

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

F. No.113/Misc./2011-RCC

Dated: - 26 December, 2011

To,

The Chief Electoral Officers of
Goa, Manipur, Punjab, Uttar Pradesh,
and Uttrakhand,

Subject: - Scrutiny of nomination papers – Offices exempted from disqualification for holding office of profit - regarding.

Sir/Madam,

As per the provisions of the RP Act, 1951, the Returning Officer, while scrutinizing the nomination paper, shall reject a nomination on the grounds mentioned in clauses (a) to (c) of sub-section (2) of Section 36 of the Act. One of the grounds for rejection of nomination paper of a candidate is holding of any office of profit by the candidate under the government on the date of scrutiny of nomination paper in terms of Article 191 (1) (a) other than an office declared by State Legislature by Law not to disqualify its holder. Accordingly, laws have been made by the Parliament and all State Legislatures exclusive for their own States in term of Article 191 (1)(a) of the Constitution to exempt the holders of certain offices of profit from the ambit of such disqualification. Therefore, in order to facilitate the Returning Officer at the time of scrutiny of nominations you are requested to provide them latest up-to-date copies of the Act relating to removal of disqualifications pertaining to your state for reference by the ROs so that no nomination is rejected for want of up-to-date information about the law. A copy of the Act(s) may also be sent to the Commissioner for its record.

2. Kindly acknowledge receipt.

Yours faithfully,

(Ashish Chakraborty)
Secretary

Copy to the Chief Electoral Officers of all States and UTs (except Goa, Manipur, Punjab, Uttar Pradesh and Uttarakhand) for taking similar action whenever general/bye-elections are held in the State.