(*c*) give due publicity to the place so fixed and the hours so specified.

9. Presiding and polling officers.—(*1*) The Returning Officer or such Assistant Returning Officer as may be specified in this behalf by the Election Commission shall conduct the poll at each place of polling. Every such officer is hereinafter referred to as the presiding officer.

(*2*) The presiding officer may appoint such polling officer or officers as he thinks necessary to assist him in taking the poll, but he shall not so appoint any person who has been employed by, or on behalf of, or has been working for, a candidate in or about the election.

10. Design and form of ballot papers.—(*1*) Every ballot paper shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in such form, and the particulars therein shall be in such language or languages, as the Election Commission may direct.

(*2*) The names of the candidates shall be printed on the ballot paper in the same order as in the list of contesting candidates published under rule 6.

(*3*) Every presiding officer shall be supplied with a sufficient number of ballot papers by the Election Commission.

11. Ballot boxes.—Every ballot box used at the poll shall be of a design previously approved by the Election Commission.

12. Procedure before the commencement of poll.—(*1*) The presiding officer shall, immediately before the commencement of the poll, allow inspection of the ballot box to be used at the poll to such candidates and authorised representatives of candidates as may be present at the place of polling.

(*2*) The presiding officer shall then secure and seal the box in such manner that the slit for the insertion of ballot papers remains open, and shall also allow such candidates and authorised representatives of candidates as may be present to affix their own seals, if they so desire.

13. Admission to the place of polling.—(*1*) The presiding officer shall exclude from the place of polling all persons except—

(*a*) the polling officers and other public servants on duty;

(*b*) the candidates, and one representative authorised in writing by each candidate;

(*c*) the electors;

(*d*) persons authorised by the Election Commission; and

(*e*) such other persons as the presiding officer may from time to time admit for the purpose of assisting him in taking the poll.

(*2*) The presiding officer shall close the place of polling at the hour fixed under clause (b) of rule 7 or, as the case may be, under clause (*b*) of rule 8 for the close of the poll and shall not admit therein any elector after that hour:

Provided that all electors present at the place before it is so closed shall be entitled to have their votes recorded.

14. Procedure for giving ballot papers.—(*1*) The polling officer shall be furnished with an authentic list or part thereof of the electors entitled to vote at the place of polling.

(*2*) Immediately before a ballot paper is delivered to an elector, a mark shall be placed against his name in that list, and the number of the elector as shown in that list shall be entered on the counterfoil of the ballot paper.

(*3*) The elector shall sign his name in the list in token of receipt of the ballot paper, whereupon, but not earlier, the ballot paper shall be delivered to him.

15. Supply of fresh ballot paper in certain circumstances.—(*1*) An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and on satisfying him of the inadvertence, obtain another ballot paper in place of the ballot paper so delivered, and the latter shall, together with its counterfoil, be marked as cancelled by the presiding officer.

(*2*) Any ballot papers so cancelled shall be kept in a separate envelope set apart for the purpose.

16. Return of unused ballot papers by electors.—If an elector after obtaining any ballot paper for the purpose of recording his vote decides not to use the same, he shall return the ballot paper to the presiding officer, who shall mark it 'Returned and cancelled' and keep it in a separate envelope set apart for the purpose.

17. Manner of recording votes.—(*1*) Every elector shall have as many preferences as there are candidates but no ballot paper shall be considered invalid solely on the ground that all such preferences are not marked.

(*2*) An elector in giving his vote—

(*a*) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate whom he chooses for his first preference; and

(*b*) may, in addition, mark as many subsequent preferences as he wishes by placing on his ballot paper the figures 2, 3 ,4 and so on, in the spaces opposite the names of other candidates, in order of preference.

Explanation.—The figures referred to in clauses (*a*) and (*b*) of this sub-rule may be marked in the international form of Indian numerals or in the Roman form or in the form used in any Indian language but shall not be indicated in words.

(*3*) The presiding officer shall, if requested by an elector, explain to him the instructions contained on the ballot paper for the recording of votes.

18. Maintenance of secrecy of voting by electors within place of polling and voting procedure.—(*1*) Every elector to whom a ballot paper has been delivered under rule 14 shall maintain secrecy of voting within the place of polling and for that purpose observe the voting procedure hereinafter laid down.

(*2*) An elector on receiving the ballot paper shall forthwith—

(*a*) proceed to one of the voting compartments;

(*b*) record his vote in accordance with sub-rule (*2*) of rule 17;

(*c*) fold the ballot paper so as to conceal his vote;

(*d*) insert the folded ballot paper into the ballot box; and

(*e*) quit the place of polling.

(*3*) Every elector shall vote without undue delay.

(*4*) No elector shall be allowed to enter a voting compartment when another elector is inside it.

19. Recording of votes of illiterate or disabled elector.—(*1*) If an elector is unable to read the ballot paper or to record his vote thereon in accordance with rule 17 by reason of illiteracy or blindness or, by not being conversant with the language in which the ballot papers are printed or, by reason of any physical or other disability, the presiding officer shall record the vote on the ballot paper in accordance with the wishes of the elector.

(*2*) The elector shall then himself or with the assistance of the presiding officer fold up the ballot paper so as to conceal his vote and insert it into the ballot box.

(*3*) While acting under this rule, the presiding officer shall observe as much secrecy as is feasible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been cast.

20. Account of ballot papers.—(*1*) The presiding officer shall at the close of the poll prepare a ballot paper account in

Form 6 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

(*2*) The presiding officer shall permit the authorised representative of a candidate, who so desires, to take a true copy of the entries in the ballot paper account and shall attest it as true copy.

21. Sealing up of ballot boxes and papers after the close of poll.—(*1*) As soon as practicable after the close of poll the presiding officer shall, in the presence of such candidates and authorised representatives of candidates as may be present, close and seal up the slit as well as the ballot box.

(*2*) He shall also make up into separate packets—

(*a*) the copy of the list of electors marked in accordance with rule 14;

(*b*) the counterfoils of ballot papers;

(*c*) the ballot papers cancelled under rules 15 and 16; and

(*d*) the unused ballot papers,

and seal each such packet with his own seal and the seals of those candidates and authorised representatives of candidates who may desire to affix their seal thereon.

22. Transfer of ballot papers from ballot boxes in certain cases.—(*1*) Notwithstanding anything contained in rule 21, the Election Commission may, at a Presidential election, direct the presiding officer at any place of polling other than the Parliament House in New Delhi to follow after the close of the poll the procedure laid down in this rule instead of the procedure laid down in sub-rule (*1*) of rule 21.

(*2*) Where a direction has been issued under sub-rule (*1*), the presiding officer shall, as soon as practicable after the close of the poll, open the ballot box in the presence of such candidates and authorised representatives of candidates as may be present and transfer all the ballot papers contained in it without examining or counting them into a separate cover and record on such cover—

(*a*) the name of the place of polling; and
(*b*) the date of the poll.

(*3*) After such transfer he shall allow the candidates and their authorised representatives who may be present, to inspect the ballot box and demonstrate to them that it is empty.

(*4*) He shall then seal the cover with his own seal and the seals of those candidates and authorised representatives of candidates who may desire to affix their seals thereon.

(*5*) The cover so sealed shall, for the purposes of rules 23, 25, 32 and 33, be deemed to be the ballot box used at that place of polling and the provisions of those rules shall apply accordingly.

23. Despatch and custody of ballot boxes and papers.—(*1*) At a Presidential election, the presiding officer at every place of polling other than the Parliament House in New Delhi shall forthwith cause the sealed ballot box and packets and all other papers used at the poll to be sent to the Returning Officer in accordance with such general or special instructions as may be issued in that behalf by the Election Commission.

(*2*) The Returning Officer shall make adequate arrangements for the safe custody of all sealed ballot boxes and packets and other papers used at the poll, until the commencement of the counting of votes.

24. Adjournment of poll in emergencies.—(*1*) If the proceedings at any place of polling are interrupted or obstructed by riot or open violence, or if it is not possible to take the poll at any such place on account of a natural calamity or other sufficient cause, the presiding officer shall announce an adjournment of the poll to a date to be notified later, and immediately report the circumstances to the Election Commission and, unless he is the Returning Officer, also to the Returning Officer.

(*2*) Whenever a poll is adjourned under sub-rule (1), the Election Commission shall, as soon as may be , fix the day on which, the place at which, and the hours during which the adjourned poll shall be taken, and shall notify the said details to all concerned in such manner as it may think fit.

(*3*) On the date on which such adjourned poll is taken, the electors who have already voted at the poll before its adjournment will not be entitled to vote, but only the remaining electors who were entitled to vote at the place of polling before its adjournment may vote.

25. Fresh poll in case of destruction, etc., of ballot boxes.—(*1*) If at an election, any ballot box is unlawfully taken away from the custody of the presiding officer or the Returning Officer or is in any way tampered with, destroyed or lost, the poll taken at the place of polling where that ballot box was used shall be deemed to have been vitiated; and the Returning Officer shall, as soon as practicable, report the matter to the Election Commission, which shall appoint a day for the taking of a fresh poll at that place and fix the hours during which it will be taken.

(*2*) In every such case as aforesaid, the provisions of these rules shall apply to the fresh poll as they apply to the original poll.

26. Voting by electors under preventive detention.—(*1*) Notwithstanding anything in the fore going provisions of this Chapter, an elector may, if he is subjected to preventive detention under any law for the time being in force, give his vote by postal ballot.

(*2*) The Election Commission shall send by registered post to the officer-in-charge of the jail or other place where the elector is detained the appropriate ballot paper, together with a form of declaration of identity and attestation of signature and necessary envelopes specially prepared for the purpose and a letter of instructions, so as to reach that officer in good time before the date fixed for polling.

(*3*) On the date of polling the said officer shall deliver the ballot paper and other necessary papers to the elector, allow him all reasonable facilities and sufficient time, not exceeding two hours, for recording his vote in accordance with the instructions of the Election Commission, and if and when the elector has so recorded his vote, send the ballot paper and other connected papers in a sealed cover, either by registered post or through a special messenger, to the Returning Officer so as to reach him before the time fixed for the counting of votes under rule 27.

(*4*) It shall be the duty of every Government to intimate to the Election Commission at the appropriate time the names of electors, if any, who are subjected to preventive detention by or under the authority of that Government, together with the necessary particulars as to their places of detention.

CHAPTER IV

COUNTING OF VOTES AND DECLATATION OF RESULT

27. Place and time for counting of votes.—The counting of votes shall take place at the office of the Returning Officer in New Delhi on such day and at such time as the Election Commission may appoint in this behalf; and the Election Commission shall give notice to all the candidates of the date and time so appointed.

28. Admission to the place fixed for counting.—The Returning Officer shall exclude from the place fixed for counting of votes all persons except—

(*a*) such persons as he may appoint to assist him in the counting;

(*b*) the candidates and one representative at time a authorised in writing by each candidate;

(*c*) public servants on duty in connection with the election; and

(*d*) persons authorised by the Election Commission.

29. Maintenance of secrecy of voting.—Before the counting begins, the Returning Officer shall read out the provisions of section 22 to the persons present.

30. Statement showing the number of votes of each elector at the Presidential election.—For the purposes of every Presidential election, the Election Commission shall furnish the Returning Officer with a statement showing the number of votes which every elector has under the provisions of clause (2) of article 55; and every ballot paper put in by an elector at that election shall be deemed to represent as many votes as that elector is shown as having in that statement.

31. Ballot papers when invalid.—(*1*) A ballot paper shall be invalid on which—

(*a*) the figure 1 is not marked; or

(*b*) the figure 1 is marked opposite the name of more than one candidate or is so marked as to render it doubtful to which candidate it is intended to apply; or

(*c*) the figure 1 and some other figure are marked opposite the name of the same candidate; or

(*d*) any mark is made by which the elector may afterwards be identified.

Explanation.—The figures referred to in clauses (*a*), (*b*) and (*c*) of this sub-rule may be marked in the international form of Indian numerals or in the Roman form or in the form used in any Indian language, but shall not be indicated in words.

(*2*) A ballot paper shall also be invalid if, being a postal ballot paper, the signature of the elector is not duly attested.

32. Procedure upon opening each ballot box.—After each ballot box and also each sealed cover (if any) received under sub-rule (*3*) of rule 26, has been opened, the Returning Officer shall—

(*a*) count the number of ballot papers taken out there from and complete Part II of the Ballot Paper Account in

Form 6;

(*b*) scrutinise the ballot papers and separate those which in his opinion are valid from those which in his opinion are invalid, endorsing on the latter the word ‘rejected’ and the ground of rejection; and

(*c*) arrange all the valid ballot papers in parcels according to the first preferences recorded for each candidate:

Provided that if, at a Presidential election, the ballot box used at a place of polling contains ballot papers of electors who, at their request are specially permitted by the Election Commission in pursuance of rule 7 to cast their votes at the said place of polling, such ballot papers shall, after the counting and recording in

Form 6 is completed, be separated and added to the other ballot papers of the same kind used by electors in the same category and shall thereafter be scrutinised.

33. Determination of result.—After all the ballot boxes and sealed covers (if any) have been opened and the ballot papers have been scrutinised and arranged, the Returning Officer shall proceed to determine the result of the voting in accordance with the instructions contained in the Schedule to these rules.

34. Recounting.—The Returning Officer may, either on his own initiative or at the instance of any candidate or of the authorised representative of a candidate in the absence of that candidate, recount votes, whether once or more than once, when the Returning Officer is not satisfied as to the accuracy of a previous count:

Provided that nothing herein contained shall make it obligatory on the Returning Officer to recount the same votes more than once.

35. Declaration of result.—(*1*) When the counting is complete and the result of the voting has been determined, the Returning Officer shall forthwith—

(*a*) announce the result to those present;

(*b*) report the result to the Central Government and the Election Commission under section 12;

Form 7; and

(*d*) seal up in separate packets the valid ballot papers and the rejected ballot papers and record on each such packet a description of its contents.

(*2*) The Returning Officer shall, as soon as may be thereafter, forward the certified return to the Election Commission.

CHAPTER V

MISCELLENOUS

36. Custody of ballot boxes and election papers.—All ballot boxes used at the election and the packets of ballot papers and all other papers relating to the election shall, after the election, be kept in such custody as the Election Commission may direct.

37. Production and inspection of election papers.—(*1*) The packets of ballot papers, whether valid or rejected, and their counterfoils and the packets containing the lists of electors marked in accordance with rule 14 shall not be opened, nor shall their contents be inspected by, or produced before, any person or authority, except under the order of the Supreme Court or other competent court.

(*2*) All other papers relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the Election Commission may direct.

38. Disposal of election papers.—The packets and other papers referred to in rule 37 shall be retained for a period of two years from the date of declaration of the result of the election, and shall thereafter be destroyed unless a direction to the contrary is given by the Supreme Court or other competent court or by the Election Commission.

39. Copies of return of election.—Copies of the certified return of the election referred to in rule 35 shall be furnished by the Election Commission on payment of a fee of one rupee per copy.

40. List of electors.—The Election Commission shall maintain a list of members of the electoral college referred to in article 54 and a list of members of the electoral college referred to in article 66, with their addresses corrected up to date for the purposes, respectively, of Presidential election and Vice-Presidential election.

41. Repeal.—The Presidential and Vice-Presidential Election Rules, 1952, are hereby repealed.

FORM 1

(*Seerule* 3)

PUBLIC NOTICE

OF

ELECTION TO THE OFFICE OF *PRESIDENT/*VICE-PRESIDENT OF INDIA

Whereas a notification under sub-section (*1*) of section 4 of the Presidential and Vice-Presidential Elections Act, 1952, for the holding of an election to fill the office of President/Vice-President of India has been issued by the Election Commission, I……., the Returning Officer for such election, do hereby give notice that—

(*i*) nomination papers may be delivered by a candidate or any one of his proposers or seconders to the undersigned at his office in ……New Delhi, or if he is unavoidably absent, to ……..at the said office between 11 a.m. and 3 p.m. on any day (other than a public holiday) not later than the……;

(*ii*) each nomination paper shall be accompanied by a certified copy of the entry relating to the candidate in the electoral roll for the Parliamentary constituency in which the candidate is registered as an elector;

(*iii*) every candidate shall deposit or cause to be deposited a sum of [1][rupees fifteen thousand] only. This amount may be deposited in cash with the Returning Officer at the time of presentation of the nomination paper or deposited earlier in the Reserve Bank of India or in a Government Treasury and in the latter case a receipt showing that the said deposit of the sum has been so made is required to be enclosed with the nomination paper;

(*iv*) forms of nomination papers may be obtained from the above said office at the times aforesaid;

(*v*) the nomination papers, other than those rejected under sub-section (*4*) of section 5B of the Act, will be taken up for scrutiny at….(place) on…….(date) at …….(hours);

(*vi*) the notice of withdrawal of candidatures may be delivered by a candidate, or any one of his proposers or seconders who has been authorised in this behalf in writing by the candidate, to the undersigned at the place specified in paragraph (i) above before three o'clock in the afternoon of …….(date);

(*vii*) in the event of the election being contested, the poll will be taken on …….(date) between hours of ……..and……..at the places of polling fixed under the rules.

Place…….

Dated the…….

(*Signature*)……

(*Returning Officer*)

(*Designation*)…….

*Strike off if inapplicable.

1. Subs. by S.O.431(E) , dated 6th June,1997 (w.e.f. 6-6-1997).

FORM 2

(*Seerule* 4)

NOMINATION PAPER

ELECTION TO THE OFFICE OF THE PRESIDENT OF INDIA We hereby nominate…….....

(Full name and address of the candidate)

as a candidate for election to the office of the President of India.

We have verified, and do hereby declare, that the said candidate has completed the age of 35 years and is registered in the electoral roll for the Parliamentary constituency of……in the State of ……

A certified copy of the entry in that electoral roll relating to the said candidate is attached.

We further declare that we are members of the electoral college referred to in article 54 of the Constitution being elected members of the House of the People or Council of States or the Legislative Assembly as indicated hereunder and we append our signatures below in token of subscribing to this nomination:—

Particulars of the proposers and their signatures

SI. No.	Full name	Whether elected member of the house of the people/Council of States/Legislative Assembly in/ from case of member elected to the House of the People or Council of States from a Union territory)	State/Union territory (in the which elected	Signature	Date
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
**etc*.					

*[There should be at least fifty electors as proposers.][1]

1. Subs. by S.O. 431(E), dated 6th June, 1997 (w.e.f. 6-6-1997).

Particulars of the seconders and their signatures

S. l. No.	Full name	Whether elected member of the house of the People/Council of States/Legislative Assembly	State/Union territory (in the case of member elected to the House of the People or Council of States from a Union territory) in/ from which elected	Signature	Date
1	2	3	4	5	6
1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. **etc.*					

*[There should be at least fifty electors as seconders.][1]

I assent to this nomination.

.....

Signature of candidate

Date……..

1. Subs. by S.O. 431(E), dated 6th June, 1997 (w.e.f. 6-6-1997).

(To be filled by the Returning Officer)

Serial Number of nomination paper…….

This nomination paper was delivered to me at my office at……..(hour) on…….(date) by the candidate/proposer……(name)/seconder……(name) with enclosures as indicated below purporting to be—

(1)

(2)

Date……

……..

Returning Officer.

[*Decision of the Returning Officer (if any) under sub-section (4) of section 5B*

I have rejected this nomination paper under sub-section (*4*) of section 5B of the Presidential and Vice-Presidential Elections Act, 1952 for the reasons given below—

Date……. ……..

Returning Officer]

Decision of the Returning Officer accepting or rejecting the nomination paper

I have examined this nomination paper in accordance with section 5E of the Presidential and Vice-Presidential Elections Act, 1952 and decide as follows:—

Date…….

…….

Returning Officer

(Perforation)…….....

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

Serial Number of the nomination paper…….

The nomination paper of……..(name), a candidate for election to the office of the President of India, was delivered to me at my office at…….(hour) on.....

.....(date) by the candidate/proposer.....(name)/seconder.....(name). All nomination papers, other than those rejected under sub-section (*4*) of section 5B of the Presidential and Vice-Presidential Elections Act, 1952, will be taken up for scrutiny at…….(hour) on…….(date) at……..(place).

[2. The nomination paper of this candidate has been rejected by me under sub-section (*4*) of section 5B of the Presidential and Vice-Presidential Elections Act, 1952 for the reasons given below:—]

Date……

……..

Returning Officer

[ ] Score out if not applicable.

FORM 3

(*Seerule* 4)

NOMINATION PAPER

ELECTION TO THE OFFICE OF THE VICE-PRESIDENT OF INDIA.

We, the undersigned Members of the electoral college referred to in article 66 of the Constitution being Members of Parliament hereby nominate……. ……(full name and address of candidate) as a candidate for election to the office of the Vice-President of India.

We have verified, and do hereby declare, that the said candidate has completed the age of 35 years and is registered in the electoral roll for the Parliamentary constituency of ……in the State of …….

A certified copy of the entry in that electoral roll relating to the said candidate is attached. We furnish our full particulars as indicated hereunder and append our signatures below in token of subscribing to this nomination.

Particulars of the proposers and their signatures

Sl. No.	Full name	Whether member of the House of the People/Council States	State/Union territory from which	Signature	Date
1	2	3	4	5	6
1. 2. 3. 4. 5. 6. 7. 8. 9. 10. **etc.*					

***[**There should be at least fifty electors as proposers.**]**[1]

1. Subs. by S.O. 431(E), dated 6th June, 1997 (w.e.f. 6-6-1997).

Particulars of the seconders and their signatures

Sl. No.	Full name	Whether member of the House of the People/Council of States	State/Union territory from which elected	Signature	Date
1	2	3	4	5	6

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. **etc*.					

*[There should be at least fifty electors as seconders.][1]

I assent to this nomination.

……..

Signature of candidate. *Date*.....

1. Subs. by S.O. 431(E), dated 6th June, 1997 (w.e.f. 6-6-1997).

(*To be filled by the Returning Officer*)

Serial Number of nomination paper…….

This nomination was delivered to me at my office at……(hour) on……..(date) by the candidate/proposer.....(name)/seconder.....(name) with enclosures as indicates below purporting to be—

(1)

(2)

Date……..

……

Returning Officer

[*Decision of the Returning Officer (if any) under sub-section* (*4*) *of section 5B*

I have rejected this nomination paper under sub-section (*4*) of section 5B of the Presidential and Vice-Presidential Elections Act, 1952, for the reasons given below:—

Date……

…….

Returning Officer]

Decision of the Returning Officer accepting or rejecting the nomination paper.

I have examined this nomination paper in accordance with section 5E of the Presidential and Vice-Presidential Elections Act, 1952 and decide as follows:—

Date…… …….

Returning Officer

(Perforation)……..

Receipt for nomination paper and notice of scrutiny

(To be handed over to the person presenting the nomination paper) Serial Number of the nomination paper…….

The nomination of ……..(name), a candidate for election to the office of the Vice-President of India was delivered to me at my office at……(hour) on……(date) by the candidate/proposer.....(name)/seconder.....(name).

All nomination papers other than those rejected under sub-section (*4*) of section 5B of the Presidential and Vice-Presidential Elections Act, 1952, will be taken up for scrutiny at…….(hour) on.....(date) at.....(place).

[2. The nomination paper of this candidate has been rejected by me under sub-section (*4*) of section 5B of the Presidential and Vice-Presidential Elections Act, 1952, for the reasons given below:—]

Date……..

.....

Returning Officer

[ ] Score out if not applicable.

FORM 4

[*See rule* 5(*1*)]

NOTICE OF WITHDRAWL

To

The Returning Officer for the election to the office of President/Vice-President of India.

I,……..(name) of…….(address) a candidate at the above-mentioned election do hereby give notice that I withdraw my candidature.

Place……

Date……

…….....

Signature of candidate

Note:—The notice of withdrawal is required to be delivered under section 6(*1*) of the Presidential and Vice-Presidential Elections Act, 1952, by the candidate in person or by any one of his proposers or seconders who has been authorised in this behalf in writing by such candidate.

FORM 5

[*See rule* 6(*a*)]

ELECTION TO THE OFFICE OF PRESIDENT/VICE-PRESIDENT OF INDIA *List of contesting Candidates*

Sl. No.	Name of candidate	Address of candidate
1.		
2.		
3.		
4.		
etc.		

Place.....

Date.....

FORM 6

(*See rule* 20)

PART I—BALLOT PAPER ACCOUNT

ELECTION TO THE OFFICE OF PRESIDENT/VICE-PRESIDENT OF INDIA

Name of the place of polling……..

	Serial Numbers		Total Numbers
	From	to	
1. Ballot papers received			
2. Ballot papers unused			
3. Ballot papers issued to voters			
4. Ballot papers cancelled.			

Date…….. …….

Signature of Presiding Officer

PART II—RESULT OF COUNTING

(*See rule* 32)

(*1*) Total number of ballot papers found in the ballot box (boxes) used at the place of polling……..

(*2*) Discrepancy if any between the total number as shown against item (1) in this Part and the total number of ballot papers issued to voters as shown in item 3 of Part I *minus* the number of ballot papers cancelled as shown in item 4 of Part I.

Date……..

FORM 7

[*See rule* 35(*1*)(*c*)]

RETURN OF ELECTION TO THE OFFICE OF PRESIDENT/VICE-PRESIDENT OF INDIA

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Serial No.	Name of Candidate	Votes secured at first count	Votes credited at first exclusion	Total of columns 3 and 4	Votes credited at second exclusion	Total of columns 5 and 6	Votes credited at third exclusion	Total of columns 7 and 8	Votes credited at fourth exclusion	Total of columns 9 and 10				
Exhausted votes														
TOTAL														

Total No. of valid ballot papers…….representing ……votes. Total number of invalid ballot papers……..representing ……..votes.

I declare that

(Name)…… ……..

(Address)…… …….

has been duly elected to the office of the President/Vice-President of India.

Place……..

Date……. …….

Returning Officer

THE SCHEDULE

(*See rule* 33)

Instructions for the determination of Result

1. In this Schedule—

(*1*) the expression "continuing candidate" means any candidate not elected and not excluded from the poll at any given time.

(*2*) the expression "first preference" means the figure I set opposite the name of any candidate, the expression "second preference" similarly means the figure 2, the expression "third preference" the figure 3, and so on;

(*3*) the expression "next available preference" means the second or subsequent preference recorded in consecutive numerical order for a continuing candidate, preferences for candidates already excluded being ignored;

(*4*) the expression "unexhausted paper" means a ballot paper on which a further preference is recorded for a continuing candidate;

(*5*) the expression "exhausted paper" means a ballot paper on which no further preference is recorded for a continuing candidate, provided that a paper shall be deemed to be exhausted in any case in which—

(*a*) the names of two or more candidates whether continuing or not are marked with the same figure, and are next in order of preference; or

(*b*) the name of the candidate next in order of preference, whether continuing or not ,is marked by a figure not following consecutively after some other figure on the ballot paper or by two or more figures.

2. Every ballot paper represents at each count—

(*a*) in a Presidential election, the number of votes as determined under rule 30; and

(*b*) in a Vice-Presidential election, one vote.

3. Ascertain the number of first preference votes secured by each candidate and credit him with that number.

4. Add up the numbers so credited to all the candidates, divide the total by two, and add one to the quotient disregarding any remainder. The resulting number is the quota sufficient to secure the turn of a candidate at the election.

5. If at the end of the first or any subsequent count, the total number of votes credited to any candidate is equal to, or greater than, the quota, or there is only one continuing candidate, that candidate is declared elected.

6. If at the end of any count, no candidate can be declared elected,—

(*a*) exclude the candidate who up to that stage has been credited with the lowest number of votes.

(*b*) examine all the ballot papers in his parcel and sub-parcels, arrange the unexhausted papers in sub-parcels according to the next available preferences recorded thereon for the continuing candidates, count the number of votes in each such sub-parcel and credit it to the candidate for whom such preference is recorded, transfer the sub-parcel to that candidate, and make as separate sub-parcel of all the exhausted papers; and

(*c*) see whether any of the continuing candidates has, after such transfer and credit, secure the quota.

If, when a candidate has to be excluded under clause (*a*) above, two or more candidates have been credited with the same number of votes and stand lowest on the poll, exclude that candidate who had secured the lowest number of first preference votes, and if that number also was the same in the case of two or more or more candidates, decide by lot which of them shall be excluded.

All the sub-parcels of exhausted papers referred to in clause (*b*) above shall be set apart as finally dealt with and the votes recorded thereon shall not thereafter be taken into account.

STATEMENT OF OBJECTS AND REASONS

"Article 54 of the Constitution provides that the President of India shall be elected by the members of an electoral college consisting of (a) the elected members of both Houses of Parliament and (b) the elected members of the Legislative Assemblies of the States, and article 55 prescribes the manner in which the election shall be held. Article 66 provides that the Vice-President shall be elected by the members of both Houses of Parliament assembled at a joint meeting. Article 71(1) lays down that doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court Article 71(3) authorises Parliament to regulate by law, subject to the provisions of the Constitution, any matter relating to or connected with the election of a President or Vice-President.

The Bill seeks to provide for the conduct of elections to the offices of President and Vice-President, the decision of disputes arising out of or in connection with such elections, the corrupt practices and other offences at or in connection with such elections and other ancillary matters."

NEW DELHI:
17*th January*, 1952

KAILAS NATH KATU. *The*