

Representation of the People Act, 1951

Section 36 - Scrutiny of Nominations

(1) On the date fixed for the scrutiny of nominations under section 30, the candidates, their election agents, one proposer¹[***] of each candidate, and one other person duly authorised in writing by each candidate but no other person, may attend at such time and place as the returning officer may appoint; and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 33.

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary,²[reject] any nomination on any of the following grounds :--

³[(a)⁴[that on the date fixed for the scrutiny of nominations the candidate] either is not qualified or is disqualified for being chosen to fill the seat under any of the following provisions that may be applicable, namely:--

Articles 84, 102, 173 and 191,]⁵[***].

⁶[Part II of this Act and sections 4 and 14 of the Government of Union Territories Act, 1963 (20 of 1963)]⁷[***]; or

(b) that there has been a failure to comply with any of the provisions of section 33 or section 34; or

(c) that the signature of the candidate or the proposer on the nomination paper is not genuine.]

(3) Nothing contained in⁸[clause (b) or clause (c)] of sub-section (2) shall be deemed to authorise the⁹[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.

(4) The returning officer shall not reject any nomination paper on the ground of any¹⁰[***] defect which is not of a substantial character.

(5) The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 30 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 case¹¹[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.

(6) 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.

¹²[(7) For the purposes of this section, a certified copy of an entry in the electoral roll for the time being in force of a constituency 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 a disqualification mentioned in section 16 of the Representation of the People Act, 1950 (43 of 1950).

(8) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the returning officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it to his notice board.]

1. The words "and one seconder" omitted by Act 27 of 1956, Section 19.

2. Substituted by Act 27 of 1956 Section 19, for "refuse".

3. Substituted by act 27 of 1956, Section 19, for clauses (a) to (e).

4. Substituted by Act 40 of 1961, Section 9, for "that the candidate" w.e.f. 20-9-1961.

5. The word "and" Inserted by the Adaptation of Laws (No.2) Order, 1956 and omitted by Act 20 of 1963, Section 57 and the First Schedule

6. Substituted by Act 20 of 1963, Section 57 and the Second Schedule, for certain words.

7. Certain words omitted by the Adaptation of Laws (No.2) Order, 1956.

8. Substituted by Act 27 of 1956, Section 19, for "clause (c), clause (d) or clause (e)".

9. Substituted by Act 27 of 1956, Section 19, for "refusal".

10. The word "technical" omitted by Act 27 of 1956, Section 19.

11. Substituted by Act 40 of 1961, Section 9, for "and objection is made" w.e.f. 20-9-1961.

12. Substituted by Act 27 of 1956, Section 19, for sub-section (7).
