

## Representation of the People Act, 1951

### Section 52 - Death of a Candidate of a Recognised Political Party Before Poll

---

<sup>1</sup>[52. Death of a candidate of a recognised political party before poll. -

(1) If a candidate set up by a recognised political party,--

(a) dies at any time after 11.00 A.M. on the last date for making nominations and his nomination's found valid on scrutiny under section 36; or

(b) whose nomination has been found valid on scrutiny under section 36 and who has not withdrawn his candidature under section 37, dies, and in either case, a report of his death is received at any time before the publication of the list of contesting candidates under section 38; or

(c) dies as a contesting candidate and a report of his death is received before the commencement of the poll, the returning officer shall, upon being satisfied about the fact of the death of the candidate, by order, announce an adjournment of the poll to a date to be notified later and report the fact to the Election Commission and also to the appropriate authority:

Provided that no order for adjourning a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate.

(2) The Election Commission shall, on the receipt of a report from the returning officer under sub-section (1), call upon the recognised political party, whose candidate has died, to nominate another candidate for the said poll within seven days of issue of such notice to such recognised political party and the provisions of sections 30 to 37 shall, so far as may be, apply in relation to such nomination as they would apply to other nominations:

Provided that no person who has given a notice of withdrawal of his candidature under sub-section (1) of section 37 before the adjournment of the poll shall be ineligible for being nominated as a candidate for the election after such adjournment.

(3) Where a list of contesting candidates had been published under section 38 before the adjournment of the poll under sub-section (1), the returning officer shall again prepare and publish a fresh list of contesting candidates under that section so as to include the name of the candidate who has been validly nominated under sub-section(2).

Explanation. -For the purposes of this section, sections 33 and 38, "recognised political party", means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968.]

---

1. Section 52 was Substituted by Act 2 of 1992, Section 2 and again Substituted by Act 21 of 1996, Section 9 w.e.f. 1-8-1996

---

---